

By Mr. ERMENTROUT: Memorial of New England Shoe and Leather Association, for issuing small bills—to the Committee on Banking and Currency.

Also, memorial of hospital stewards, for the passage of bill increasing their pay—to the Committee on Military Affairs.

By Mr. FORAN: Petition of the Board of Trade of Cleveland, Ohio, asking an amendment to section 5258 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. EUSTACE GIBSON: Petition of Moses Baylor, and of George P. Zambro, of Middleway, W. Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HAYNES: Memorial of the New Hampshire Conference of the Methodist Episcopal Church in New Hampshire, for the protection of Chinese residents in this country—to the Committee on Foreign Affairs.

By Mr. LAIRD: Memorial of C. E. Denison and 111 others, homesteaders, pre-emptors, actual settlers along the east line of Colorado, remonstrating against the passage of Senate bill 721 to establish a national live-stock highway along the eastern line of Colorado—to the Committee on Commerce.

By Mr. LYMAN: Petition of Mills County, Iowa, asking the passage of what is known as the Reagan interstate commerce bill—to the same committee.

By Mr. O'FERRALL: Resolutions of the Farmers' Club, of Clarke County, Virginia, in favor of the reduction of tariff duties, &c.—to the Committee on Ways and Means.

By Mr. T. B. REED: Resolutions of the city council of Portland, Me., asking for a speedy determination of questions relating to the fisheries—to the Committee on Foreign Affairs.

By Mr. RIGGS: Petition of McAdams Bros., of Marcelline, Ill., in favor of taxation of oleomargarine—to the Committee on Agriculture.

By Mr. SNYDER: Petitions of George W. Spotts, of G. W. Bane, and of Phillip Gordon, of Charlestown, W. Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STORM: Memorial of the Produce Exchange of Denver, Colo., against taxing oleomargarine—to the Committee on Agriculture.

By Mr. WADE: Petition of citizens of Neosho, Mo., asking for the enactment of pension laws—to the Committee on Invalid Pensions.

By Mr. T. B. WARD: Petition praying that a pension be granted James Lampkins, late a private in the Union Army—to the same committee.

By Mr. WHEELER: Petitions of G. W. Hinshaw, Catherine Anderson, and of William Allen, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, June 1, 1886.

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

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department recommending an appropriation of \$39,500 for repairs, painting, and ventilating the court-house building at Philadelphia, Pa.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by Mitchell-Post, No. 45, Grand Army of the Republic, Springfield, Ohio, favoring legislation by Congress in accordance with the recommendations of the national pensions committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented a petition of leading business concerns and banks of Youngstown, Ohio, praying for the passage of a law providing for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. PLATT. I present the petition of Mrs. Georgiana M. Amidon, of New York city, praying for the speedy settlement of her claim against the Chinese Imperial Government, known as the Ward estate claim. The diplomatic consideration of this claim forms one of the most interesting chapters in the history of our foreign affairs, and I ask that the petition may be printed as a miscellaneous document and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. CAMERON. I present the petition of E. Ford, president of the Pittsburgh Plate Glass Company and 25 other leading business firms of Creighton, Pa., representing \$1,155,000 paid-up capital. As the petition is short I will read it:

Your petitioners, residents of Western Pennsylvania, respectfully represent that, in 1880, 1881, and 1882, Col. William E. Merrill, one of the most reliable and

intelligent engineers in the United States service, recommended an appropriation of \$153,000 to commence a dam near Herr's Island, Allegheny River, in the port of Pittsburgh, Pa. In 1884 he says in his report: "I have so often recommended this appropriation and nothing has come from it, I do not now repeat it." Hence it has been dropped, but the reasons for it are stronger now than when first made, six years ago. Since then the Davis Island dam has been finished and natural gas has been more generally introduced as fuel, and large steel and other works have been started along the bank of the river, all requiring the cheapest freight possible. We therefore pray your honorable bodies to insert in the pending river and harbor bill the clause repeatedly recommended by Colonel Merrill, of \$153,000, to commence a dam near Herr's Island, in the Allegheny River, Pennsylvania, and your petitioners will ever pray, &c.

I ask the careful attention of the Committee on Commerce to this important improvement, to which committee I move its reference.

The motion was agreed to.

Mr. CAMERON. I present resolutions passed by the Trades Assembly and lodges composing the same, of Pittsburgh, Pa., earnestly protesting against the imposition of a tax on oleomargarine and butterine and giving their reasons therefor. As this important subject is likely to be before the Senate at an early day, I ask that these resolutions be printed in the RECORD, and move their reference to the Committee on Agriculture and Forestry.

The resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., May, 31, 1886.

Hon. J. D. CAMERON,
Senate, Washington, D. C.:

Below find resolutions passed by trades assembly and lodges composing the same. Official copies by mail.

PITTSBURGH, PA., May 29, 1886.

Whereas certain measures are now pending in Congress for the regulation of the manufacturing and sale of butterine and oleomargarine and the imposition of tax thereon amounting to a prohibition; and

Whereas the manufacturing and sale of this article is a legal business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of this legislation will be to increase the price of a cheap and wholesome food product and destroy the labor its manufacturing employs; and

Whereas the only reason given for this legislation is that it comes in competition with butter;

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy.

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolutions were adopted at a session of the trades assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacturing and sale of butterine or oleomargarine."

RICHARD ENNIS,

President of Trades Assembly of Western Pennsylvania.
THOMAS J. DICUS,
Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations: Superior Lodge, No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metal Workers' Assembly, Knights of Labor; America Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 21, Knights of Labor; Good Intent Lodge, No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 142; Builders, Carpenters, and Joiners' Union; International Cigar-makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture-makers' Union, No. 21, Knights of Labor; Bridge Workers' Assembly, No. 1632, Knights of Labor; Labor Assembly No. 5269, Knights of Labor; Calkers' Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street-car Drivers' Assembly, No. 6003, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banksville Miners' Association; Typographical Association, No. 1630, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly, No. 80, Knights of Labor; Pressmen's Union, No. 8; Labor Assembly No. 791, Knights of Labor; Labor Assembly No. 1631, Knights of Labor; Labor Assembly No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union, No. 14; Iron-molders' Assembly, No. 1030, Knights of Labor; Bottle-blowers' Union of North America; Horse-shoers' Union; Typographical Union, No. 7; Job Printers' Association, No. 1392, Knights of Labor; Independent Lodge of Millvale, No. 700, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Association, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works Lodge, No. 8, Amalgamated Association of Iron and Steel Workers; American Flint-glass Workers' Association, No. 6; Labor Assembly, No. 1719, Knights of Labor; Labor Assembly No. 2300, Knights of Labor; International Cigar-makers' Union, No. 171; Iron-molders' Union of North America, No. 243; Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union, No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Association No. 2121, Knights of Labor—representing about seventy-eight thousand members.

Mr. PALMER presented a petition of Mrs. N. K. Hill and other ladies of Hillsdale, Mich., praying for legal protection for young girls in the District of Columbia and other places under the jurisdiction of the United States; which was referred to the Committee on the District of Columbia.

Mr. VEST presented the memorial of C. M. Shuster and other citizens of Saint Joseph, Mo., and the memorial of James T. Thornton and other citizens of Kansas City, Mo., remonstrating against the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. VEST. I present the petition of certain Indian chiefs in the

Territory of Montana—Under Bull, chief of the Gros Ventres; Medicine Bear, chief of the Assinaboines; Crow Chief, Sits High, White Bird, Bushy Head, Enemy-Killer, Whitan, Sleeping Bear, Blackbird, Black Crow, and Tere Running-Fisher, head chief of the Gros Ventres and Assinaboines, asking that they may be removed to the country known as the "Little Rocky Mountains," and that they may have farmers to educate them in husbandry, and that their children may be educated to speak English and how to live like the white man.

This petition comes to me addressed to "The President and his great council;" I suppose it means the Congress of the United States. It is prepared by Father Frederick Eberschweiler, a Jesuit missionary of the Assinaboines and Gros Ventres.

Three years ago as a member of the Committee on Indian Affairs I had a council with these Indians at Fort Assinaboine. I introduced a bill at the beginning of this session to carry out what I believe to be the best measure for their interests on the part of the Government, and that is to let them dispose of a large portion of their reservation and remove what is left of these two tribes to what is called the Little Rocky Mountains, which is a much more favorable reservation than their present one, and is one to which they are very anxious to go.

These are the Indians a large number of whom in the winter of 1883-'84 starved to death; and the story they tell of their suffering is the most pitiful one that I have ever read in the English language. They were compelled to bring in their children, their daughters, and sell them at the fort. They sold them at 25 cents apiece in order to get food, and then a large number of them died from starvation.

These Indians inhabit what is known as the buffalo country, but there are no buffalo left. They are unused entirely to husbandry, and they are dependent upon the rations issued by the General Government.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. DAWES. Before it passes from the consideration of the Senate I think it well that the Senator from Missouri should assure those Indians that a law has been passed at this session authorizing the President to appoint a commission of three, clothed with authority to visit those Indians and that reservation and agree with them upon the terms and upon the place of their removal from their present inhospitable region of country to some more propitious and desirable locality.

Just what they desire the Congress of the United States has met by a bill which has already become a law. I hope it will prove successful, because I agree with the Senator and I am in sympathy with all that idea.

Establishing upon the border of the British possessions a reservation 31,000 square miles, in which it is reported there are but 10 acres of land under tillage, and keeping those Indians there after all their game has disappeared in the frosts and snows of three-quarters of the year, is cruelty past all consideration.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. DOLPH presented the petition of John Beeson, praying that a commission composed of women and men be nominated by the Universal Peace Union and appointed by the President to visit the Apache Indians and investigate their grievances and negotiate terms; which was referred to the Committee on Indian Affairs.

Mr. HALE. I present a petition in the form of resolutions of the city council, of Portland, Me., praying that prompt action be taken for the protection of American citizens engaged in the fisheries, and for indemnification to such citizens as have already suffered injuries at the hands of Canadian authorities. I ask that the petition be printed in the RECORD and referred to the Committee on Foreign Relations.

The petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolutions of city council of Portland, Me.

Whereas, by order of the government at Ottawa, the schooner Ella M. Doughty, from this port, has been seized while in the prosecution of her legitimate business, and thereby an issue is compelled to be joined in relation to commercial law and comity, since the said government is disposed to execute the provisions of the treaty of 1818 in a harsh and unreasonable manner: Therefore,

Be it resolved, That the city council of the city of Portland in joint convention assembled, in behalf of the citizens of a port largely interested in the fishing industry, hereby protest against the illegal seizure of our vessels as an insult to the flag they carry, and an outrage against the rights which we have in common with all other nations to carry on a peaceful commerce with a friendly nation.

Resolved, That immediate reparation should be demanded by the Government at Washington for the injuries inflicted upon the owners of said vessels, and if this demand is not at once complied with, that Canadian vessels be denied all rights and privileges which are refused to our vessels in Canadian ports.

Resolved, That a copy of these resolutions be sent to United States Senators FRYE and HALE and Representative REED, and that they be requested to urge upon the Government prompt action in the matter.

CITY COUNCIL OF THE CITY OF PORTLAND,
In joint convention, May 22, 1886.

Unanimously passed.
Attest:

GEO. C. BURGESS, City Clerk.

Mr. SPOONER presented resolutions adopted by the Chamber of Commerce of Milwaukee, Wis., remonstrating against any action by Congress tending in any way to depress or discourage the manufacture and sale of butterine and oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Sheboygan County (Wisconsin) Dairy Board of Trade, in favor of the bill now before Congress for the taxation of imitations of butter; which were referred to the Committee on Agriculture and Forestry.

POTOMAC RIVER BRIDGE.

Mr. RIDDLEBERGER. I desire to present a conference report on the disagreeing votes of the two Houses on the amendments to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, District of Columbia, commonly known as the free-bridge bill.

I will save time by stating that all the amendments named in the report relate to one change, and that is that the District of Columbia shall bear one-half of the cost of the construction of the bridge instead of one-fourth, and the Senate amendment adding the word "piers" after the word "bridge," so as to make it read: "Purchase the bridge and the piers thereof." Then there is one additional amendment providing that in regard to the abutment on the north side of the Potomac River, about which there is some doubt as to the ownership, it is proposed to give the power of condemnation.

Those are the only amendments. They do not alter the text of the bill in any respect except that the District of Columbia shall pay one-half instead of one-fourth, as the Senate bill originally provided.

The PRESIDENT *pro tempore*. The Senator from Virginia submits a report from a committee of conference, which will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to Senate bill No. 200 recommend as follows:

That the House agree to the amendment of the Senate, as follows: Page 1, line 4, after the word "bridge," insert the words "including the piers thereof."

That the Senate agree to the amendment of the House, as follows: Page 1, line 12, strike out after the word "same" all down to and including the word "bridge," in line 15.

That the Senate agree to the amendment of the House, as follows: Page 1, line 20, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 1, lines 22 and 23, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 25, strike out all after the word "survey" down to and including the word "bridge," in line 26.

That the Senate agree to the amendment of the House, as follows: Page 2, line 27, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 29, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 3, lines 3 and 4, strike out the words "and the length of draw."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, strike out the word "and" after the word "Illinois."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, after the word "Virginia," insert the words "Saint Louis, Missouri."

SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or its grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abutment to Bridge street, or if a good title can not be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expense of the Government for the year ending June 30, 1873, and for other purposes." Provided That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: Provided further, That the sum of \$10,000 of the sum hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall be had.

SEC. 4. The act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River, at or near Georgetown, in the District of Columbia, and for other purposes," is hereby repealed.

H. H. RIDDLEBERGER,
Z. B. VANCE,
JOHN C. SPOONER,
Conferees on the part of the Senate.
JOHN S. BARBOUR,
J. H. ROWELL,
WM. L. WILSON,
Conferees on the part of the House.

Mr. RIDDLEBERGER. I should have stated that the report provides also for the advertising for proposals in Saint Louis, Mo. That is the only other change that I omitted to mention.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 248) for the relief of Henry Gee; and

A bill (H. R. 5175) extending the provisions and benefits of the pre-emption law to John E. White.

He also, from the same committee, to whom was referred the bill (H. R. 1418) for the relief of Henry Martin, reported it with amendments.

Mr. PLUMB. I wish to say that all of these bills are for the relief of private parties in regard to entries of public lands. Two of them contain some unfortunate phraseology, but the committee did not deem it advisable to correct it and so require the bills to go back to the other House.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1903) granting a pension to Mrs. A. M. Smith, submitted an adverse report thereon; which was agreed to; and the bill was postponed indefinitely.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 2533) for the relief of E. Remington & Sons, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties, reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions;

A bill (H. R. 6170) granting a pension to Mary A. Van Etten;

A bill (H. R. 4552) for the relief of Susan Smith;

A bill (S. 2463) granting a pension to H. D. Hobbs; and

A bill (S. 2502) granting a pension to Louise Paul.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2301) granting a pension to Lucy E. Anderson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Horace W. Brownell praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2570) granting a pension to Horace W. Brownell; which was read twice by its title.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado, reported it with amendments.

H. H. FAULKNER AND MARY WOODLEE.

Mr. HARRIS. The Committee on Finance, to which was referred the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee, have instructed me to report it favorably without amendment.

I will ask the consent of the Senate to consider the bill at this time, as I am sure it will not take a minute to dispose of it.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time.

Mr. CAMERON and others. What is the bill?

The PRESIDENT *pro tempore*. The bill will be read at length for information.

Mr. HARRIS. If it consumes any time I shall not insist upon its consideration now. I think it will not consume a moment.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to pay to H. H. Faulkner, of McMinnville, Tenn., \$120.60, the amount paid by him for three internal-revenue stamps in January, 1882, with interest thereon, the stamps having been purchased to be placed upon three barrels of apple brandy purchased by H. H. Faulkner from Mary Woodlee, and the brandy being seized by a revenue officer before the stamps were attached to the packages.

Section 2 proposes to pay to Mary Woodlee, of Grundy County, Tennessee, \$31.38, the net proceeds of the three barrels of brandy she had sold to H. H. Faulkner, but which were seized, condemned, and sold unlawfully by a United States revenue officer, and before delivery to Faulkner.

The bill was reported to the Senate without amendment.

Mr. PLATT. The bill provides for the payment of interest.

Mr. HARRIS. It provides for the payment of interest upon the \$120 paid for these stamps. The stamps are in the files. The goods were seized the very day that the stamps were procured to be put upon the brandy and the stamps are sent here for redemption. It is a House bill, and I did not choose to amend it at all in that respect.

Mr. PLATT. It was reported by the Finance Committee?

Mr. HARRIS. Yes, sir.

Mr. PLATT. I do not like the idea of paying interest, but I make no objection to the passage of this particular bill.

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

HOUSE PENSION BILLS.

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

A bill (H. R. 921) granting a pension to Clara L. Preuss;

A bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson;

A bill (H. R. 1860) granting a pension to Frederick Robertson;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 2626) granting a pension to Silas K. Haines;

A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania;

A bill (H. R. 3363) granting a pension to Jennette Dow;

A bill (H. R. 3379) granting a pension to George G. Early;

A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6606) granting a pension to Sallie B. Bent;

A bill (H. R. 6952) granting a pension to Charles Riddle;

A bill (H. R. 7721) granting a pension to Ellen J. Welch;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 8351) for the relief of Edward Coleman; and

A bill (H. R. 8556) granting a pension to Abraham Points.

The above eighteen pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2571) granting a pension to Lewis Haas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCPHERSON introduced a bill (S. 2572) for the relief of Michael Sutton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2573) for the relief of William S. Warrington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2574) for the relief of Mrs. Eliza A. Brownlow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 2575) authorizing the Postmaster-General to issue double or return postal cards, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2576) for the relief of William J. Martin, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2577) for the relief of J. R. Frierson, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 2578) to prohibit members of Congress from acting as attorneys or employes for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States; which was read the first time by its title.

Mr. COKE. I ask for the reading of the bill in full.

The bill was read the second time at length, as follows:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law or payment for services of any kind from any railroad company, or any officer or agent thereof, which obtained its charter or any grant of lands or pecuniary aid from the United States, and any person who violates this provision shall be guilty of a misdemeanor, and on conviction be fined in any sum not exceeding \$5,000 and imprisoned not more than one year, in the discretion of the court.

Mr. BECK. There has been a good deal of crimination and recrimination and suggestion backward and forward about members of both Houses being employed by railroad companies to obtain their charters. While it may have been lawful heretofore I think it ought to be stopped, and I have introduced the bill, and ask that it be laid on the table. I do not think any committee can give any information about it, and I shall endeavor to call it up at an early day and see if we can not pass it.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. STANFORD introduced a bill (S. 2579) for the relief of Jonathan D. Stevenson; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2580) to prevent the issue of passes to official persons, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. PLUMB. I desire to call the attention of the committee to the bill, and to say that I hope they will report it either favorably or adversely at a very early day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6975) to establish additional life-saving stations.

The message further announced that the House had passed the following bills:

A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;

A bill (S. 226) granting a pension to Margaret D. Marchand;

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa;

A bill (S. 1584) for the relief of Cornelia R. Schenck; and

A bill (S. 2223) granting a pension to Elizabeth S. De Kraft.

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 President *pro tempore*:

- A bill (H. R. 247) granting a pension to Louis Tyus;
- A bill (H. R. 448) granting a pension to Newton Day;
- A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;
- A bill (H. R. 908) granting a pension to Margaret E. Cochran;
- A bill (H. R. 1100) granting a pension to Jane W. Devereux;
- A bill (H. R. 1279) granting a pension to Darius M. Seaman;
- A bill (H. R. 1548) for the relief of Ellen Crymble;
- A bill (H. R. 1560) for the relief of Evaline A. White;
- A bill (H. R. 1651) for the relief of Rosina Heineman;
- A bill (H. R. 1707) granting a pension to Elijah P. Hensley;
- A bill (H. R. 1871) granting a pension to George W. Stout;
- A bill (H. R. 1881) granting a pension to Isaac Carleton;
- A bill (H. R. 1990) granting a pension to John Hunter;
- A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same;
- A bill (H. R. 2803) granting a pension to John H. Snyder;
- A bill (H. R. 3135) granting an increase of pension to Charles Sebring;
- A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;
- A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;
- A bill (H. R. 3624) granting a pension to Fred. J. Leese;
- A bill (H. R. 3826) for the relief of John Taylor;
- A bill (H. R. 3848) for the relief of H. P. McFarlin;
- A bill (H. R. 3941) granting a pension to Mary M. Galleyon;
- A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;
- A bill (H. R. 4002) granting a pension to Canton W. Tillen;
- A bill (H. R. 4058) for the relief of Joel D. Monroe;
- A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick S. Smith;
- A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;
- A bill (H. R. 4539) granting a pension to Ann Little;
- A bill (H. R. 4699) granting a pension to Martin Jacoby;
- A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;
- A bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes;
- A bill (H. R. 5328) granting a pension to Noah Hoffman;
- A bill (H. R. 5329) granting a pension to William Antes;
- A bill (H. R. 5331) granting a pension to Emma M. Shiner;
- A bill (H. R. 5332) granting a pension to Elizabeth Crowley;
- A bill (H. R. 5335) granting a pension to Philip Devermer;
- A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;
- A bill (H. R. 5702) granting a pension to Jenet L. Johnson;
- A bill (H. R. 5729) granting a pension to Elizabeth Warner;
- A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;
- A bill (H. R. 5997) granting a pension to Elizabeth Luce;
- A bill (H. R. 6092) granting a pension to Parmelia Smith;
- A bill (H. R. 6136) granting an increase of pension to John W. Faris;
- A bill (H. R. 6389) granting a pension to Francis M. Moore;
- A bill (H. R. 6725) granting a pension to William M. Swartz;
- A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;
- A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house;
- A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;
- A bill (H. R. 7330) granting a pension to Josie H. Babb;
- A bill (H. R. 7468) granting a pension to Lemuel Adams; and
- A bill (H. R. 8085) granting a pension to Amos C. Weeden.

LABOR OF LETTER-CARRIERS.

Mr. MILLER. I desire to take up Senate bill 2076.

Mr. DOLPH. Let the bill be read for information.

Mr. MILLER. It will only take a moment.

Mr. BUTLER. Before that is done I should like to appeal to the Senator from New York to allow me to take up Senate bill 371, of which I have given notice two or three times, which is a bill for the purpose of restoring certain naval cadets to their proper places in the Navy. There are two reports, one made by the Senator from Maine [Mr. HALE] and one by myself. I dislike to be so importunate about it, but this is the third time I have asked it, and I hope the Senate will take the bill up and dispose of it in the morning hour, if my friend will yield for that purpose.

Mr. MILLER. I should have no objection to yielding if it would not lead to any debate; but I am informed that it will. The bill which I wish to call up I think will take only the reading of the bill, and then the Senator's bill may come in just after that. If his bill would lead to no debate I should have no objection to yielding.

Mr. BUTLER. It will take some debate, I am very frank to say.

Mr. MILLER. Then I hope the Senator will allow me to pass this bill.

The PRESIDENT *pro tempore*. Debate is not now in order.

Mr. DOLPH. I should like to say a word.

The PRESIDENT *pro tempore*. It is not in order to say anything.

Mr. DOLPH. I understand, but there has been a little debate between the Senator from New York and the Senator from South Carolina.

The PRESIDENT *pro tempore*. The Chair has been endeavoring to restrain it. If there be no objection the Senator from Oregon will be recognized to debate the question.

Mr. DOLPH. Merely to say a word, not to debate the question. I wish to say that I desire this morning to take up the bill which was under consideration Thursday and Friday mornings with a view to try to conclude it. I was not fortunate enough to get the floor when the morning business was concluded, but I will say to the Senators that I hope they will not press the consideration of the bills they have mentioned but will let us take up the one to which I referred, which has been partly considered.

The PRESIDENT *pro tempore*. The Senator from New York moves to proceed to the consideration of a bill which will be read by its title.

The CHIEF CLERK. A bill (S. 2076) to extend to letter-carriers the advantages secured to other employes of the United States by section 3738 of the Revised Statutes, relating to hours of labor.

Mr. ALLISON. Is that an eight-hour bill?

Mr. MILLER. It is the eight-hour bill for letter-carriers.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the bill. [Putting the question.] The yeas appear to have it.

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

The yeas and nays were ordered.

Mr. BUTLER. Will the Senator from New York explain what the bill is?

Mr. MILLER. The bill simply puts the letter-carriers of this country in the same condition as all other employes of the United States Government, to labor eight hours a day. The Department heretofore has ruled that under the peculiar wording of the language letter-carriers were not entitled to come under the law. This bill simply does this, nothing more and nothing less. It is certainly just that they should be put on an equality with all other employes of the Federal Government. That is all there is of it.

Mr. BUTLER. I have no objection whatever to that, but if there is no arrangement made for the additional time within which letter-carriers now discharge duties it might put certain localities to a very great inconvenience to have them work only eight hours a day.

Mr. MILLER. There is nothing in the bill that prevents the Postmaster-General or the postmasters of the various cities from regulating the time of beginning work or ending it on the part of any letter-carrier. It is entirely within their discretion.

The PRESIDENT *pro tempore*. The Secretary will call the roll. Debate is not in order.

Mr. CONGER. What is the question?

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the bill moved by the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN] who is absent.

Mr. PLUMB (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll-call was concluded.

Mr. MAXEY. I am paired with the Senator from Connecticut [Mr. HAWLEY] who is absent.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who is absent in the discharge of duties imposed upon him by the Senate.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], who was called away from the Senate on business, and as I do not know how he would vote, I withhold my vote.

The result was announced—yeas 32, nays 13; as follows:

YEAS—32.

Beck,	Conger,	Ingalls,	Stanford,
Berry,	Dawes,	Jones of Nevada,	Vance,
Blair,	Eustis,	Kenna,	Van Wyck,
Brown,	George,	McMillan,	Vest,
Butler,	Gray,	Miller,	Voorhees,
Call,	Hampton,	Palmer,	Walthall,
Cameron,	Harris,	Pugh,	Whitthorne,
Coke,	Hearst,	Sherman,	Wilson of Md.

NAYS—13.

Aldrich,	Dolph,	Mitchell of Oreg.,	Wilson of Iowa,
Allison,	Edmunds,	Morrill,	
Chace,	Hale,	Riddleberger,	
Cullom,	Hoar,	Teller,	

ABSENT—31.

Blackburn,	Gibson,	Mahone,	Plumb,
Bowen,	Gorman,	Manderson,	Ransom,
Camden,	Harrison,	Maxey,	Sabin,
Cockrell,	Hawley,	Mitchell of Pa.,	Saulsbury,
Colquitt,	Jones of Arkansas,	Morgan,	Sawyer,
Evarts,	Jones of Florida,	Payne,	Sewell,
Fair,	Logan,	Pike,	Spencer,
Frye,	McPherson,	Platt,	

So the motion was agreed to; and the Senate, as in Committee of the

Whole, proceeded to consider the bill. It provides that eight hours shall constitute a day's work for letter-carriers who are now or who may hereafter be employed by or on behalf of the Government of the United States; and there shall be no reduction in compensation paid for services rendered by reason of this limitation of the hours of labor.

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

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I now move to take up for consideration the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the bill having been under consideration heretofore in the morning hour.

Mr. BUTLER. Before action is taken upon that motion I move that the Senate proceed to the consideration of Senate bill 371.

The PRESIDENT *pro tempore*. That motion is not in order. One proposition can not be substituted for another in that way under the rules. The Senator from Oregon [Mr. DOLPH] moves that the Senate proceed to the consideration of the bill he has indicated.

Mr. BUTLER. Upon that motion I ask for the yeas and nays, and give notice that if the proposition is voted down I shall ask the Senate to proceed to the consideration of Senate bill 371.

The PRESIDENT *pro tempore*. On the question of taking up the bill the Senator from South Carolina asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. Not knowing how he would vote, I decline to vote.

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired for the day with the Senator from West Virginia [Mr. CAMDEN], who has been called home, and my colleague [Mr. HAWLEY] is paired for the day with the Senator from Texas [Mr. MAXEY], as has already been announced.

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TELLER (when his name was called). I am paired on all political subjects with the Senator from Louisiana [Mr. GIBSON], but I do not consider this as a political question, and therefore I shall vote. I vote "yea."

The roll-call was concluded.

Mr. HALE. My colleague [Mr. FRYE] is absent from the city, and is paired with the Senator from Maryland [Mr. GORMAN]. If my colleague were here, he would vote "yea."

Mr. BLACKBURN. I announce again my pair with the Senator from Nebraska [Mr. MANDERSON], who is absent on official business.

The result was announced—yeas 35, nays 9; as follows:

YEAS—35.

Aldrich,	Coke,	Harris,	Spooner,
Allison,	Conger,	Hoar,	Teller,
Beck,	Cullom,	Ingalls,	Vance,
Berry,	Dawes,	Kenna,	Van Wyck,
Blair,	Dolph,	McMillan,	Voorhees,
Bowen,	Edmunds,	Mitchell of Oreg.,	Walthall,
Cameron,	George,	Morrill,	Wilson of Iowa,
Chace,	Gray,	Palmer,	Wilson of Md.
Cockrell,	Hale,	Sherman,	

NAYS—9.

Brown,	Eustis,	Hearst,	Vest,
Butler,	Hampton,	Pugh,	Whitthorne,
Call,			

ABSENT—32.

Blackburn,	Harrison,	Manderson,	Plumb,
Camden,	Hawley,	Maxey,	Ransom,
Colquitt,	Jones of Arkansas,	Miller,	Riddleberger,
Evarts,	Jones of Florida,	Mitchell of Pa.,	Sabin,
Fair,	Jones of Nevada,	Morgan,	Saulsbury,
Frye,	Logan,	Payne,	Sawyer,
Gibson,	McPherson,	Pike,	Sewell,
Gorman,	Mahone,	Platt,	Stanford.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK, in line 10 of section 1, after the word "main," to strike out—

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are coterminous with the branch line across the Cascade Mountains.

And to insert in lieu thereof:

And branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act.

So as to make the section read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are coterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act, be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

Mr. DOLPH. Mr. President, when this bill was taken up on Friday last on my motion I did not intend to discuss its provisions unless it should become necessary to make explanations in regard to some of its features, and what I did say on Thursday and on Friday last was the briefest possible statement of what I considered it my duty to lay before the Senate. I had the floor on the bill which was taken up at 2 o'clock on Friday, the bill to provide for the taxation of railroad lands, and was about to proceed and conclude my remarks commenced on the previous day when I was induced to give way to the Senator from Nebraska [Mr. VAN WYCK] from an incidental observation, stating to him distinctly that if he intended to make a speech I would not give way as I wanted to finish my own.

I do not know that I ought to complain, however, as for nearly two hours I was delighted with the music of his voice, with his rhetoric, his logic, his continuity, and the skill with which he discussed four bills in one speech. That was some compensation for what I should otherwise have regarded as a tedious infliction waiting for him to conclude in order that I might resume the floor. The Senator took occasion during the progress of his speech to say—and I see that some of the newspapers have taken up and reiterated and enlarged his statements—that the history of this bill for the forfeiture of the North Pacific grant would show that it was in the interest of the railroad company.

Mr. President, if the gentleman intended to insinuate what I see has been substantially claimed by some of the newspapers, that I am in any manner connected with the Northern Pacific Railroad Company or any other railroad company incorporated by an act of Congress, or to which any Congressional grant was ever made or which has any interest whatever before or likely to come before Congress, what he stated was wrong and very unjust. I never had a dollar's worth of interest in the Northern Pacific Railroad Company in either its stock or bonds. I never had any official connection with that railroad company. I have not since I have been a member of this body been of counsel for or in any way or in any manner connected with that railroad company or any other company interested in any measure before this body, and I would consider such a thing highly improper.

I will say further that I am ready to support the bill introduced this morning by the Senator from Kentucky [Mr. BECK], as it is a proper measure. The fact that by the bill reported by me from the Committee on Public Lands it is proposed, as was asserted here on Friday last, to forfeit something like 3,000,000 acres of land claimed by the Northern Pacific Railroad Company is sufficient to show that the allegation that the bill is in their interest or desired by them is an absurdity. Compared with the lands which it is proposed to forfeit by this bill, the amount of the lands which appertain to the uncompleted portion of the Cascade branch is small. Compared to their value the value of the lands which appertain to the Cascade branch is insignificant.

As I stated on a former occasion, the gap now uncompleted of the Cascade branch is only 75½ miles; that extends through the Cascade Mountains, where all the lands are of very little value, so that the question is one of sentiment only as to whether those lands should be forfeited.

Mr. GEORGE. Will the Senator from Oregon allow me to ask him a question for information?

Mr. DOLPH. Certainly.

Mr. GEORGE. What is the distance from Wallula to Portland?

Mr. DOLPH. I will state the distance—214 miles.

Mr. GEORGE. Is there not a railroad already built from Portland to Wallula?

Mr. DOLPH. There is one already built, as I have stated in my remarks heretofore.

Mr. GEORGE. Built by a company who had no subsidy?

Mr. DOLPH. There is a railroad built by such a company.

Mr. GEORGE. That had no subsidy from the Government?

Mr. DOLPH. That had no subsidy from the Government or anybody else.

Mr. GEORGE. Does the Northern Pacific Railroad Company now propose to build another road on that line?

Mr. DOLPH. I will come to that in a moment. It will be necessary for them to build it in the near future. Anybody who is acquainted with the geography of the country knows that the Northern Pacific for its own protection and to meet the increasing demands for transportation will be compelled to build that road in the near future.

The Senator from Missouri [Mr. COCKRELL] asked me on Thursday what the distance of the completed road was on the Cascade branch. I told him probably 100 miles. I can now inform him that there have

been on the east side of the mountains 137½ miles constructed and on the west side of the mountains 50 miles, making 187 miles built of the Cascade branch, and only 75½ to build, and on that 75½ miles a tunnel is being constructed and the contract is let, and the road is being graded as I understand. I mention this to correct my former statement in regard to the length of the road which has been constructed; the distance, the Senator will see, is very much greater than I stated on Thursday. The tunnel is 1½ miles in length.

I will say further that I am informed that on Friday last the President of the United States accepted 50 miles of that road constructed on the east side of the mountains extending to Ellensburg.

I say, therefore, that the proposition that this bill as it came from the committee, which proposes to forfeit the land grant for 214 miles, lands which are claimed by the company and which they contend are not forfeitable, is in the interest of the company is so absurd on its face as to need no answer.

As this bill came from the committee it did not touch the Cascade branch, because the majority of the committee did not believe that it would be wise to include that branch and stop construction upon it, inasmuch as the lands for the uncompleted portion were comparatively valueless and the line of road an important one. The interest of the Government does not require that it shall be forfeited. The interest of the settlers does not require that it shall be forfeited. I repeat, the majority of the committee believed it would be unwise to interfere with the completion of that branch, and they thought it was better to attempt a practical thing, to forfeit the lands for the 214 miles from Wallula to Portland on which no work has been done and where the lands are valuable and where the grant is in the way of settlers. The committee believed it was better to do that than to load down the bill with the amendment proposed by the Senator from Nebraska.

While I do not believe that the interests of the Government require the forfeiture of the lands on the line of the Cascade branch, or that the interests of the settlers do, there are interests that demand the forfeiture of the grant on that branch. There are corporations that are necessarily interested in forfeiting that grant, and among them is the Canadian Pacific Railroad Company, whose road is already completed to Puget Sound, and they are not the only corporation. The Senator from Nebraska acknowledged on Friday that the bill introduced by him to enable the Union Pacific Company to construct branches was proposed legislation desired by the Union Pacific Railroad Company, and that insofar as they desired the passage of that bill he represented their interests here.

Now I will tell the Senate another thing that perhaps is not understood here. One object of the bill introduced by the Senator is to give the Union Pacific control of a direct line to Portland. They already control the Oregon Short Line, commencing at Granger, on the Union Pacific, and extending up to the boundary line of Oregon at Snake River, where they connect with the Oregon Railway and Navigation Company, one branch of it, and have a through line down to Umatilla to the junction with the branch that extends to Wallula Junction and then on to Portland. The Union Pacific Railroad Company is reaching out to get control of this Oregon Railway and Navigation Company's road, which is built from Portland to Wallula. It is reaching out for the trade of that region in competition with the Northern Pacific Railroad Company, and the Union Pacific Railroad is the most powerful interest that would naturally be opposed to the completion of the Cascade branch.

The amendment of the Senator from Nebraska is directly in the interest of the Union Pacific Railroad Company; it is directly in the interest of the Oregon Short Line Company; it is directly in the interest of the Oregon Railway and Navigation Company, because if the Union Pacific Company can secure that route directly to Portland, then they would like to cut off the Northern Pacific Railroad Company from connection with Puget Sound.

The Senator read to my colleague and myself a resolution of the Republican convention of Oregon passed two years ago, and intimated that we are not carrying out the wishes of the Republicans of Oregon as expressed in convention. As was well said by my colleague, that resolution only declares in favor of the forfeiture of unearned land grants in the State of Oregon.

The people of Oregon want something practical done; and this bill, as it was introduced by me and as it was reported from the Committee on Public Lands, is to carry out the wishes of the people as expressed in that convention and is in accordance with the resolution; and I will tell the Senator from Nebraska that if by the effect of this amendment, should it be adopted, or of any other amendment put upon this bill, the forfeiture of the grant from Wallula to Portland is delayed and this bill is defeated, he will not be able to make the people of Oregon believe—and I will not say that that is the intention of it—that the amendment is not intended to defeat the forfeiture of the grant from Wallula to Portland where there is no question but that the grant ought to be forfeited.

Since this bill was reported I have received numerous communications from all parts of my State interested in the forfeiture of this grant, expressing satisfaction with the provisions of the bill, and especially with the provisions which are made for settlers. The bill is in accordance

with the wishes not only of the Republicans of my State but in the interest of the people of Oregon. They desire that we shall go directly to this matter and forfeit this land grant for 214 miles of road where no work has been done.

Then the Senator stated that the Republican convention in Washington Territory had resolved in favor of the forfeiture of this grant. Well, it is true that in the Republican convention held at Seattle last year such a resolution was adopted. But I have presented here and had referred to the committee resolutions of the boards of trade of the cities of Walla Walla and Tacoma, and petitions and papers repressing the will of the people in regard to that matter protesting against the forfeiture of the grant for this branch. The Senator should remember also that the resolutions he referred to were adopted before sufficient work had been done on this branch to indicate a present intention on the part of the company to complete it, when the people of Washington Territory believed that this branch was not to be completed over the Cascade Mountains, and that they were to be indefinitely tied up to Oregon, and that all transportation between the two portions of the Territory must be by the Columbia River. The sentiment of the people of the Territory has changed, so that to-day there is not one man in five of either party in the whole Territory but would protest against the forfeiture of this grant for the uncompleted gap in the Cascade Mountains. They are looking forward to the early completion of that branch and to direct communication with the East.

The Senator also said it was evident this bill was in the interest of the Northern Pacific Railroad Company because no attorney of the company had been before the committee. The Senator knows I introduced the very same bill at the present session that I introduced two years ago. He knows that the bill I introduced last Congress was pending for a considerable time before the Committee on Public Lands. He knows that Colonel Gray, the general counsel for the Northern Pacific Railroad Company, appeared before that committee and others, I think, and wearied the committee with their arguments against the forfeiture of this grant, alleging that it was not forfeitable. And it was my understanding at the commencement of this session that the Committee on Public Lands did not desire to hear long arguments from lawyers representing these corporations in regard to the forfeiture question, and felt themselves able to consider it without the aid of counsel.

Mr. VAN WYCK. Did they attend?

Mr. DOLPH. I will not yield for any suggestion.

Mr. VAN WYCK. Did they ask to be heard before the committee?

Mr. DOLPH. I will not yield to a "single suggestion," because I recollect my experience on Friday last.

Then the Senator says that this bill as introduced provided for an extension of time for the construction of the Cascade branch. To be sure it did, and it provided something further that the experience of the future will demonstrate was a proper provision. It provided that the Northern Pacific Railroad Company in order to obtain this extension of time should assent to the conditions of this bill, in other words should give up this grant from Wallula to Portland.

The Senator from Missouri [Mr. VEST] read from section 8 of the granting act to show that this whole grant if the road was not completed within the time prescribed was forfeitable. He read as follows:

And be it further enacted, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

In sixty grants which had been made by Congress prior to the passage of this act it was provided in substance that if the road was not so completed at a certain time the lands should revert to the United States and become a part of the public domain; but this grant is an exception. Now I will read the ninth section to ascertain what Congress agreed with the company should be done if the railroad was not constructed within the time limited in the eighth section. The ninth section is as follows:

SEC. 9. And be it further enacted, That the United States make the several conditioned grants herein and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the company make any breach of the conditions hereof and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things, which may be needful and necessary to insure a speedy completion of said road.

That is what Congress agreed with the company should be done if they were in default for a year, if they failed for a year to construct the road within the time limited in section 8, Congress might do whatever was necessary to secure the speedy completion of the road; and the same idea is contained in section 20, the last section of the act, which reads as follows:

SEC. 20. And be it further enacted, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

This act is *sui generis*. There is no such provision contained in any

of the previous sixty acts which had been passed by Congress. Congress agreed, it is claimed, that in case of default the only penalty should be that Congress might interfere and apply this railroad grant to the construction of the road. That is not simply my unsupported suggestion—

Mr. GEORGE. I should like to ask the Senator a question.

Mr. DOLPH. I will yield to the Senator from Mississippi.

Mr. GEORGE. I desire to know whether as a lawyer the Senator thinks that the ninth section of the granting act prevents the operation of the law of forfeiture in case of a grant on condition-subsequent; and if he believes that it does prevent the operation of the law of forfeiture as he understands it and as it has been expounded by the Supreme Court in a case of a failure to comply with the condition, then upon what grounds can we pass this bill?

Mr. DOLPH. I am coming to that directly. I am now answering a suggestion made by the Senator from Nebraska [Mr. VAN WYCK].

Mr. GEORGE. I want an answer to my question.

Mr. DOLPH. I am coming to that.

The Senator from Nebraska said the original bill introduced by me contained a provision that the railroad company might have a certain number of years, three years, to complete the Cascade branch. I said that was true; but it was connected with a provision that in order to obtain the time the Northern Pacific Railroad Company should assent to the provisions of the bill, and we would be able in that way to get the railroad company out of the way of the forfeiture of this grant, so that there might be no uncertainty left concerning the matter after the act has been passed.

As I said, I am not unsupported in this view of the grant, and I pass up to the Secretary a paper which is an extract from a speech made by me nearly two years ago, on the 3d of July, 1884, on the bill for the forfeiture of the Atlantic and Pacific grant, and I ask him to read a quotation from a decision rendered by Judge Deady in the United States circuit court for the district of Oregon, in 1883, in the case of Hughes vs. The Northern Pacific Railroad Company.

The Secretary read as follows:

But the condition imposed upon the defendant by section 8 of the act is even modified by the provisions of section 9, from which it plainly appears that so far from Congress intending that the powers of a corporation should cease or become forfeit in any particular by reason of its failure or inability to keep any of the conditions imposed by said section 8, it expressly reserved to itself the right, in case of such failure for the period of one year, to "do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

In this way Congress undertook to secure the completion of this great national work in any event, and so plainly declare in advance what otherwise might have been left to inference and argument from analogous cases, that it reserved to itself the right to deal with the defendant for any failure to comply with the conditions of the grant, and to excuse or enforce the same as it might under all circumstances deem just to the defendant and best for the public good. Indeed, in view of the magnitude and hazard of the undertaking it was expressly provided that even Congress should not take advantage of a failure to perform any of the conditions for any period less than a year. And even the land set apart by Congress to aid in the construction of the road was not left liable to revert to the public domain or be otherwise disposed of by Congress for the failure of the company to construct or complete the work as required by the act, but, as was said in *United States vs. Childers* (8 Sawyer, 174), it was devoted to the construction of the road in any event, and it is the duty of Congress to see that it is so applied. (See, also, on this point *Southern Pacific Railroad Company vs. Orton*, 6 Saw., 178.)

And this position is fortified by the fact that when Congress intended that the corporate existence of the defendant should be forfeited or affected by its failure to keep a condition imposed upon it, it has expressly said so, as in section 19, where it is provided that unless two millions of the stock is subscribed and 10 per cent. paid thereon within two years from the passage of the act, "it shall be null and void." (18 Federal Reporter, 106, 108.)

Mr. DOLPH. I will also submit an extract from an opinion of Hon. J. S. Black which is contained in the same speech:

Hon. ROBERT M. McLANE,
Chairman of the Committee on Pacific Railroads,
House of Representatives:

Now, let us look and see if there is anything in this act of incorporation which declares that the land grant may be forfeited, or declared void, or resumed in any event.

In the first place it will be observed that the grant is *in verba de presenti*—the title is vested in the company at the moment when the charter is accepted. Unlike some other grants, it does not provide that the title is to be vested as the work goes on.

It gives it all at once; and when the road is made patents may issue, not to create the title, but to confirm it. If, therefore, the right of the company is now to be taken away, the thing must be done by forfeiting a title already vested, not by refusing to make a title where none existed.

The eighth section declares that the grant shall be held upon conditions, &c., one condition being the completion of the road within a certain time, afterward extended. This I admit would, if there were nothing more, make the estate conditional, and the grantor might exact a forfeiture for condition broken.

But there is something more.

The ninth section prescribes what the penalty shall be for a breach of the condition, and that penalty is not forfeiture. In case of such breach the right is reserved to do what may be necessary to insure the speedy completion of the road. By the terms of the contract this is the only thing that the United States can do.

It excludes the conclusion which might have been drawn from the naked statement of the conditions of the eighth section.

It has been argued (I do not know by whom) that the right to "do any and all acts and things which may be needful to insure a speedy completion of the said road" includes the power to resume the land grant by legislative act. I hope this has never been asserted by any respectable lawyer, for I must say that it is absurd. I am not afraid that any gentleman on this committee will believe it.

The power to deprive a man of his property without process of law is a very

different thing from the power to hurry him up in his work. This privilege to speed the making of the road, in case it did not go fast enough, was put in on purpose to negative the right of resumption and furnish another—a specific and exclusive—remedy for the public injury which might be caused by delay or negligence. Besides, the resumption of the land grant is very far from being needful as a means of hastening the work. It is just exactly the contrary. Here is a company moving rapidly along toward the completion of the greatest railroad in the world, and you propose to disable it utterly by taking away its means of going on. Call you that insuring the speedy completion of the work? You might as well cut the hamstrings of a race-horse to insure his fleetness.

YORK, PA., April 19, 1881.

J. S. BLACK.

My object, therefore, in providing affirmatively in the bill as I introduced it, that the Northern Pacific Railroad Company might have three years in which to complete the Cascade branch was to induce them to give their assent to the bill. Having the action of Congress and the assent of the railroad company which I proposed to get in that manner to the forfeiture of the grant from Wallula to Portland, I thought to avoid the question as to whether the lands were forfeitable. I did not intend to say in my remarks, as the Senator seems to have understood me, that I am satisfied that this is the correct legal interpretation of the grant; but it is an interpretation which has been placed upon it and raises a question which I desired to avoid and which I attempted to avoid in the bill introduced by me.

I did not want when the act had been passed and the grant forfeited so far as an act of Congress could do it and the land restored to the public domain that there should still be hanging over these lands and over all settlers upon them a question as to whether the grant was forfeitable or not if I could avoid it; and I believe still, though the committee differed with me, and the provision extending the time was stricken out in committee and the bill reported by me in accordance with the views of a majority of the committee—I believe time will demonstrate the wisdom of what I attempted in the bill as it was introduced of obtaining the assent of the company to the forfeiture. So much in explanation of that provision.

Mr. GEORGE. I should like to ask the Senator how he can avoid the construction which he thinks might be put upon the act by virtue of the ninth section except by getting the consent of the railroad company to a waiver of its right?

Mr. DOLPH. If the construction put upon the grant by the railroad company is correct, I do not think we could do it. I will not say that I think it is correct, but it requires serious consideration; and looking only to the interest of settlers on the lands we propose to forfeit, working in the interest of the people of my State, and being familiar with the decision of Judge Deady as to the forfeitability of this grant, I had considered that question and undertaken to provide against it so far as was possible.

In other words, I proposed to treat with the Northern Pacific Railroad. I proposed two years ago last winter when I introduced the bill, before any considerable portion of this Cascade branch had been constructed, to say then to the company, "we will give you time to construct the Cascade branch if you will waive any claim to the land from Wallula to Portland;" and I believe still that that was a wise position, a wise forethought on my part looking to the protection of the interests of settlers, at least calculated to prevent litigation which may extend through years and be a cloud on their titles.

I ought to say also that a bill was reported from the Committee on Public Lands more than two years ago which included the Cascade branch. It was reported by my then colleague in the Senate. It would not have been courteous for me to have moved its consideration in this body, and the zeal of the Senator from Nebraska was not sufficient to induce him to move its consideration. It slept on the Clerk's desk, and the result has been that nearly 200 miles of the road on that branch have been constructed, until there is nothing valuable left to forfeit of the entire grant on that branch.

The very first day of this session I introduced a bill to forfeit this land grant, and I urged it upon the attention of the committee to receive consideration before other important measures were considered that were demanding the attention of the committee. I reported the bill under consideration. For the third time, on my motion it has been taken up for consideration. I stand by the record.

I said I desired to aim at something practical. I would rather not antagonize more than is necessary any interest which opposes the forfeiture of this grant from Wallula to Portland. These are the most valuable lands. That is a line upon which another road has been built by which the public are now accommodated, but nevertheless I do not attempt to conceal my position on this matter. I am not in favor myself, as I said on Friday, at this last hour when so great a portion of the Cascade branch has been completed, and looking upon the construction of this branch as I do as a very important commercial enterprise, of putting any obstacle in the way of its completion. It is not in the interest of either settlers or the United States to forfeit the grant, but is in the interest of rival railroad corporations and of rival towns to those that are springing up on Puget Sound. But at the same time I believe we shall be more likely to accomplish what ought to be done, that concerning the propriety of which there is no question, the forfeiture of the grant from Wallula to Portland, by not loading this bill down with amendments.

Mr. President, I do not believe that anything should be done by Congress for the interests of the railroad company alone. We ought to do right, we ought to be just, we ought to be just to a railroad company as well as to individuals. But that is not the controlling question with me in this matter of land-grant forfeitures. Nearly two years ago in this speech, already referred to, I stated my views of the considerations which should control our action in such cases, and I ask the Secretary to read a quotation from my speech. That position I stand by to-day.

The Secretary read as follows:

So far as questions of vested rights are concerned, the railroad companies stand before the courts and before Congress upon an equality with the Government, protected by law. The grant to a railroad company or other corporation is a contract between the Government and the company, and the right to modify, alter, or repeal it so as to affect property and rights of property does not exist unless reserved in the charter. These grants were not intended as gifts to the companies, and ought not to be continued for their benefit alone. The grants were made for the benefit of the public, in consideration of public benefits to be derived therefrom; and if proper to be made at the time, and the public interests demand their continuance, they should be continued. So far as rights of property have become vested by compliance with the conditions of the grants such rights are beyond the power of Congress. So far as equities have arisen by reason of circumstances that may have caused or may excuse the delay, such equities are proper matters for consideration.

As between the Government and the corporations, unless the public interest requires the continuance of the grants, I am prepared to vote for the forfeiture of every unearned land grant, and for the forfeiture of the unearned portion of every grant. But, until I am ready to condemn the policy inaugurated under the administration of Washington, and which received the sanction of nearly every subsequent administration until the Republican party came into power and the ardent support of the leading statesmen of every administration, I am not ready to admit that all unearned land grants should be forfeited upon the principle that grants of land in aid of internal improvements are wrong *per se*. The interest of the railroad company ought not to be a controlling question in determining the question of forfeiture. The test in my opinion ought to be, will the public interest be better subserved by the forfeiture of an unearned grant and the restoration of the land to the public domain than by permitting the grantee to comply with the conditions of the grant by the construction of the road and earn the grant? And as in the first instance the grant was made for the benefit of the public, the question whether it ought to be forfeited should be determined with a view of protecting the public interest.

Mr. DOLPH. Mr. President, there are some people so constituted that you can not mention the word "corporation" or "monopoly" in their presence but it has the same effect as shaking a red rag before a bull. They come at you with horns down and and tail up, pawing the ground and bellowing. I am not one of that sort. As I said before, I would treat in matters of legislation every corporation justly, every corporation fairly, and undertake to protect equally the rights of all.

The Republican party is not, as has sometimes been asserted here, alone responsible for land grants to railroads. Between March 4, 1850, and March 4, 1861, a period of sixteen years, there were forty-seven grants made to railroad companies. Since that time there have been only forty-four grants, three less grants to railroad companies made under Republican administration than under Democratic administration. It is not a party question. The policy of granting lands to railroad companies may have been a mistake; but even now, after all that has been said upon it, in the light of experience I do not so believe.

I do not believe the grant to this company was a mistake. Look at the transformation which has been wrought in the country which this road traverses. When this grant was made it was a wilderness inhabited by hostile bands of Indians. The United States Government was constantly called upon for protection to the citizens. Now there is no longer a frontier on the line of the road. Thriving cities and towns and cultivated fields and mines which are being worked have taken the place of what was then a wilderness. The United States has received the benefit which it was to receive for this grant in the opening of the country and in the development of it. Passing over the line of this road the hardy pioneers have occupied the best lands in every quarter made accessible by it.

I hold in my hand another extract from the speech before referred to in which I discussed the question of the propriety of forfeiting that portion of this grant from Wallula to Portland and the propriety of extending the time for the construction of the Cascade branch. As it was made after more deliberation and more preparation than I am able to command in the presentation of the facts to-day, I ask that the Secretary read what I send to the desk in order that it may be incorporated in my remarks.

The Secretary read, as follows:

Mr. DOLPH. I need not to this body detail the history of this company. Nor need I state with what energy, since the company recovered from its financial embarrassments caused by the financial crisis of 1873, the construction of its road has been pushed across the continent. The rapidity with which this road was constructed attracted the attention of the whole country, but the interest in the progress of the work in other portions of the Union was slight compared with the interest with which the people of the Pacific Northwest watched its progress. All eyes were turned with expectation toward it. We waited and hoped and at last rejoiced greatly when the last spike was driven and the main line from Lake Superior to Wallula was completed, and Oregon was connected by rail with her sister States.

Wallula is about 214 miles from Portland. The Northern Pacific there connects with the Oregon Railway and Navigation Company's road, which forms a part of the through line from Lake Superior to Portland. From Portland along the south side of the Columbia to a point just below Kalama, which is upon the north or Washington side of the River, and thence to New Tacoma, on Puget Sound, the road is completed. There is also railroad connection between New Tacoma and Seattle, partly by the constructed portion of the Cascade branch of the Northern Pacific Railroad and partly by a railroad constructed by another company. There is also completed and in operation over 25 miles of the Cascade branch from New Tacoma eastward, and the construction of that

branch is being carried on from the Columbia River westward. It will cost a large amount of money and require considerable time to construct the Cascade branch. If the land grant of the company should now be forfeited I have no doubt that the effect of the forfeiture will be the necessary suspension of the work of construction upon this branch as well as upon the main line.

As to that portion of the grant between Wallula and Portland, applying the rule by which, as I have before stated, I think the question should be determined whether a grant should be forfeited, I think the time has come when the people will be benefited more by an immediate restoration of the granted lands to the public domain and to the operation of the land laws of the United States than by longer holding them from market in order to secure the construction of the road. I am informed that the company during last year did some work along the north side of the Columbia River upon this line, but the work has not been pushed with an energy which indicates an intention and ability of speedily completing that section of the road.

Another company has constructed a road from Portland to Wallula, which gives the public the benefit of a through line, and to that extent lessens the public benefits to be derived from the construction of the Northern Pacific road, and by causing the rapid settlement of the country along the line of the road, has increased the inconvenience and injury to the community which will be caused by the further withholding of the lands from market. Many persons have settled upon these railroad lands and are anxious to secure title. As I have before said, if it appeared certain that the road would be built at once, the most satisfactory way to secure the rights of these persons, in my judgment, would be to permit the lands to be earned and the settlers to secure their title from the company.

In considering what should be done for the relief of these persons there is a question worthy of consideration as to the power of Congress to divert the lands granted to the Northern Pacific Railroad Company from the object of the grant, namely, the construction of the road, which I have already discussed. The bill offered by myself for the forfeiture of this portion of the grant avoids this question, and if it should become a law would at once, no doubt, settle the question of title to all the forfeited lands. It requires the company to assent to the provisions of the bill. The company agreeing for itself, its stockholders, and bondholders, and the United States agreeing for the public, to the forfeiture, the title to the lands and the power of Congress to dispose of them would be finally settled, whatever may be the power of Congress without such assent to declare a forfeiture of the grant.

As a condition upon which an extension of time is granted for the completion of the Cascade branch, I have no doubt that the company would assent to the provisions of a bill for that purpose by which the grant for a portion of its main line from Portland to Wallula would be forfeited. Should the bill reported from the Committee on Public Lands become a law the courts would be called upon to determine whether Congress had the power to divert the grant from the objects to which it was made. But in the mean time, and until some final adjudication of the question could be had, the title of the settlers to the lands would be under a cloud, and their value would be greatly impaired.

Looking at this question from my standpoint, unless the act to forfeit this grant should be passed in such a shape as to secure the assent of the company, I should be in favor of providing for the institution of a suit at once by the United States against the company, and all parties claiming under it whose rights are not provided for in the act, to settle finally and within the shortest practicable time the question of title at the expense of the United States, instead of leaving it to be settled at the expense of settlers under the land laws, and providing for an early final decision of the case by giving it preference on the calendars of all courts, requiring the courts to hear it, and shortening the time for appeal.

The circumstances are quite different in regard to that portion of the grant for the Cascade branch. That part of Washington Territory lying west of the Cascade Mountains is entirely cut off and separated from Eastern Washington by the Cascade Mountains. Without the construction of the Cascade branch, which is in fact the direct line, the only communication between the two portions of the Territory is by way of the Columbia River Valley. The lines of transportation and travel pass through or connect at Portland. Western Washington contains about 30,000 square miles, and is about three and a half times as large as the State of New Hampshire. It contains the great Puget Sound, with its fertile islands, capacious harbors, and its 2,000 miles of shore indented by bays and inlets. It probably now contains the most extensive and valuable forests of timber in the United States.

Underlying these vast forests of fir, pine, and cedar are inexhaustible mines of iron and coal. It has considerable tracts of the finest agricultural land. Its waters teem with fish. In short, it is a valuable portion of the great Northwest, destined to be the future home of millions of people. It was, until the establishment of the civil government for Alaska, the extreme northwestern portion of the organized territory of the United States. The citizens of Washington Territory were among the earliest and most intelligent friends of the Northern Pacific Railroad. They believed that they are entitled to direct railroad communication with the eastern portion of the Territory and with the main line of the Northern Pacific Railroad by way of the Cascade branch.

I believe they are so entitled. I am frank to say that in my opinion the construction of the Cascade branch would not be immediately advantageous to Oregon, or to Portland, its chief city, and I even doubt whether its present construction would be profitable for the company itself. I base my action in this matter upon broader grounds than the interest alone of the people of my State. I believe I should be false to my duty if I permitted myself to be governed by such a consideration, and by my silence, my voice, or my vote helped to place an obstacle in the way of the completion of this branch. I shall be governed in this matter by what I conceive to be the interest of the whole Northwest and of the whole country, and will not without a protest see so large and promising a section of the country cut off from direct communication with the railroad system of the Union at a time when the long-deferred hopes of its people seem about to be realized.

Illinois, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Iowa, Michigan, Wisconsin, Minnesota, and Kansas have all received from the Federal Government valuable lands for the purpose of aiding the construction of railroads, and many other States and Territories have received the benefits of valuable grants made to corporations to aid the construction of railroads within their limits. By the liberality of the Government they have been given the facilities of railroads and telegraphs, daily mails and schools; their resources have been developed, their unoccupied lands settled and cultivated, and they have grown strong and independent of further national aid. Are the representatives in this body of these States which have been heretofore so highly favored by the General Government, and whose Senators and Representatives were once supplicants for aid from the Federal Government for railroads for their States, willing to deprive far-off Washington Territory of the aid heretofore granted to secure to her a single direct railroad connection with the railroad system of the country?

It is said that the time is past when it is necessary for the Government to aid in the construction of railroads. That may be true in most of the States and Territories, but it is not true as to Washington Territory. The condition of that Territory to-day is practically the same as was the condition of the Territories of the West when they received liberal Government aid for the construction of their railroads, and which now, by reason of the settlement of their territory and the development of their resources, no longer require assistance. The sparse population of the great Northwest, the difficulties of constructing railroads, the

great cost of the transportation of railroad material, the high prices of labor, render the cost of railroad construction very great.

To the Government itself the question as to whether the land grant of the Northern Pacific shall be forfeited and restored to the operation of the land laws, or earned by the railroad company and sold to settlers, is of no great importance. I am not concerned about the sum that would find its way into the public Treasury if the lands were restored to the operation of the land laws. My concern is to know what is for the best interest of the people of Oregon and Washington Territory and of the whole country. If any people deserve liberal treatment at the hands of Congress it is the people who braved the dangers and endured the toils and hardships incident to pioneer life in that country, and who have waited so long for the tide of immigration just now setting toward it.

I am asking of Congress in behalf of Oregon, in view of our great extent of territory, our great and rapidly increasing internal, interstate, and foreign commerce, our great rivers, our extended seacoast, our rapidly increasing population and development, liberal appropriations for the improvement of our rivers and harbors. I should feel in a measure estopped from asking such liberal treatment in this regard as our people deserve if the reasons for doing so were not strong enough to prevent me from assisting in depriving the people of Washington Territory of the aid heretofore granted by Congress for the construction of the great highway across the continent which for the last quarter of a century has been the object of their hopes by day and the subject of their dreams by night.

I briefly call attention to another matter which I deem worthy of careful consideration in connection with the proposition to forfeit the land grant for the Cascade branch of the Northern Pacific Railroad Company. The Canadian Government has expended large sums of money in the improvement of the St. Lawrence River, and is making a great effort to secure the trade of the Northwest. The Canadian Government has also already expended and is expending fabulous sums in pushing the construction of the Canadian Pacific Railroad. It seems certain that in a comparatively brief period we may look for the completion of that road, and when that time arrives there is scarcely a doubt but that Great Britain will subsidize a line of steamships between the city of Victoria and Hong-Kong and other ports of China and Japan, and Victoria will become a competitor for the trade of the East, not only with Portland and the cities of Puget Sound, but with San Francisco, which has hitherto enjoyed a monopoly of that trade on the Pacific coast. In view of this fact it is not alone Western Washington or the people of the Northwest or the stockholders and bondholders of the Northern Pacific that are interested in securing a through line of railroad for the Northern Pacific from Lake Superior to Puget Sound, but such a through line is a national necessity to enable us to fairly compete with Great Britain for the commerce of China and Japan.

Mr. DOLPH. Mr. President, I have felt it incumbent on me, in view of the character of the discussion on Friday last, to say this much in regard to my position on this bill, to state this much of its history and the history of the legislation which has been proposed on this subject. I have quoted from my speech of 1884 to show that my position to-day is my position of two years ago. This speech from which I have quoted was circulated among my constituents all over the State. So that the Senator from Nebraska need not concern himself about the people of my State or ask whether I am carrying out their wishes or not. I am representing their wishes, and if I were not it would not affect my action. I respect the people of the State who have honored me with a position in this body, the highest within their gift.

Every suggestion made by a representative body or by an individual of that State receives careful consideration. I recognize that I am, in a measure, a servant of theirs, their agent here, and I think no member of this body will accuse me of not having served them with zeal and diligence since I have been a member of this body, whatever may be said in regard to the ability and the discretion with which it has been done. But I have other duties to perform here; there are other duties which require the attention of a United States Senator, and when the time comes that upon a great national question, a great commercial question, I can not speak and vote for what I think is right and just and for the advancement and prosperity and glory of this great nation, I will no longer act at all. A man may be a successful politician for a time who is willing to trim his sails to every wind of popular opinion, but in my judgment he will not serve at all times the interests of his country.

Having said this much, I submit, so far as I am concerned, the amendment to the Senate.

Mr. GEORGE. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Mississippi desire to proceed now, as there are but ten minutes of the morning hour left?

Mr. GEORGE. I will go on. I have some facts to present.

Mr. HOAR. If the gentleman having this bill in charge prefers and the Senator from Mississippi prefers, I will ask that the Senate proceed with the bankruptcy bill now, and let his remarks be made consecutively to-morrow. But I will not force such a suggestion on anybody.

Mr. GEORGE. I prefer to go on at this time until the morning hour expires. I have some facts that I desire to present to the country and the Senate in relation to this railroad forfeiture, and they may as well be gotten in now as at any time hereafter.

I desire to say in the outset of the remarks I propose to make that I would not have voted as I did this morning to take up this bill if I had regarded the action of the Senate on railroad-land forfeitures was to be confined simply to the passage of this bill. I regard this bill as really insignificant. I regard it as really doing nothing in the discharge of the great duty which the American Congress owe to the American people in reference to railroad land forfeitures. I understand that this line of railroad, on that part of it which lies between Wallula and Portland, Oreg., and along the line of which this forfeiture is to take place, and only along that line, has already been preoccupied by another railroad whose charter was granted by the State of Oregon.

It also appears that this Northern Pacific Railroad, with its magnificent grant of land equal in area to the States of Indiana and Massachusetts combined, with all this backing on the part of the Government, and with obligation, as was supposed by the law making the grant, to build a railroad from Wallula to Portland as a part of the whole line required to be built, was unable or unwilling to build it within the time fixed by the law, and that another railroad company, without a dollar of subsidy from anybody, without an acre of land or a bond or anything of that sort, as a mere commercial speculation because it was a good investment for the money, built the road before the Northern Pacific Company reached Wallula; so that its road, when it reached the point in the long and dilatory years in which it neglected to build it, found this part of its line already preoccupied by another railroad company. And of course, finding the territory already occupied, it did not undertake to build its road, and so far as I know now, so far as any evidence has been produced to the Senate, the Northern Pacific Railroad Company does not propose to build the road by which it could earn the lands attempted by this bill to be forfeited. So all of our legislation as now presented in this bill in favor of enforcing the rights of the United States and the rights of the people of the United States in reference to railroad forfeitures amounts simply to this, that we propose to declare that forfeited to which the railroad company does not even pretend to have any right.

Then I was justified in saying that if that was all that was proposed to be done when we act upon this bill, I should not have voted to take it up. I think it is wholly immaterial to the rights of the United States whether this bill in the shape in which it was reported by the committee is passed or not. Amendments have been offered, and I am in hopes that other amendments will be offered, as we have the question up, by which the sense of the Senate will be tested on the general question of the forfeiture not only of the grant for this railroad company, but of all grants to railroad companies that have been made in the last twenty years.

And right here before I go further I will allude to a remark made by the Senator from Oregon just before he took his seat in reference to the policy of the two parties on the subject of railroad grants. He said the policy of making grants to railroad companies did not originate with the Republican party. True it did not; it originated with the Democratic party, but the difference between the two parties as I understand it and as the history of the country shows is that under Democratic rule a very small, a very moderate, and a very just donation was made by the General Government in aid of the building of railroads. In no instance so far as I remember were more than six sections per mile, amounting, I believe, to three thousand eight hundred and some odd acres to the mile, ever granted by the Democratic party. The people of this country were satisfied with that. It was but a fair and just encouragement to the building of railroads in sparsely settled localities and in which the United States was a great landed proprietor.

But in this case there was a departure from that. The grants here are enormous. They extend in the States to ten sections per mile, 6,400 acres per mile; in the Territories to twenty sections per mile, 12,800 acres per mile. And this very railroad company whose case is now before the Senate received a grant of 42,000,000 acres of land. Think of that, an area larger than the States of Indiana and Massachusetts combined. The company received it on a condition. The act was passed the 2d day of July, 1864. The condition was that they should commence the work within two years and finish it within twelve. They made no effort so far as appears; not a spade was put in the ground, not a bush or tree was cut away from the right of way by the railroad company; the whole time elapsed; and in July, 1868, they came in here and got another privilege, and that was that they should have two years more in which even to make a commencement. The original grant was made during the war, when it was regarded as a means of national defense, in 1864. After the war and the time had expired they had done nothing up to July, 1868.

The PRESIDENT *pro tempore*. The Chair must call the attention of the Senator to the fact that the hour of 2 o'clock has arrived, and it is the duty of the Chair to lay before the Senate the unfinished business, which is the bankruptcy bill.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I desire to move certain amendments, to which I think there will be no objection, and I will simply say that nearly all of them are in the line of striking out what seem to be regarded as the harsher features of the bill.

Mr. MITCHELL, of Oregon. Will the Senator from Massachusetts yield a moment to me? I should like to inquire if the Senator from Mississippi has any wish to go on and finish his remarks at this time?

Mr. GEORGE. I should like to go a little further.

Mr. HOAR. I consider myself rather bound to go on, having yielded to these land bills three or four times, and I am as anxious as anybody that they should maintain their precedence. I suggested in private to my honorable friend from Mississippi that I thought we ought to go

on with the bankruptcy bill, and I want to try and finish the bankruptcy bill in a very short time, I hope to-day; so that, perhaps, the Senator may have an uninterrupted time to-morrow.

Mr. GEORGE. The Senator may go on with the bankruptcy bill. Mr. HOAR. In line 23 of section 15 I move to strike out "six" and insert "twelve."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 15, line 23, it is proposed to strike out "six" and insert "twelve;" so as to read:

The supervisor shall visit and inspect the office of every clerk and commissioner within his circuit as often as once in every twelve months.

The amendment was agreed to.

Mr. HOAR. Now I move to strike out the first paragraph of section 26, down to line 12.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Massachusetts moves to strike out part of section 26, which will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

That at any time before or within three months after the adjudication, upon proof being made by affidavit, to the satisfaction of the judge, that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest said bankrupt, or supposed bankrupt, and him safely keep until he shall give bail or recognizance, in a sum to be specified in said warrant, for his appearance, from time to time, as required by the court, and for his obedience to all lawful orders of the court in said proceedings.

The amendment was agreed to.

Mr. HOAR. I now move, in section 30, line 10, after the words "the Fourth of July," stating what days shall not be counted in enumerating time, to insert the words "or other day made a legal holiday by act of Congress."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 30, line 10, after the word "July," it is proposed to insert "or other day made a legal holiday by act of Congress;" so as to read:

Or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, or other day made a legal holiday by act of Congress, in which case the time shall be reckoned exclusive of that day also.

The amendment was agreed to.

Mr. HOAR. In section 33, line 15, I move to strike out the words "or open accounts made, passed, or contracted in the course of his business;" and in line 17 to insert the word "was" instead of "were," which is required to make the sentence grammatical if the first amendment be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, which will be stated.

The CHIEF CLERK. In section 33, lines 15 and 18, it is proposed to strike out the words "or open accounts made, passed, or contracted in the course of his business;" and in line 17 to strike out "were" and insert "was;" so as to read:

Or has suspended and not resumed payment of his commercial paper for a period of thirty days after the same was payable.

The amendment was agreed to.

Mr. HOAR. In section 34, line 8, I move to strike out the words "by the next mail" and insert "forthwith."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 34, line 8, it is proposed to strike out the words "by the next mail" and insert in lieu thereof the word "forthwith;" so as to read:

In all cases, voluntary or involuntary, the petition for adjudication may be filed with a commissioner, who shall send the same forthwith to the clerk of the court.

The amendment was agreed to.

Mr. HOAR. In section 35, line 36, I move to insert, before the word "the," where it occurs the first time, the word "all;" and in the same line to strike out the words "consenting are the only parties;" and in line 37, after the word "interested," to insert the words "have had opportunity to appear and prosecute the petition;" so as to read:

All parties interested have had opportunity to appear and prosecute the petition.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 35, line 36, after the words "satisfied that," it is proposed to insert "all;" and after the word "parties," where it first occurs in the same line, to strike out the words "consenting are the only parties;" and after the word "interested," in the next line, to insert "have had opportunity to appear and prosecute the petition;" so as to read:

If the issue is found against the petitioners, the petition shall be dismissed, but it shall not be dismissed for want of prosecution, or by consent of parties, unless the judge is satisfied that all parties interested have had opportunity to appear and prosecute the petition, or that the acts of bankruptcy have not been committed, &c.

The amendment was agreed to.

Mr. HOAR. In section 42, line 21, I move to strike out the words "levy, seizure;" so as to read:

And every attachment, garnishment, charge, or lien existing upon the property of the bankrupt, &c.

The amendment was agreed to.

Mr. HOAR. I should go back and strike out, in lines 16 and 17 of the same section, the words "and this whether judgments have been obtained or not." I move that amendment.

The amendment was agreed to.

Mr. HOAR. Now, in line 23 of the same section I move to strike out the word "judgment."

The amendment was agreed to.

Mr. HOAR. In line 25, of the same section I move to strike out the word "levied."

The amendment was agreed to.

Mr. HOAR. Then I move to strike out, in line 29, all after the word "appointment," down to and including the word "trustee," in line 30. In the print of the bill that I have line 29 follows line 27 in number, but not in the text. The amendment begins, "And the money or property in the hands of any officer," &c.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The CHIEF CLERK. In line 28 of the same section it is moved, after the word "appointment," to strike out all down to and including the word "trustee," in line 30; as follows:

And the money or property in the hands of any officer arising from such levy or seizure, before payment to the creditor, shall be the property of the trustee.

The amendment was agreed to.

Mr. HOAR. I move, in line 32 of that section, to strike out "levy."

The amendment was agreed to.

Mr. HOAR. I move to strike out the words "judgment or seizure," in line 33, and insert the word "or" after "lien;" so as to read:

Any such lien or attachment.

The amendment was agreed to.

Mr. HOAR. I move to strike out, in line 34, the words "was levied or," at the beginning of the line.

The amendment was agreed to.

Mr. SPOONER. Let section 42 as amended be read.

The PRESIDING OFFICER. The section as amended will be read.

Mr. HOAR. Let the reading begin at line 13, where the amendments begin.

The Chief Clerk read as follows:

And the trustees shall have the right to avoid any transfer which the judgment creditors or other creditors of the bankrupt, or any of them, might, by any way or means, have avoided; and the estate in his hands shall not be subject to any liens, charges, or incumbrances which, for want of record or otherwise, would not then have been valid as against the creditors of the bankrupt, or any of them; and every attachment, garnishment, charge, or lien, existing upon the property of the bankrupt, by virtue of any process, or proceeding against him by any creditor or creditors, at law or in equity, entered, or laid within three months before the bankruptcy, such period to be reckoned as herein provided in relation to acts of bankruptcy, shall be dissolved by such adjudication and appointment: *Provided*, That all the lawful and taxable costs and charges of the creditor and officer in respect to any such lien, or attachment, or of the suit in which it was laid, incurred in good faith, shall be a first lien upon the property affected thereby.

Mr. HOAR. Now, in section 45, line 8, I move to strike out the words "the wife of the bankrupt or" and all the rest of the section after the word "manner," in line 12.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 45, line 8, it is proposed to strike out the words "the wife of the bankrupt or;" and in line 12, after the word "manner," to strike out all down to and including the word "attendance," in line 15, as follows:

If the bankrupt's wife fail to attend after due notice, the bankrupt shall not be entitled to a discharge, unless he proves to the satisfaction of the court that he was unable to procure her attendance.

The amendment was agreed to.

Mr. HOAR. Now in section 67 at the end of the section I move to add these words:

And may admit any claim which may be duly established by competent evidence in cases where the proof required by section 66 can not be had.

I will state that section 66 requires an oath to be administered to the creditor or some duly authorized agent or attorney of his as preliminary to the proof. Now, suppose a man were absent in the East, or were where he could not be reached, his then place of abode not being known, and a promissory note against the debtor were left in the hands of some one, unless he made him an agent to prove his claim there might be doubt whether that claim could be proven at all without the form of oath prescribed in section 66, a searching oath to the conscience of the creditor. So it seems proper to provide that the court may admit a claim which is proved by competent evidence.

The amendment was agreed to.

Mr. HOAR. In section 78 I move to strike out all the section after line 30.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

The fact that a transfer was not made in the ordinary course of the debtor's business shall be *prima facie* evidence of fraud on his part and of a reasonable cause of belief thereof by the other party.

The period of six months shall be reckoned in the same manner as herein provided in respect to acts of bankruptcy.

The amendment was agreed to.

Mr. HOAR. Now, in section 83, line 10, I move to strike out after the word "or" the words down to "he," in line 12.

The PRESIDING OFFICER. The proposed amendment will be reported.

The CHIEF CLERK. In section 82, line 10, after the word "or," it is proposed to strike out all down to and including the word "he," in line 12, as follows:

Being a trader whose annual transactions exceed \$5,000, he has failed to keep proper books of accounts, or that he.

So as to read:

Or has without valid excuse failed to obey any order of the court.

The amendment was agreed to.

Mr. HOAR. In the same section I desire to amend a mistake in the printing simply. In line 17 there should be a period after the word "credit," and the next word "the" should begin with a capital letter.

The PRESIDING OFFICER. That correction will be made unless there is objection.

Mr. HOAR. In section 102, line 4, after the word "shall," I move to insert the words "knowingly and fraudulently." I think that is the intent of the section now.

The PRESIDING OFFICER. The proposed amendment will be reported.

The CHIEF CLERK. In line 4 of section 102, after the word "shall," it is proposed to insert the words "knowingly and fraudulently;" so as to read:

That any person who shall knowingly and fraudulently present any false or fictitious or substantially exaggerated debt or claim for proof against the estate of a bankrupt, or who shall knowingly and fraudulently use any false, fictitious, or exaggerated claim in composition, &c.

The amendment was agreed to.

Mr. HOAR. In section 103, I move to strike out after the word "person," in line 7, all down to the word "chancery," in line 12.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

And no judge shall appoint any person to office under this act who holds any other office of profit or emolument under the laws of any State or under the laws of the United States, excepting justices of the peace, notaries public, commissioners of deeds, and masters in chancery.

The amendment was agreed to.

Mr. GEORGE. Mr. President, I move to strike out sections 33, 34, 35, and 36, being all that part of the bill which provides for involuntary bankruptcy.

I am ready to vote for a bill which allows the unfortunate debtor to start again in life by a surrender of all his estate and getting a release from his debts; but I am not prepared to vote for an involuntary scheme of bankruptcy, especially if it be characterized as this is by very harsh proceedings. I call the attention of the Senate to some of them, so that we may know exactly what we are doing.

I will premise what I have to say, however, by stating that I have no very strong faith I shall succeed in the motion which I have made; but I believe it to be my duty to make it and present my reasons to the Senate for the adoption of the amendment as being just and proper.

In the first place, Mr. President, the whole theory of these sections is based upon a fallacy which I believe to be a great wrong to the people of this country. That fallacy, as claimed by the Senator from Massachusetts, is this, that when a man becomes insolvent he ceases to be the owner of his property; that it then becomes the right and the proprietorship of those whom he owes. That is not true by our law as it now is, and it is such a wrong that it ought not to be enacted into a law. It is peculiarly wrong in America, it is peculiarly contrary to the genius of our institutions and to the habits, the history, and the aspirations of our people. The common law is sound and good enough for us. I do not desire to change it. That law is that when a man becomes indebted and is insolvent he still remains the owner, the absolute proprietor of his property.

It is true that that proprietorship is clothed with an equitable trust which he is obliged to preserve, but the ownership of his property, the management of the property, the disposition of the property within legal rules belongs to him and not to his creditors, so that a man being in insolvent circumstances has no right to be generous at the expense of the creditor. He can not give away that which belongs to him so as to affect their rights; but he has the right in nearly every State in the American Union to so manage and control that property, without depriving any of his creditors of the benefit of it, without secreting it for the benefit of himself and family; with these exceptions he has the right to manage it as a trust for the benefit of his creditors.

This bill steps right in and says that when a man becomes insolvent he is either a knave or a fool; that he is not after that time to be allowed his ordinary rights secured to him by the law of the land to manage his property. It is to be taken out of his hand and put where? Put in the management of a court, which of all places, of all tribunals, of all agencies known to the human race, is the least fit to manage it with success. It is proposed to put it in the hands of a judge, and to put it in the hands of men who feel no interest in the preservation of his honor or in the increase of his assets, whose sole interest is official.

Complying with the law, they think they have discharged all that is incumbent on them.

Now, I say that idea is the foundation of this bill; that when a man becomes insolvent he is to be treated either as a knave who will rob his creditors, who will not make a fair and just disposition of his property for the benefit of those to whom he is indebted, or that he is a fool and incapable of so doing.

I am not willing to vote for a bill which is founded upon any such principle. I am not willing to say to the people of America that when misfortune overtakes them, when they are unable by reason of some calamity over which they have no control and for which they are not responsible, some calamity produced it may be by the Government itself perhaps, sometimes produced by the agents of the Government, the banks—I say I am not willing to say to the people of America when thus circumstanced, when they find themselves unable to meet at the day or within thirty days thereafter their obligations, that they shall no longer be trusted, that the management of their affairs shall be taken from them and given to a court.

A man who has the slightest knowledge of the habits, of the private history of the American people knows that it is a part of the history of every successful man, every energetic, pushing man, that some time in his life, for causes for which he is not responsible and over which he has no control, he may be unable to meet his obligations according to their letter, and yet that same man being left to manage his own property, to devote his own talents, his own energy, his own management to it, may be enabled afterward to pay every debt he owes and save the estate for himself. That is true; and it is a part of the glory of our institutions, of the blessings by which we are surrounded, that men thus circumstanced have the power, the ability to wrestle with adverse fortune and finally save themselves. This bill prohibits this. It says to the trader, "Whenever you remain thirty days in default on your commercial paper or on open accounts"—

Mr. HOAR. That is stricken out.

Mr. GEORGE. When?

Mr. HOAR. Just now.

Mr. GEORGE. Struck out this morning? How is it now?

Mr. HOAR. "Open accounts" are stricken out altogether.

Mr. GEORGE. Then on his commercial paper; and I can not see any justice in striking the one out and leaving the other to stand. If it is a debt, it is a debt. If he has agreed to pay it orally and it rests on an open account, he is as much bound in law, in honor, and in decency to pay it as if he had given his note. It is only a difference in evidence, as my friend from Louisiana [Mr. EUSTIS] suggests.

Mr. HOAR. Will the Senator pardon me for saying a word at that point? I do not wish to interrupt his speech or engage in a debate.

The difference is precisely this: that when the commercial paper is given both the creditor and the debtor know that they are putting the debt into a form which is privileged within the operation of the bankruptcy law. If they have an open account they know that it is not.

Mr. GEORGE. If an open account is by this bill brought within the operation of the bankrupt law, each party would know it just as much as he would in the case of commercial paper. It is only a question of knowing the law, and under our system every man is presumed to know the law.

A man then having given his note, if he is thirty days in default he is put into bankruptcy. It is understood and was decided by the Supreme Court of the United States under the old bankruptcy law that a default on commercial paper for the time specified in the act constitutes legal insolvency, and if a man were worth \$100,000 and went to protest and remained under protest for thirty days for but \$10,000, he would be no longer entitled to manage his estate—he became legally insolvent.

That does not suit the people of this country. It does not suit the agricultural people of this country, of any part of it. Especially it does not suit the agricultural people of the South and West. I will state to the Senate how those traders carry on business in the Southern States so that they may know how unjust the provision of this bill is. I will take my own State, which I suppose illustrates all of them. A large portion of the agricultural laborers there are colored people. They rent lands; they do not hire themselves to work. There are very few laborers in Mississippi working on the farms as laborers for wages. They rent lands, and a great many of them rent mules and agricultural implements; and then they get their supplies from the country merchant, commencing in the beginning of the year. He supplies them from time to time until the crop is gathered, when his debt is paid.

The country merchant buys goods from the North. A bad season comes; the price of cotton falls, as it did this year, from 10 to 7 cents a pound. His country customers are unable to meet their debts this year, though perfectly good, and he is unable to keep his engagements in New York and Boston. Yet he is perfectly solvent. There are no banks there to loan him money. There is no extra money in the country to borrow; what is to be done? He defaults on his note, and he is a bankrupt, when he is worth three or four or five times the amount of the debt for which he is put into bankruptcy. He has started with these colored people to supply them through the year. He fails in June.

He has advanced them half enough to make the crop. His store is closed. He has mortgages on these crops. The result is that failing to be able to furnish supplies until the end of the season he fails to collect one dollar from his customers. They must resort to some one else or they must abandon the fields they have undertaken to cultivate. Either one thing or the other must be done; either these laborers, these tenants who have rented these lands must, when the merchant who has undertaken to supply them for the year fails and is unable to supply them further, abandon the crop which they have planted or they must get somebody else to supply them. Nobody else will supply them as long as this prior lien exists on the crops.

Then again other calamities occur. An overflow comes, a storm, a long drought comes, and the country merchant who has his credit out among the agricultural people fails on that account to be able to get the means to keep his engagements, and yet with another crop, with another season, the debts are made good and very nearly all made good. But under this bill, whenever an occasion of that sort occurs, there is trouble. The merchant's credits are taken and sold by the trustee in bankruptcy; he pays, perhaps, 50 cents in the dollar and is ruined himself.

Then I object to this bill because it makes it an act of bankruptcy for a man to exercise his right accorded to him by the law of his State to prefer one creditor to another. It is not necessary for me to remark to the Senate how essential it is sometimes for a man in failing circumstances, how his honor requires, that he should pay one man in preference to another. At all events it is a right accorded to him by the law of nearly every State in this Union, and yet if he does anything of that sort he is made subject to these involuntary proceedings.

But then again, upon a point on which the Senator from Massachusetts and myself disagree materially, there is a provision in this bill of this very extraordinary character:

Or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences, shall be deemed to have committed an act of bankruptcy.

When the question was up a few days ago the Senator from Colorado [Mr. TELLER] animadverted with some severity upon this provision of the bill. The Senator from Massachusetts [Mr. HOAR] in response to that said that an assignment of that sort was void by the common law. I took issue with him upon that point, and I propose now to show that I was right and that the Senator from Massachusetts was wrong. I first read a well-recognized authority upon this subject; I read from Bump:

The creditors may reject the beneficiary interest given to them by the assignment, and if they do it falls to the ground and becomes a resulting trust for the debtor. But if the trust is for their benefit, the law presumes their assent to it until the contrary is shown.

That is where all the creditors reject it, upon the plain principle that you can not convey anything to anybody without his consent. You can not create a debt without the consent of the creditor; you can not make a conveyance of land without the consent of the grantee; you can not even pay a debt already created, to pay which you are under a legal obligation, without the creditor's consent. You may tender it to him and he may reject it. The debt is not paid by the tender. The only legal consequence resulting from a tender is simply a suspension of the interest until such time as the creditor accepts it. But says this same author:

The refusal of one or more creditors to accept does not render the deed invalid as to other creditors who desire to claim a benefit under it.

So, Mr. President, an assignment for the benefit of creditors, which is condemned by this bill even when made without any preference, is not void at common law as asserted by the Senator from Massachusetts. It is good at common law, and has so been pronounced by every jurist of any prominence in this country who has spoken on the subject. I read next from a decision made by Chief-Justice Marshall:

The first inquiry is into the validity of the general assignment to Mifflin and others, trustees for the creditors of West.

This instrument conveys to Samuel Mifflin, John Lapsley, and Henry Nixon all his estate, real, personal, and mixed, in trust, to sell the same as soon as conveniently may be, and to collect all debts due to the said West, and to pay and discharge the debts due from him, first to certain preferred creditors, and afterward to creditors generally.

Here is what Chief-Justice Marshall says upon that:

That a general assignment of all a man's property is *per se* fraudulent has never been alleged in this country.

Much less decided.

The right to make it results from that absolute ownership which every man claims over that which is his own.

Recognized everywhere except in this bankruptcy bill, which says that when a man becomes insolvent he does not own his property.

Mr. MAXEY. Allow me to suggest that at common law a debtor has a right to make preference to creditors, if he does so in good faith. The question is of good faith and not of right.

Mr. GEORGE. That is very true. The Senator from Massachusetts, however, charged that an assignment for the benefit of creditors with or without preference was void at common law. Chief-Justice Marshall says:

The right to make it results from that absolute ownership which every man

claims over that which is his own. That it is a circumstance entitled to consideration, and in many cases to weighty consideration, is not to be controverted.

Here is another decision, the case of *Mayer et al. vs. Hellman*, decided in 1875, and under the operation of the old bankrupt law, in the Supreme Court of the United States:

The validity of the claim of the assignee in bankruptcy depends, as a matter of course, upon the legality of the assignment made under the laws of Ohio. Independently of the bankrupt act there could be no serious question raised as to its legality. The power which every one possesses over his own property would justify any such disposition as did not interfere with the existing rights of others; and an equal distribution by a debtor of his property among his creditors, when unable to meet the demands of all in full, would be deemed not only a legal proceeding, but one entitled to commendation.

Condemnation, however, by the bill now under consideration—"commendation" in the opinion of the Supreme Court of the United States, but condemnation in the opinion of the Senator from Massachusetts and the bill which he is now pressing before the Senate. Then says the court:

Creditors have a right to call for the application of the property of their debtor to the satisfaction of their just demands; but, unless there are special circumstances giving priority of right to the demands of one creditor over another, the rule of equity would require the equal and ratable distribution of the debtor's property for the benefit of all of them. And so—

Here is the very point of it:

Whenever such a disposition has been voluntarily made by the debtor, the courts in this country have uniformly expressed their approbation of the proceeding. The hindrance and delay to particular creditors in their efforts to reach before others the property of the debtor, that may follow such a conveyance, are regarded as unavoidable incidents to a just and lawful act, which in no respect impair the validity of the transaction.

And so on. I will read some more:

It would be—

Says the Supreme Court in the case from which I am reading—

It would be in the highest degree injurious to the community to have the validity of business transactions with debtors, in which it is interested, subject to the contingency of being assailed by subsequent proceedings in bankruptcy. Unless, therefore, a transaction is void against creditors independently of the provisions of the bankrupt act, its validity is not open to contestation by the assignee, where it took place at the period prescribed by the statute anterior to the proceedings in bankruptcy. The assignment in this case was not a proceeding, as already said, in hostility to the creditors, but for their benefit.

There an assignment for the benefit of the creditors generally and equally, which the Senator from Massachusetts says the common law condemned and which the Supreme Court says the law does not condemn, was actually commended as a just and righteous and proper proceeding. That is a case in 91 United States Reports. Now I will read another, because the Senator from Massachusetts is a distinguished lawyer and generally very accurate in his statements and he gave a very positive opinion against what I regard as the law, and I desire to show where the truth is. In the case of *Reed vs. McIntyre*, 98 United States Reports, 509, an assignment made by one William H. Shuey was there attacked. The court says:

The right of a debtor at common law to devote his whole estate to the satisfaction of the claims of creditors results, as Mr. Chief-Justice Marshall declares, "from that absolute ownership which every man claims over that which is his own."

Citing the very case to which I have already called attention.

Assignments of property for such purposes, not made with the intent to hinder, delay, or defraud creditors, were upheld at common law, even where certain creditors were preferred in the distribution of the debtor's effects. Nor, according to the doctrines of the common law, could the validity of the assignment to Combs be assailed, simply because its effect was to prevent the appellant from obtaining by judgment and execution a priority and preference over other creditors.

And a great deal more to the same effect. So that this provision of the common law, that it is just and right when a man is in failing circumstances to allow him to make an assignment for the benefit of his creditors equally is, as the Supreme Court say, a just, right, and commendable action; but it is by this bill made a ground of putting a man into bankruptcy, fixing as a rule for the free citizens of this country that when they become insolvent they shall not have the right to do of their own will and by their own action that which the bankrupt law says shall be done for them. In other words, by the common law of this land a debtor in failing circumstances may divide his property out among his creditors equally—it is his duty to do it—and yet this bankrupt bill, which has the reason for its being that there shall be an equal distribution of the debtor's assets among the creditors, says if he does it it is an act of bankruptcy, for which he may be proceeded against and his property taken from him and wasted in bankrupt proceedings. That is not right. It is unjust. It is substituting, as I have intimated already, the worst of all possible agencies for the agency of the man himself. This bankruptcy bill does not allow a man after he becomes insolvent to remain honest. It presumes him to be dishonest, and if he undertakes to discharge the obligations which he owes to his creditors in the very identical mode which this bankruptcy bill provides he shall, that is, by making an equal distribution of his assets among his creditors, this bill says, "You have done an unlawful thing, and we will capture your estate and turn you out and give the administration of your estate to somebody else."

Mr. President, I have named the fundamental objection which I have to these clauses authorizing proceedings in involuntary bankruptcy.

Mr. HOAR. Before the Senator sits down I wish to ask him if he

understands that the debtor can make an assignment to his creditors which reserves any of the property to himself before any of the creditors are paid—that is, in trust, to pay a part of it to himself?

Mr. GEORGE. It is a fundamental principle in the law of all assignments by insolvents that nothing shall be reserved in the assignment for the benefit of the debtor; but that does not mean this, and I also wish the Senator to understand it that it does not prevent a debtor in making an assignment from leaving altogether out of the assignment a portion of his property. That is a very different principle. The debtor may make an assignment, in exact accordance with the decisions which I have read, for the benefit of all his creditors equally, or for the benefit of a part in preference and to the balance equally, transferring only that portion of his estate which is not by law exempt from execution.

Mr. HOAR. Mr. President, I do not wish in conducting this bill, when so many important measures are pressing upon the attention of the Senate, to take up any considerable time in debate myself. I submitted the bill without any discussion in the beginning, it had been discussed so fully heretofore. But I wish to say in a few sentences, if I can have the attention of the gentlemen who are present, that I am willing, without arrogating much capacity to myself—I possess very little compared with other Senators—to undertake to prove against all contradiction and all comers that this bill, looked at simply as a matter for the interest of the debtor, treating the creditor as having no rights that a white man is bound to respect, does the debtor more good than the absence of this bill can in any possibility do.

In the first place it gives the debtor a discharge from all debts due to persons outside of his own State, which he can not get in any manner known to the Constitution of the United States otherwise. In the next place it gives him as exempt from the claim of creditors everything that his State either now or hereafter may choose to exempt. In the next place it makes an exemption liberal and humane, whether the States make the exemption or not, and in addition to their exemption ordinarily, of \$500 to himself and a certain amount for the support of his family. In the next place it provides that the court may permit his business to be carried on for a year, and it is proposed to extend it for a year more before we get through, which any one man under the attachment or execution law of the State may stop in the absence of a bankrupt law. In the next place it provides for a composition by order of a majority of his creditors, which can not be done without a bankrupt law unless every single creditor agrees. In the next place it enables him to make a hundred times settlements on paying a percentage on a bargain with his creditors, which any one man who can jump on under the State attachment law and get the preference may stop without it. In other words, if I am an insolvent, an unfortunate debtor in failing circumstances, and my next-door neighbor knows that he can jump on to me first and secure all my property for himself to the extent of his debt, leaving out other creditors, he will not consent to let me pay 50 cents on the dollar, although that is all I can pay; and so with the next man, and the next. But if he knows that his attachment will not do him any good, and that if he has got it other creditors will come in and say, "You must divide this equally with us or you may have a composition under the direction of a court, or your debtor will be allowed to go on and manage his business for one year and again another year and your debtor will get a good deal more exemption under the bankrupt law than he will under the State law," the Shylock will consent.

Then here is another thing in this bankruptcy bill which does not belong to and which can not be had under any other system: The laborer gets his wages as a preferred debt. If a great manufacturer or a great planter fails, every dollar of his estate goes to his laborers before his business creditors get anything, and that is another humane proposition.

Mr. GEORGE. Will the Senator from Massachusetts allow me to interrupt him?

Mr. HOAR. Certainly; with a question, not a speech.

Mr. GEORGE. No speech. I desire to call the attention of the Senator from Massachusetts to that point about preference to laborers.

Mr. HOAR. I would rather you would do that after I get through.

Mr. GEORGE. Very well. Allow me to say that although the bankruptcy law gives them a preference out of the estate of the debtor, to be paid by the assignee or the trustee, it does not allow the debtor himself to pay them.

Mr. HOAR. No.

Mr. GEORGE. And the laborers have to employ a lawyer and go to court.

Mr. HOAR. The debtor very likely does not want to pay them; who knows? This bill gives to these workmen the absolute legal right to that property against all mankind, and the Senator from Mississippi says, "You can have it if your debtor chooses, and if your debtor does not you can not." That is the difference.

Then, Mr. President, the Senator says that I was wrong in the statement I made the other day, that a substitution for the remedy given by law by the debtor of an assignment of his own was void at common law. But whether that be true or not, that is not the point that determines this bill. The debtor can not make his voluntary assignment, as the Senator just admitted in answer to my question, and keep under

it anything for himself. I do not mean that he can not leave out a part of his property from the assignment, but he can not say that the trustee shall pay over to him any portion of the estate; and therefore, if he makes such an assignment and puts in a provision for himself it is void, as the Senator admits. If he does not put in it that part of his estate which this bill secures to him, every creditor may hop on to him by an attachment or a seizure or an execution and take it away. I say, if he does put in as a reservation what the bill gives to him his assignment is void, as the Senator just admitted; and if he does put it in, it is there exposed to the first creditor who comes along. This bill absolutely secures it to him.

Mr. GEORGE. But suppose he leaves out of the assignment the property exempt by law?

Mr. HOAR. But this bill gives him more than the property exempt by law. It gives him all that; it gives him \$500 for himself besides; it gives him a provision for the reasonable maintenance of his family for a certain time; and in addition to that it secures the opportunity, if it is thought best, for his business to go on for one year or two years, so that his laborers will not be turned out of employment and so that he may recover himself.

There is but one interest that this involuntary part of the bill attacks, which is the interest of the man who says, "I am going to get the whole of this property for myself. It is better for the debtor, it is better for the laborer, it is better for the debtor's family, it is better for his chance to go on and pay his debts and recover himself; but there is one man that it is not good for, and that is the fellow who stands by and says 'I will attach or seize on execution the whole of this man's property and put it in my own pocket, and the rest of his creditors may whistle, and he shall whistle for his discharge.'"

Why, Mr. President, what is this thing that my friend from Mississippi makes so much talk about in relation to taking away from a man the right to make an assignment himself? Suppose I am in debt and a bankrupt, and can not pay over 50 cents on the dollar, who are the people who ought to have the right to say who shall be the agent who shall manage that 50 cents' worth and make the division of the part that the creditors are to have? Should the creditors who own it or the debtor who does not own it and has got through with it? He has no interest in it under any system of law, whether this bankruptcy bill passes or not. I think if it is a thousand dollars I owe which is to be divided between my friend from Mississippi and my friend from Ohio, it is a little more reasonable for those two gentlemen to say whom they will employ to divide it than it is to leave it to me, although it is the payment of a debt which I owe to these two gentlemen; and that is all there is in this argument.

If there is anything in this bill that is inhumane or oppressive on the debtor, I say that in one, two, three, ten important particulars this involuntary part of the bankrupt law, as well as the voluntary part, confers on the debtor rights which he can not get under our Constitution in any other way. It gives him in the first place his freedom and the right to stand up and be a man again, and not have the chain of a perpetual indebtedness about his limbs ever after. It gives him \$500 to put in his pocket; it gives him the maintenance of his family for six months; it gives him a chance to go on in business; it saves him from having his estate gobbled up by one attaching creditor after another, making the costs swell up his burden in addition to the debt; and the only thing that it does not do, and which it will not do, and which it should not do, is that it says the men who live next door shall not stand by and attach this man's property and swell the burden of costs, leaving the creditors at a distance to go without.

Mr. GEORGE. Mr. President, I am very glad to hear that this bill is in the interest of the debtor. I have been unable to find out myself that it was so. The Senator from Massachusetts says that this is more liberal to the debtor than the State insolvent laws and the State exemption laws, and the Senator claims great credit because of this clause:

And the court may allow the bankrupt a sum of money not exceeding \$500 for his support pending the proceedings, if his circumstances require it.

The court may do it. The law does not give it to the debtor. The law allows the judge to give a man who owns property \$500 of it if he sees proper, and that is the great benevolence and the great bounty of this bankruptcy law!

Then again the Senator from Massachusetts said it was a great thing for the laborers of the country, that it gives them an absolute lien and preference upon bankrupt estates. I do not know what the law of Massachusetts is upon that subject, but I can tell the Senator what the law of Mississippi is upon that point. Every mechanic in Mississippi has a lien upon the work, the house, the building, or the structure of any sort upon which he labors. Further, every agricultural laborer in the State of Mississippi has a lien upon the crop until his wages are paid.

Mr. HOAR. The Senator will pardon me. This bill preserves all that expressly, and says that every lien that exists shall be preserved. And it says in addition to the laborer, if the crops burn, or the man gets it out of the place, or the house burns, you shall have the first lien on all the rest of his property.

Mr. GEORGE. Let me answer the Senator. The difference between the Senator and myself is this: When this bill was up two years ago I offered an amendment which was opposed by the Senator from Massachusetts and voted down, which allowed the insolvent owing his laborers to pay them their debts out of his estate without its being an act of bankruptcy. It was voted down. You compel the laborer to whom a debt of ten, fifteen, twenty, thirty, forty, or fifty dollars may be due to employ a lawyer, to await the dilatory proceedings of bankruptcy, to go 100 or 150 miles to the court, and then await the good easy time of the bankruptcy proceedings in order to get his money.

I venture to say that a laborer having money due him by a bankrupt will not, under this bill, in one case out of a hundred, be ever able to get one dollar in the way of dividend from the bankrupt trustee under the period of twelve months, and then only after the payment of a lawyer. That is a great boon to the laborer, is it not? Here is a bankrupt who owes him. Here is a bankrupt who knows he ought to have the money. Here is a laborer who depends on his daily or weekly wages for his living. The bankrupt becomes insolvent without his knowledge. The bankrupt is willing to give him his wages; he wants to give him his wages; he knows the laborer would like to have it; and yet by this bill if he pays one dollar to a laborer it is an act of bankruptcy, and if the laborer knows he is insolvent and accepts the money he will be compelled by the bankrupt court to surrender it. That is a great boon to the laborers of this country, is it not? Turning them over to the dilatory proceedings of the bankrupt court, to a lawsuit to recover wages which they ought to have at the end of every week in order to live.

Mr. HOAR. The bill provides for all that in section 73, which declares:

That the court may, at any time after the adjudication, order payment, in whole or in part, of privileged debts, according to their rank, without formal declaration of a dividend.

Mr. GEORGE. Yes, "the court may" do it, but will the court do it?

Mr. HOAR. Always.

Mr. GEORGE. Who knows what the courts will do? They have got to convert the assets of the bankrupt into money; they have got to pay what fees are due, and then these laborers have to employ a lawyer, prove their claim, send it up to the court, and then if there is any money in hand, and the court sees proper to do it, the court may give them their money.

Mr. HOAR. There is a list of the creditors handed in at the time the bankrupt proceeding begins, showing who they are. If he does not do it he would not be discharged. The court then orders the debts to be paid.

Mr. GEORGE. The court can not order a single debt to be paid until it is proved.

Mr. HOAR. The Senator will permit me, because I have had a good deal of personal experience in administering a law like this.

Mr. GEORGE. So have I, and I never knew a bankrupt estate conducted in my life without ruining everybody, creditor and debtor.

Mr. HOAR. That has not been the experience in our State. Our people have been entirely satisfied, and the laboring classes more than anybody else. If the Senator means to say that there is no knowing what the court will do, that is applicable to all laws. We must not have any laws if we can not trust our courts. But under the provision, as I have seen it administered all my life, there was a list of the workmen, their wages, to whom to be paid, &c. This is the first bill that ever gave them all their wages in full. The old law gave them their wages for three months in full, not exceeding \$100.

Mr. GEORGE. Does the Senator know how the provision comes in this bill about giving them their wages? It was done on my motion.

Mr. HOAR. If the Senator is making his excellent speech to show how high an opinion we ought to have of him I will agree to it, as everybody will who hears him. It is a most excellent provision; I am very glad the Senator put it in; but I was talking about a provision the Senator has not put in his own good one, and I thought he was attacking it as insufficient.

Mr. GEORGE. I am attacking it; I am attacking the bill because it does not contain another provision which I undertook to put in, and that was that the bankrupt himself might discharge these debts to his laborers.

The Senator from Massachusetts says all these debts are returned in a schedule by the debtor, and the court has nothing to do but to look at the schedule and order the debts to be paid. I say that is not the provision of the bill. I say that no man—and I call the Senator's attention to it—that no creditor can be paid until he has proved his debt according to the forms laid down in this bill. We all know how these small debts due to laborers are postponed. The court is held 100 or 150 miles in Southern and Western States from the place of the laborers' residence. They never see the assignee and never see the court, and some little speculator goes around and offers for a certain percentage, one-half or two-thirds, to collect their debt. So this bill instead of being in favor of the laborer is directly against his interest.

I do not care to say anything more on that point.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. HOAR. I move to lay the amendment of the Senator from Mississippi on the table, the debate being over.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] moves to lay on the table the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Several SENATORS. Let the amendment be read.

Mr. GEORGE. The amendment is to strike out all the sections of the bill which provide for involuntary proceedings in bankruptcy. It is simply to test the sense of the Senate on that question.

Mr. HOAR. It is not necessary to read those sections.

Mr. GEORGE. Oh, no.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts [Mr. HOAR] to lay on the table the amendment of the Senator from Mississippi.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were here, he would vote "nay."

Mr. McPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. I do not know how he would vote on this question, but I withhold my vote.

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. SPOONER (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea" on this motion.

The roll-call was concluded.

Mr. ALLISON. On this question I am paired with the Senator from Indiana [Mr. VOORHEES]. I do not know how he would vote. Therefore I refrain from voting. If he were present, I should vote "yea."

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RAMSON].

Mr. CHACE (after having voted in the affirmative). I am paired with the Senator from Delaware [Mr. GRAY], and withdraw my vote.

Mr. KENNA (after having voted in the negative). I am paired with the Senator from Minnesota [Mr. SABIN]. I withdraw my vote and announce the pair.

Mr. BERRY. I was requested by the Senator from Kentucky [Mr. BECK] to announce that he was paired with the Senator from Maine [Mr. HALE]. If he were present, the Senator from Kentucky would vote "nay."

Mr. WALTHALL. I was requested by the Senator from Kentucky [Mr. BLACKBURN] to announce his pair with the Senator from Nebraska [Mr. MANDERSON]. The Senator from Kentucky, if present, would vote "nay."

Mr. HALE. My colleague [Mr. FRYE] is paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 11, nays 21; as follows:

YEAS—11.			
Aldrich,	Dawes,	Hoar,	Palmer,
Blair,	Dolph,	McMillan,	Wilson of Iowa.
Bowen,	Edmunds,	Morrill,	
NAYS—21.			
Berry,	Conger,	Ingalls,	Van Wyck,
Brown,	Eustis,	Mitchell of Oreg.,	Walthall,
Butler,	George,	Plumb,	Whitthorne.
Call,	Hampton,	Pugh,	
Cockrell,	Harris,	Teller,	
Coke,	Hearst,	Vance,	
ABSENT—44.			
Allison,	Gibson,	Mahone,	Riddleberger,
Beck,	Gorman,	Manderson,	Sabin,
Blackburn,	Gray,	Maxey,	Saulsbury,
Camden,	Hale,	McPherson,	Sawyer,
Cameron,	Harrison,	Miller,	Sewell,
Chace,	Hawley,	Mitchell of Pa.,	Sherman,
Colquitt,	Jones of Arkansas,	Morgan,	Spooner,
Cullom,	Jones of Florida,	Payne,	Stanford,
Evarts,	Jones of Nevada,	Pike,	Vest,
Fair,	Kenna,	Platt,	Voorhees,
Frye,	Logan,	Ransom,	Wilson of Md.

The PRESIDING OFFICER. There is not a quorum voting. The roll of Senators will be called.

The Secretary proceeded to call the roll, and 49 Senators responded to their names. During the call,

Mr. PLATT. I desire to say that my colleague [Mr. HAWLEY] was

called home at the last of the week and that he will not be present in the Senate until to-morrow.

The PRESIDENT *pro tempore*. Forty-nine Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Massachusetts [Mr. HOAR] to lay on the table the amendment proposed by the Senator from Mississippi [Mr. GEORGE]. The yeas and nays will be again called on this motion.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES]. I may have to vote to make a quorum, but I withhold my vote for the present.

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY] on all questions.

Mr. COKE (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. On this question, if he were here, I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I should vote "nay," if not paired.

Mr. McPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL].

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]; otherwise I should vote "nay."

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN], but I presume, on good authority, that he would vote on this bill and all amendments to it as I would. Therefore, I vote "nay" on this motion.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. SPOONER (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If I were at liberty to vote, I should vote "yea."

The roll-call was concluded.

The PRESIDENT *pro tempore*. There is a quorum present, but not a quorum voting.

Mr. HOAR. The vote has not been announced yet.

The PRESIDENT *pro tempore*. The Chair is so advised.

Mr. HOAR. I do not rise to make a criticism on the Chair, but to state that there has been no formal or official discovery that we had not a quorum voting, and there is manifestly a quorum in the Chamber. I wish to inquire, therefore, of the Chair if it be in order for me to ask a unanimous consent at this time? If it be, I ask unanimous consent the bill may stand over until to-morrow morning. It seems to me probable that this vote discloses the opinion of a majority of the Senate against the fundamental measure of the bill, and if I should remain of that opinion to-morrow morning at this time, I should ask to postpone the bill until December or make some other provision which will be satisfactory to the Senate. Senators will see that that is a grave responsibility for me to take without having the opportunity to consult with my associates in the Chamber. I therefore ask unanimous consent that the bill stand over until to-morrow at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent of the Senate that the bill stand over until to-morrow at 2 o'clock. There is a quorum present. The Chair has ascertained that fact by an absolute count.

Mr. GIBSON. I wish to vote "nay."

The PRESIDENT *pro tempore*. Many Senators on both sides are paired with Senators who are absent. There is much more than a quorum present. Is there objection to the request of the Senator from Massachusetts?

Mr. ALLISON. I was about to say that with the consent of gentlemen I will vote on this motion so as to make a quorum. I vote "yea."

Mr. HOAR. I suggest, also, that we proceed with the land bill, if Senators see fit.

Mr. KENNA. Is there a quorum voting?

The PRESIDENT *pro tempore*. There is now a quorum voting.

Mr. COKE. I object to consent being given to the proposition of the Senator from Massachusetts. Let the vote be announced.

The vote was announced—yeas 14, nays 25; as follows:

YEAS—14.

Aldrich,	Dawes,	Hoar,	Sherman,
Allison,	Dolph,	McMillan,	Wilson of Iowa.
Blair,	Edmunds,	Morrill,	
Bowen,	Hale,	Palmer,	

NAYS—25.

Beck,	Eustis,	Mitchell of Oreg.,	Vance,
Berry,	George,	Payne,	Van Wyck,
Brown,	Gibson,	Plumb,	Walthall,
Butler,	Hampton,	Pugh,	Whitthorne.
Call,	Harris,	Riddleberger,	
Cockrell,	Hearst,	Stanford,	
Conger,	Ingalls,	Teller,	

ABSENT—37.

Blackburn,	Gorman,	Mahone,	Saulsbury,
Camden,	Gray,	Manderson,	Sawyer,
Cameron,	Harrison,	Maxey,	Sewell,
Chace,	Hawley,	Miller,	Spooner,
Coke,	Jones of Arkansas,	Mitchell of Pa.,	Vest,
Colquitt,	Jones of Florida,	Morgan,	Voorhees,
Cullom,	Jones of Nevada,	Pike,	Wilson of Md.
Evarts,	Kenna,	Platt,	
Fair,	Logan,	Ransom,	
Frye,	McPherson,	Sabin,	

The PRESIDENT *pro tempore*. On this question the yeas are 14 and the nays 25. So the motion to lay the amendment on the table is lost.

Mr. HOAR. Does the Senator from Texas now, after the declaration of the vote, further object to my suggestion? It is merely for the convenience of the Senate.

Mr. PLUMB. I think a motion I will make will probably answer the Senator's purpose just as well. He will have no trouble in getting up the bill at any time a majority favors it. I move that the Senate proceed to the consideration of Senate bill 188, to prevent the acquisition of real property by aliens.

Mr. HOAR. That will answer my purpose just as well.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of Senate bill No. 188.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th of May approved and signed the act (S. 767) for the relief of John Leathers.

The message also announced that the President had on the 29th of May approved and signed the act (S. 2136) for the relief of Edward Fenlon.

The message further announced that the President had on this day approved and signed the following acts:

An act (S. 1093) granting a pension to H. R. Duke;

An act (S. 1830) granting a pension to C. A. Bailey; and

An act (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

M. ROMAHN—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return herewith Senate bill No. 1441, entitled "An act granting pension to M. Romahn."

The beneficiary named in this bill enlisted September 13, 1862, and was discharged May 24, 1865.

He filed his claim in the Pension Bureau December 5, 1882, alleging that in the winter of 1862, from being put on duty—standing guard excessively—he became afflicted with varicose veins. His army record shows no disability of any kind, though he served more than two years after the date at which he alleges his injury was incurred. His application was rejected on the ground that no record of his disability appeared, and that the evidence of the same filed upon such application was insufficient.

The claim now made to Congress for relief is the same as that made to the Pension Bureau with the allegation added that in May, 1865, his breast and shoulder were injured by a railroad accident while he was on detail duty.

If the latter-described injury really existed it is exceeding strange that it found no place in his claim before the Pension Bureau; while the account given of the cause of his alleged varicose veins must surprise those who are at all familiar with the character of that difficulty and the routine of army service. His continued performance of military duty after he incurred this infirmity, the fact that he made no claim for pension on that account until twenty years had passed, and the unsatisfactory evidence now produced to support his allegation tend to induce the suspicion that the decision of the Pension Bureau was entirely just and that this bill is not based upon substantial merits.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 1, 1886.

UNION PACIFIC RAILROAD.

Mr. PLUMB. I ask leave at this time to present a resolution and that it be read, and then, as I understand the Senator from Vermont [Mr. EDMUNDS], to whom I have shown it, would prefer to have it go to the Committee on the Judiciary, I shall ask for that reference.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be received at this time and read.

The resolution was read, as follows:

Whereas there is now pending before the Judiciary Committee of the Senate Senate bill No. 1609, authorizing the use of public moneys in building branch lines of railroad for the benefit of the Union Pacific Railroad Company, and there is also pending before the same committee Senate bill No. 2395 authorizing said company to construct branch lines by means of stock and bonds issued on the same, and there is also pending before the Senate Senate bill No. 1200, providing for extending the payment of the debt owing by said company to the Government for a long period of time; and

Whereas it was charged on the floor of the Senate on Friday, May 28, that said Union Pacific Railroad Company had issued a large amount of fraudulent stock which is still outstanding, adding to the burden of the people who do business over said road: Therefore,

Resolved, That it is the sense of the Senate that no legislation affecting said railroad company should be considered until said charge concerning the fraudulent issue of stock be thoroughly investigated, and the Committee on the Judiciary of the Senate be, and is hereby, directed to cause said charge to be investigated and to make full report thereon to the Senate, and for that purpose is empowered to send for persons and papers, administer oaths, and the expenses of said investigation shall be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the resolution be referred to the Committee on the Judiciary.

Mr. PLUMB. I was going to say that I exhibited the resolution to the chairman of the Committee on the Judiciary before offering it, and he said he wished it to go to the committee. I have no objection to its taking that course.

Mr. EDMUNDS. That was the motion I intended to make without any comment or criticism upon what the mover of the resolution desires to say as to whether it is well-founded or mistaken, that the subject before the adoption of the resolution should go to a committee for consideration. Therefore I move to refer the resolution, for much or for little, to the Committee on the Judiciary.

Mr. VAN WYCK. I suggest to the Senator from Kansas to insert, after the words "fraudulent issue of stock," the words "and issue of bonds," and let the whole matter go before the committee.

Mr. PLUMB. I accept that amendment, making it read "fraudulent stock and bonds."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

ACQUISITION OF REALTY BY ALIENS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 10, after the word "acquired," to insert the words "by devise or inheritance, or;" and in line 12, after the word "debts," to insert the words "hereafter created;" so as to read:

That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by devise or inheritance or in good faith in the ordinary course of justice in the collection of debts hereafter created.

The amendment was agreed to.

The next amendment was, to add, at the end of section 1, the following proviso:

Provided, That the prohibition of this section shall not apply in such cases as the right to hold lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights shall continue to exist so long as such treaties are in force.

The amendment was agreed to.

The next amendment was, in section 2, line 1, before the word "per centum," to strike out "ten" and insert "twenty;" and in line 5, after the word "acquire," to insert "or shall;" so as to make the section read:

SEC. 2. That no corporation or association more than 20 per cent. of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or shall hold or own any real estate so hereafter acquired in any of the Territories of the United States or of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "Congress," to strike out the remainder of the section in the following words:

And all lands of any such railroad, canal, or turnpike corporation, whether acquired before or after the passage of this act, which shall not be necessary for railroad, canal, or turnpike purposes as aforesaid, shall be disposed of by the corporation holding or owning the same within ten years next after the passage of this act; and if any such lands shall not be so disposed of, the same shall be forfeited to and become the property of the United States.

The amendment was agreed to.

Mr. CALL. I should like to hear from the chairman of the committee reporting the bill some explanation of it as to the public policy which requires it.

Mr. PLUMB. That can be stated in a very few words. The committee believed that persons who are not citizens of the United States or who have not declared their intention to become such should not be permitted to hold real estate within the jurisdiction of the United States.

Mr. GEORGE. In the Territories?

Mr. PLUMB. The measure of course is limited, and the committee think that at least a safe limitation, to the Territories and the District of Columbia. Within that domain at all events, Congress has undoubted jurisdiction.

Mr. GEORGE. Does it apply to those who already own land?

Mr. PLUMB. We do not touch them. The bill operates *in futuro*.

Mr. GEORGE. It relates to subsequent acquisitions entirely?

Mr. PLUMB. To subsequent acquisitions entirely, and also is limited. It excepts cases where there are treaty stipulations permitting ownership of real estate by aliens.

Mr. CALL. The section of the bill to which I referred was the third, which reads:

That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own over 5,000 acres of land so hereafter acquired in any of the Territories of the United States.

Mr. PLUMB. I do not understand the comment of the Senator.

Mr. CALL. It is the section prohibiting corporations from owning land, the third section of the bill, to which I refer.

Mr. PLUMB. In regard to that, the committee believed that the safest ownership of land was that of natural persons, and that corporations should not have unlimited power to hold or own real estate beyond their corporate necessities, such as the right-of-way for railroads, canals, &c. That the committee believed to be a very wholesome limitation. In fact, I think if it had not been a new subject, and the committee therefore desired to be upon conservative and safe ground, the limitation would have been made much smaller than it is. Personally, so far as I am concerned, I wish it were an absolute prohibition against any holding except such as shall be absolutely necessary for the corporate purposes, to a very limited extent always; but the committee thought that in beginning legislation of this kind perhaps the amount of 5,000 acres would be safe.

Mr. GEORGE. Would it not be better to limit it as to value instead of the number of acres?

Mr. PLUMB. The trouble about that would be that the value is a subject of fluctuation; it is a subject of estimation, being different in the minds of different persons. A corporation might estimate its real estate at a much less value than it might be appraised for some other purpose or by other persons. So the committee sought to limit it to a certain area.

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

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

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GEORGE. I offer the following resolution, and I ask to have it printed and lie over:

Resolved, That Senate bill No. 714 be recommitted to the Committee on the Judiciary with instructions to report it so amended as to provide for voluntary proceedings in bankruptcy only.

Mr. McMILLAN. Let that lie over.

The PRESIDING OFFICER (Mr. HALE in the chair). The resolution will lie over.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the third, fourth, and sixth amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and further insisted upon its amendment to the fifth amendment of the Senate to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM managers at the further conference on its part.

Mr. PLUMB. I ask the Chair to lay before the Senate the message from the House relating to the Post-Office appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the third, fourth, and sixth amendments of the Senate to the Post-Office appropriation bill, further insisting upon its amendment to the fifth amendment of the Senate to the bill, and asking a further conference with the Senate on the disagreeing votes.

Mr. PLUMB, from the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the Post-Office appropriation bill, reported that, having met, after full and free conference the committee were unable to agree.

On motion of Mr. PLUMB, it was

Resolved, That the Senate further insist upon its amendments to the said bill numbered 3, 4, and 6, disagreed to by the House of Representatives, further insist upon its disagreement to the amendment of the House to the amendment of the Senate numbered 5, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the presiding officer.

The PRESIDING OFFICER appointed Mr. PLUMB, Mr. MAHONEY, and Mr. BECK as the conferees on the part of the Senate.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

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

Mr. SHERMAN. I ask the Senator who has charge of the bill to allow me to call up the Chinese restriction bill without displacing the present order.

Mr. PLUMB. The pending bill will then come up as the special order to-morrow?

Mr. SHERMAN. It will be the unfinished business.

Mr. PLUMB. All right.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (S. 1991) supplemental to and amendatory of an act to

execute certain treaty stipulations relating to Chinese, approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

I make this motion without displacing the unfinished business, which will come up to-morrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of the bill indicated by him.

Mr. DOLPH. I have the floor, I believe, on the pending bill, having yielded to the Senator from Ohio several days since to take up the Chinese restriction bill, and having again yielded to the Senator from Nebraska on Friday last, who occupied the afternoon. I am glad to give way to the Senator from Ohio again, but I should like to have the fact recognized that I still retain the floor and have not concluded my remarks.

Mr. SHERMAN. That is true; the Senator from Oregon is entitled to the floor whenever the bill comes up again.

CHINESE IMMIGRATION.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of Senate bill 1991.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1991) supplemental to and amendatory of an act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

Mr. SHERMAN. I ask for the reading of the amendments. I have no remarks to make about the bill. The first question I think is on the amendment reported from the committee to section 3. All the amendments of the committee have not yet been acted upon.

Mr. ALLISON. What is the bill now before the Senate?

The PRESIDING OFFICER. Senate bill 1991, supplemental to and amendatory of an act to execute certain treaty stipulations relating to Chinese.

Mr. McMILLAN. The indemnity bill I thought was taken up.

Mr. SHERMAN. There are two bills reported from the Committee on Foreign Relations. I hope both will be passed. One relates to a modification of the laws which were intended to execute certain treaty stipulations; the other is to pay an indemnity for damages and injuries done by a mob. The bill now before the Senate is the bill relating to the treaties. I ask that the pending amendment may be stated.

The CHIEF CLERK. In section 3, line 130, after the word "issued," the Committee on Foreign Relations report to strike out the following words:

That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge any such certificate, or knowingly transfer, utter, or have in possession, with intent to use the same, any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding \$1,000, and imprisoned in a penitentiary for a term of not more than five years.

Mr. HOAR. I thought the bill taken up was to indemnify certain Chinese who were injured in Wyoming Territory. That was stated by the Chair.

Mr. SHERMAN. No; it is the Chinese restriction bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Foreign Relations.

The amendment was agreed to.

The next amendment was, in section 3, line 175, after the words "United States," to strike out the words "at any time within two years from the date of the issuance of the certificate;" so as to read:

The return certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return and re-enter the United States upon producing and surrendering the said certificate to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, subject to the restrictions and limitations hereinafter provided as to the number of Chinese passengers who may come into the United States on any one vessel from any foreign port or place; and said return certificate, and the certificate issued under the acts to which this act is amendatory and supplementary, shall be the only evidence of the right of any Chinese laborer to return to and re-enter the United States.

The amendment was agreed to.

The next amendment was, in section 5, after the word "upon," in line 7, to insert the words "his or her application, and upon;" so as to read:

That for the purpose of identifying any Chinese person other than a laborer now or hereafter residing or being in the United States, and desiring to depart temporarily therefrom, with the intention of returning to the United States, the collector of customs of the district from which such Chinese person other than a laborer desires to depart shall register such person upon his or her application, and upon being furnished with the photograph of the applicant as in the case of a Chinese laborer, and shall issue, without cost or charge to such Chinese person, the preliminary and return certificates in all respects similar to those provided for the identification of Chinese laborers by the act to which this is supplementary and amendatory, as amended in this act, and in accordance with such further provisions relating thereto as are made in this act, such changes to be made as the different character, occupation, and circumstances of the applicant may require.

The amendment was agreed to.

The next amendment was, in section 5, line 20, after the word "laborers," to strike out the words:

The purpose and effect of such certificate as evidence shall be the same as is provided in the cases of similar certificates issued to Chinese laborers.

The amendment was agreed to.

The next amendment was, in section 5, line 23, after the word "certificate," to strike out the words "as herein described;" and after the words "shall be," in the same line, to strike out the words "the only" and insert "sufficient;" so as to read:

And such a certificate shall be sufficient evidence of the right of any Chinese person other than a Chinese laborer, temporarily departing, to re-enter the United States.

The amendment was agreed to.

The next amendment was, in section 5, to strike out lines 26 to 30, inclusive, in the following words:

All the provisions relating to certificates issued to Chinese laborers, and to the parties to whom they are issued, and all the restrictions and limitations therein contained, shall be equally applicable to the certificate provided for in this section, and to the parties to whom they are issued.

The amendment was agreed to.

The next amendment was, in section 7, line 23, after the word "afore-said," to insert:

But the provisions of this act shall not preclude a judicial inquiry into and determination of the right of any person to come into the United States.

The amendment was agreed to.

The next amendment was, in section 8, line 2, after the word "master," to insert "or other person in charge;" in line 3, after the word "vessel," to insert the word "whether;" in line 4, after the word "by," to strike out the words "a citizen of any foreign country" and insert the words "an alien;" and in line 10, after the word "nor," to strike out the words "shall any person leave any foreign port or place and;" so as to read:

SEC. 8. That on and after ninety days after this act takes effect, no master or other person in charge of any vessel, whether owned in whole or in part by a citizen of the United States or by an alien, shall take on board any such vessel, at any port or place within the Chinese Empire or at any other foreign port or place whatever, any number of Chinese passengers, whether male or female, exceeding one passenger to every 50 tons of the registered tonnage of such vessel, with intent to bring such passengers to the United States, nor bring Chinese passengers on board any vessel to any number exceeding one passenger to every 50 tons of the registered tonnage of such vessel, on one voyage, within the jurisdiction of the United States.

The amendment was agreed to.

The next amendment was, in section 8, line 17, after the word "weather," to insert:

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, for each passenger so taken on board and brought within the jurisdiction of the United States exceeding the number of one passenger to every 50 tons of the registered tonnage of such vessel, be fined \$500, and may also be imprisoned for not exceeding six months. That the amount of the several penalties imposed by this section shall be a lien on the vessel violating the same, and such vessel shall be libeled therefor in the district court of the United States within which district such vessel shall arrive or be found.

The amendment was agreed to.

The next amendment was to strike out section 9 of the bill in the following words:

SEC. 9. That whenever the master or other person in charge of any such vessel takes on board the same, at any foreign port or place, on and after ninety days after this act takes effect, any greater number of Chinese passengers than is prescribed in the preceding section, with intent to bring such passengers to the United States, and leaves such port or place and brings such passengers to any number exceeding one passenger to every 50 tons of the registered tonnage of such vessel, on one voyage, within the jurisdiction of the United States, he shall be deemed guilty of a misdemeanor, and shall, for each passenger so taken on board and brought within the jurisdiction of the United States exceeding the number of one passenger to every 50 tons of the registered tonnage of such vessel, be fined \$500, and may also be imprisoned for not exceeding six months. That the amount of the several penalties imposed by this section shall be a lien on the vessels violating the same, and such vessels shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive.

The amendment was agreed to.

The next amendment was, in section 10 [9], in line 5, after the word "Government," to insert the words "or any other government;" and in line 6, after the word "thereof," to insert "or their body or household servants;" so as to make the section read:

That the limitations herein provided as to the number of Chinese passengers that may be carried by any vessel on any one voyage to any port or place in the United States shall not apply to persons officially connected with the Chinese Government or any other Government, or any embassy thereof, or their body or household servants, or to persons rescued from shipwreck during the voyage of and by the vessel bringing the same within the jurisdiction of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the amendments reported by the Committee on Foreign Relations.

Mr. MITCHELL, of Oregon. Mr. President, I do not intend to occupy the time of the Senate at any length. I wish, however, to make an observation or two before the final vote is taken on this bill.

I shall support the bill, of course, not because I believe that it is in scope and character such a bill as the American Congress should enact, but because I believe it is a great improvement upon existing legislation on this subject. I shall support it upon the principle that a piece of a loaf is better than no bread. I shall support it, moreover, because it is one more step in advance in the position taken by the American Congress in reference to this great question.

This bill is a great improvement, permit me to say, in my judgment, upon any bill that has ever heretofore at any time been reported by any committee of either branch of Congress upon this question. As a mere measure of restriction, I have no kind of doubt that it is as strong and effective as any bill could well be drawn and at the same time have

kept within the provisions of our treaty stipulations with China. To have gone a step further would have been to declare what I may say that I in common with I think ninety-seven one-hundredths of all the people of the Pacific States and Territories irrespective of party believe ought to be done, and that is to enact an absolute exclusion act, and to that extent abrogate any provision that may exist inconsistent therewith in our treaties with China.

But evidently the pending bill, which as I have said is one of the best bills ever reported by any committee on this subject, is as radical a measure as we can hope to enact into law at this session of Congress. Therefore, while I desire personally to go much further than this bill goes, I give to the bill my earnest and cordial support.

When this bill was under consideration a few days since my friend from Massachusetts [Mr. HOAR] made this statement:

This proposed act, and the statute of which it is an amendment, and the treaty which those two statutes profess to carry into effect, will in my judgment be regarded, if civilization be preserved on this continent, in future ages as among the great blots on the history of the human race.

While my friend from Kansas [Mr. INGALLS] used the following language in speaking of the bill in a parenthetical manner:

Which all affirm is a disgrace to American civilization.

I wish to remind my friend from Massachusetts of a fact or two in history which evidently escaped his mind. Nineteen years ago last January in this Chamber his distinguished predecessor, Charles Sumner, reported from the Committee on Foreign Relations a resolution, and the resolution was unanimously adopted by the Senate, which read as follows:

Whereas the traffic in laborers transported from China and other Eastern countries, known as the cooly trade, is odious to the people of the United States as inhuman and immoral; and

Whereas it is abhorrent to the spirit of modern international law and policy, which have substantially extirpated the African slave trade, to permit the establishment in its place of a mode of enslaving men different from the former in little else than the employment of fraud instead of force to make its victims captive: Therefore,

Be it resolved, That it is the duty of this Government to give effect to the moral sentiment of the nation through all its agencies for the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands.

Mr. Sumner, in reporting that resolution, made this statement:

I will read—

Said he:

I will read a very brief letter which has been put into my hands, dated "Hong Kong, November 14, 1866." It will be seen that it is a very late letter for one coming so far. It is as follows:

"Hard times are upon the Chinese and the cooly trade flourishes. Twenty-two vessels were loading at one time at Macao. The negro slave trade was never half as bad as this traffic, which will ruin regular migration of the Chinese. It is time a stop had been put to this business. So much rascality is done in it that the Chinese suspect every offer of going abroad."

The resolution was adopted. It will be observed that this resolution, reported by Senator Sumner from the Committee on Foreign Relations of the Senate, declared that it was the duty of this Government to give expression to the moral sentiment of the nation through all its agencies, for what purpose? "For the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands." That is the sum and substance of the whole business. Every man who comes here from China is a cooly; it is the cooly immigration that is the curse of this country.

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

Mr. MITCHELL, of Oregon. Not just now, because the Senator from Massachusetts would not yield to me for a question the other day.

Mr. HOAR. I was uttering my last sentence when I declined to yield to the Senator.

Mr. MITCHELL, of Oregon. There is one other matter of which I desire to remind my friend. I had the honor of sitting in a national convention of the Republican party in Chicago. I had the pleasure of seeing my friend the Senator from Massachusetts preside over that convention, as he did with dignity and distinction and credit. I further heard in that convention a resolution adopted appointing a committee to draught resolutions expressive of the sense of the convention. That committee was appointed. That committee reported a series of resolutions to the convention, and I heard my friend the Senator from Massachusetts as chairman of the convention declare that those resolutions were unanimously adopted by the convention. This was one of those resolutions:

6. Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment, under the exercise of both these powers would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result.

I might refer, if I desired to occupy time, which I do not, to other conventions of both political parties and of all political parties. Commencing with 1876 there never has been a national convention held in the United States of any political party that has not resolved upon this question and declared in substance and effect, some of them stronger and some of them weaker, that the immigration of the Chinese into this country was a great evil, and one, as some of the resolutions declared, that ought to be prevented in the future.

I do not wish to take up time. I simply rose to call the attention of my friend from Massachusetts to these bits of history which had evidently escaped his mind, or he has perhaps changed his opinion upon this subject. I hope the bill will pass.

Mr. HOAR. I desire to assure the Senator from Oregon that his interruption of my remarks was when I was uttering the very last sentence.

Mr. MITCHELL, of Oregon. I make no point against the Senator on that.

Mr. HOAR. The Senator has made a point about it in public, and he has drawn the inference that something has been said here by me inconsistent with the resolutions read or with Mr. Sumner's attitude. It is perfectly well known that Mr. Sumner denounced the kind of legislation which is now before the Senate with all that impassioned eloquence which on a question of human rights was surpassed by no other which ever came from human lips and of which he was master. The resolution against the cooly trade which Mr. Sumner introduced he supported by an argument, one sentence in which has been read, which set forth among other things that it would destroy the regular immigration of the Chinese to this country.

Here is a bill which prohibits the voluntary immigration of any man of the Chinese race, provided he be a laborer. It is a bill which undertakes to dishonor manhood and to dishonor labor, and it is a policy which has been persisted in notwithstanding the offer that was made to gentlemen who represented the Government at Asiatic ports, Government agents.

Mr. Seward was offered the support of the Chinese Government and of the very skillful and able Chinese ministry to prevent the coming over to this country of any cooly, of any pauper, of any person of abandoned character, of any person who did not come here to make a home and make himself a workman and a laborer.

So of the resolutions of the Republican convention of 1880, of which you yourself, sir [Mr. HALE in the chair], were an eminent member. Those resolutions declared against the coming over of this class of poor, dependent laborers, which all agree is injurious and ought to be put a stop to, and that the powers of the Government ought to be invoked to regulate and to limit their coming. Instead of doing that this bill undertakes to prohibit it.

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

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

INDEMNITY TO CHINESE SUBJECTS.

Mr. SHERMAN. I should like to call up and pass a bill that was reported at the same time with the bill which has just been passed. The Senator from Oregon [Mr. MITCHELL] tells me that he wishes to make some remarks upon it, but the whole matter is covered by a very excellent report made by the Senator from Alabama [Mr. MORGAN], a member of the Committee on Foreign Relations. I will ask the Senate to proceed to its consideration in the hope that the Senator from Oregon will waive his remarks. I do not wish to interfere with the pending bill, but the Committee on Foreign Relations unanimously reported this measure. A like bill is pending in the House of Representatives. It is proper to state that without stating the action of the other House upon it. I do not think that any one who reads the official correspondence in regard to the massacre of unoffending Chinese at Rock Springs, Wyo., can fail to feel that the Government of the United States should indemnify the injury. I move that the Senate proceed to the consideration of Senate bill 2225.

Mr. MITCHELL, of Oregon. I understand the chairman of the Committee on Foreign Relations to say that a report has been submitted on that bill. I have not been able to find any report.

Mr. SHERMAN. The Senator from Alabama [Mr. MORGAN] prepared a report, but he is not here. However, all the facts are fully stated in the official documents. I have them all here. There is no doubt that the injury was done by the sudden uprising of a mob, not a single American among them, all foreigners entirely, who got angry with the Chinese because they refused to participate in a strike, and they murdered several of them, burned their shanties, and destroyed their property. It is a clear case it seems to me not only of justice, of mercy, of magnanimity, but I think it is within the language of the treaty, although upon that question there might be some division of opinion. However, the Committee on Foreign Relations were unanimously of opinion, treaty or no treaty, that in dealing with these people we ought to pay the losses and damages suffered.

There are three different cases where the United States have enforced the same rule against the Chinese, and the Chinese Government have in each case responded by paying in some instances a greater amount of damages than was suffered by citizens of the United States.

This appeal is made to us by the Chinese Government, and one of the most eloquent, one of the most beautiful compositions I know of in our language is a recent document from the Chinese minister setting out this claim against the Government of the United States, appealing to our generosity, to our magnanimity, to reimburse these people.

I move that the Senate proceed to the consideration of the bill. At

the same time, if the bill is likely to take time I shall not undertake to press it to a vote to-day.

Mr. HOAR. How about the injuries done to Chinese in Washington Territory?

Mr. SHERMAN. The Senator from Massachusetts asks me about the injuries done to Chinese in Washington Territory. As I understand, the authorities in Washington Territory summarily and promptly put down the mob there, and there were no real damages done, although lives were threatened.

Mr. HOAR. There is no claim from China on that account?

Mr. SHERMAN. There is no claim from China in regard to that affair. The only claim made by the Chinese Government is this claim, and the committee have responded to it by a bill placing it in the power of the Secretary of State to pay such of these damages as he finds after a careful examination have actually been suffered by these people, and to turn the amount, whatever it is, over to the Chinese Government for distribution among the sufferers. I move that the Senate proceed to the consideration of the bill.

Mr. MITCHELL, of Oregon. Mr. President—

The PRESIDING OFFICER. The motion, under the rules, is not debatable. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. PLUMB. Will that not lead to debate?

Mr. SHERMAN. If it does I will give way.

Mr. PLUMB. I have no objection to debate, except that I do not wish it to displace the pending special order, Senate bill 1812, to provide for taxation of railroad-grant lands.

Mr. SHERMAN. The Senator from Oregon tells me that he will insist upon making a speech upon the subject. I do think when the Senate have substantially by a large vote agreed that they would carry out the policy of restriction as against the laborers who come from China we should make a suitable provision to indemnify those who are entitled to protection, and that we ought not now to interpose any delay or impediment to the passage of a plain, palpable act of justice and mercy.

While I do not wish to stand in the way of the unfinished business, I hope we may take up the bill and pass the two together, and I will move to take it up, promising at the same time that if it can not be disposed of this evening before adjournment, I shall give way to the unfinished business, which is the bill providing for the taxation of railroad-grant lands.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. MITCHELL, of Oregon. Mr. President—

Mr. COCKRELL. I wish to ask the Senator from Ohio a question.

Mr. SHERMAN. I think I have said all I desired to say.

Mr. COCKRELL. I want to know who were the persons who committed this depredation. Were they American citizens or not?

Mr. SHERMAN. There was not a single American citizen among them. They were foreigners.

Mr. COCKRELL. How did they get here, and how did the tax-paying people of the United States become responsible for the malicious and wrongful acts of a parcel of men of some other nationality?

Mr. SHERMAN. They were admitted here under the policy of our laws. Whether those laws were wise or not it is not for me to discuss. It is sufficient to say that the outrage was committed by a large number of whites, said to be Bohemians and of other nations; but each nation is seeking to deny its responsibility for these people. They were lawless people. They had engaged in a strike. They appealed to these Chinese to join them in the strike. The Chinese refused, and were going on digging coal out of the earth at regular wages, the coal to be used by the railroads. These men by some impulse and by a concerted movement attacked the Chinese, marched upon their buildings (for they lived in a place by themselves), burned down their village, shot them in their tents—no, in their huts; indeed they were scarcely huts—shot them and drove them away into the mountains, and there for a day or two they wandered. I think thirty or forty of them were killed and a number were wounded. Then those men burned what was called Chinatown.

Mr. MITCHELL, of Oregon. Twenty-eight were killed.

Mr. SHERMAN. Twenty-eight were killed, the Senator from Oregon tells me. They burned the Chinatown. This was done to people who were not only under the protection of our laws, but under the express provisions of the treaty made with China, and under precisely similar circumstances, much less barbarous in their nature, the Government of China was made three different times to pay to the Government of the United States money for just such injuries to American citizens in China.

Mr. COCKRELL. Injuries to American citizens by foreigners residing in China?

Mr. SHERMAN. By Chinese.

Mr. COCKRELL. Oh, by Chinese.

Mr. SHERMAN. The distinction endeavored to be made by the Senator from Missouri is not well taken. When we admit foreigners of this class to come among us and go on our public lands and into our Territories they are under our protection, and we are just as much responsible for their conduct while they are there under our jurisdiction as we should be if they were native-born citizens. I say they are not native-born citizens as a matter of pride, because our people, it seems to me, could not in any portion of the country resort to any such barbarity.

At all events these men suffered, and the Chinese minister, in an eloquent message which lies upon your table, which you could read with great advantage, makes the appeal to you and quotes the Divine precept of doing unto others as you would have them do unto you, stating that that is a law older even than Christianity, and he appeals to us, as we have required of them redress under similar circumstances, that this Government should give redress for the injuries done to these Chinese. If the Senator from Missouri will take that document and read it over and will find in it technical objections, or any objections whatever, to the payment of this money, I am greatly mistaken in him. I know he will not.

This subject was fully considered. All these documents were read by the Committee on Foreign Relations, and we agreed unanimously that in pursuance of the recommendation made by the President in his message and by the Secretary of State in an admirable document which he sent, it was good policy, it was good Christianity, it was good humanity to reimburse all the losses committed by the mob in this riot.

Mr. COCKRELL. I should like to ask the Senator if there is any instance on record where American citizens traveling in any foreign country and in that country meeting foreigners from an entirely different country have been injured, there was claimed any indemnity of the government in whose territory they happened to be?

Mr. SHERMAN. I do not know whether there is any country which would allow foreigners to come so freely into its territory as our own does. We have adopted a broad, liberal policy. For instance, in China you could not find anybody but Chinese to commit barbarities of this kind.

Mr. COCKRELL. Certainly not.

Mr. SHERMAN. If you would go to England you could not find enough foreigners there in any neighborhood to make a mob of foreigners without having Englishmen to participate in it. But the policy of our laws has drawn here large numbers of foreigners. They go to such portions of the country in masses, and sometimes monopolize and exclude American citizens from certain trades and occupations by their policy, by their habits, by their methods. They are there by the protection of our laws, and we as a nation are responsible for the people who are brought within our jurisdiction.

Mr. COCKRELL. As I understand, a parcel of Chinese came in and engaged in work there. Here was a parcel of Bohemians who came to the same place. They got into this controversy. The Bohemians wanted the Chinese to do in a certain way and the Chinese refused to do it, and they went to killing each other; and the American citizens, the taxpayers of this country, are to become responsible for their acts upon each other. I want the point met. Has there ever been a precedent where the United States has admitted its liability for the wrongful, malicious, tortious, vindictive, murderous acts of foreigners traveling in this country upon other foreigners who were also traveling in this country?

Mr. SHERMAN. There is scarcely a State in this Union that would not be responsible under like circumstances for damages done in a riot by a mob. How often has that been enforced in the States? Remember this was in a Territory where the Government of the United States is the only power, where the jurisdiction of Congress is absolute and complete. Here was an injury done to people under our protection, under the protection of our laws, and not only of our laws but of our treaty obligations. They are beaten down by a lawless mob—I do not care whether you call them Bohemians or what—by a mob under precisely the same circumstances in almost every city in the North (and I presume in the South you have the same laws) the city is responsible for damages done by a mob. It is only the same rule of justice, that where a city or a State claiming to be the government fails to protect people in the enjoyment of their rights and a mob beats down the ruling power, the government of the people, the community, State or city, should be responsible for the consequences of that mob.

Mr. MITCHELL, of Oregon. Will the Senator from Ohio yield to me?

Mr. SHERMAN. I am answering the Senator from Missouri now. When I am through answering him I will yield.

The Government of the United States is doing precisely now for injuries done by this mob what would be enforced against the city of New York or Philadelphia or as was enforced against the city of Pittsburgh. That was a noted case. In the city of Pittsburgh in 1877 a mob, suddenly organized, composed largely of foreigners it is said, arose, seized upon arms, and burned three or four or five million dollars' worth of property, and yet the city of Pittsburgh was compelled to pay for the damages and the injuries by the laws of Pennsylvania, because Penn-

sylvania ought to have exercised her power to put down the mob, and because she did not do it the city of Pittsburgh was compelled by the laws of that State and by the judgment of its supreme court to indemnify the parties who were injured, although the chief sufferer was the Pennsylvania Railroad, an enormous, great corporation.

But now the injury here is done to poor people, many of whom lose their lives. It seems to me that the principle ought to be enforced in this case as against the Government.

This, after all, is not so much of an appeal to the law as it is an appeal to the heart of every Senator, to the feeling of justice that rules and governs mankind, that an injury like this, wanton in character, in a region under our jurisdiction, should be remedied and redressed, especially as the fact is that in like circumstances we have severely enforced the same remedy against the Chinese Government, in one case collecting so much from the Chinese Government that a sense of justice on the part of Congress compelled us to refund a considerable part of the indemnity that we had collected from them.

Mr. COCKRELL. That was where the depredations were committed by citizens of the Chinese Government upon our citizens.

Mr. SHERMAN. I do not see the force of the distinction.

Mr. COCKRELL. I should like to ascertain the fact, were not these Chinese taken there by a corporation for the purpose of doing its work, and were not the other side, the Bohemians, also taken there by a corporation as hirelings? Was it not these two classes that came in conflict?

Mr. SHERMAN. There was no conflict; it was all on one side. As to how they got there I do not know.

Mr. COCKRELL. Were they not imported there? Were they not taken there for a specific purpose? They certainly were not roaming around as citizens of that Territory or engaged in any business.

Mr. SHERMAN. They were taken there for a lawful purpose, for the mining of coal.

Mr. COCKRELL. How were the Bohemians taken there? For the same purpose?

Mr. SHERMAN. They may have gone there by their own volition, so far as I know. There is nothing in the papers to indicate how they were brought there.

Mr. COCKRELL. How many Chinese were there, and how did they get there?

Mr. SHERMAN. My impression is that the sufferers numbered two or three hundred.

Mr. COCKRELL. The two or three hundred Chinamen never found their way out into Wyoming to a coal-bank there without some concert of action. They must have been acting under the authority of some corporation or individual; and these Bohemians from Europe never would have found their way out there unless they had been acting under the control and direction of some corporation.

I do not believe in the principle of making the people of the United States, the tax-payers of this country, responsible for the class of people that corporations and monopolies may import into the country to displace American labor, and make them responsible for the depredations they may commit upon each other. Here are these two classes, Chinese and Bohemians, brought there, hired, who came there practically as serfs. They get into a quarrel; some dispute arises; one side wants the other to do a certain thing; they rise as a mob, destroy, kill; and then the honest, laboring, tax-paying citizens of the United States are to respond in damages for their acts. I do not believe there is any principle of law or of justice or equity or morality or religion that makes the people of this country responsible in such a case.

Mr. EDMUNDS. Mr. President, it has always seemed to me that every government had a right to determine what people should come within its borders, and that every person who did come within its borders by its consent was entitled, as one section of the Constitution of the United States says, to the equal protection of law. No matter whether he be a citizen or not, the fourteenth amendment of the Constitution of the United States, which was adopted before my distinguished friend from Missouri came into the Senate, provided that every person—not every citizen, but every person—should be entitled to the equal protection of law.

The treaties of the United States with China and the laws of Congress carrying them out provided that certain of the subjects of the Emperor of China might come to the United States under certain conditions and stipulations and restrictions. The presumption is, and I have no doubt the truth is as to ninety-nine in a hundred of the Chinamen who were outraged in that Territory, that they came within that provision. There may have been some fraud, but it was a very small per cent. if it existed at all—not more than 1 per cent. So the subjects of the Emperor of China coming into the United States in pursuance of the treaty stipulations and in accordance with the acts of Congress, being engaged in lawful pursuits in that Territory—not a State but a Territory—were subjected to the outrages of a mob. Now, the question is whether the United States ought to make the same indemnity to China that, if the case were reversed, we should insist, as we have insisted hitherto, that recompense and retribution and reimbursement and indemnity should be made to us in such a case.

That is the proposition, and it is not of the slightest consequence

whether the outrages were committed upon these subjects of the Emperor of China by citizens of the United States or by outlaws or enemies of the United States or whatever. We were bound by our treaty with China and by the effect of our acts of Congress and by the effect of our Constitution itself to see that these people should be protected in the enjoyment of their rights that they had which were invaded in this way, just as much as if they had received a similar outrage from the President of the United States in person or from the Senate and House of Representatives of the United States in their respective persons on that occasion. We can not get off either in international law or in morals upon the idea that the people who assailed them were Bohemians, whatever that may mean.

If we wish to cultivate the arts of peace; if we wish to cultivate the principles of justice and fair play, and to deal with others as we would wish them and would compel them to the extent of our power to deal with us under similar circumstances, it seems to me to be clear that the Treasury of the United States should make indemnity to China for the benefit of its subjects in a case of this kind. That is where it stands.

It is not a question who were the people who assailed them. They were under the protection of our law, and wherever that protection was violated in this way they were entitled to indemnity, because the law officers of the United States and the forces of the Territory knowing that this thing was impending did not exert themselves in the way they might and ought to have done to prevent it.

As I say again, under precisely similar circumstances we have demanded from that very empire and of the Empire of Japan, and in fact of every power where similar things have occurred, that indemnity should be made in order to vindicate, as far as we might, our glad duty of protecting the citizens of other countries who come to us in the way that we have engaged to protect them. That is where the case stands as it appears to me.

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

Mr. EDMUNDS. Yes.

Mr. MITCHELL, of Oregon. The Senator in his opening remarks quoted from the Constitution of the United States, I believe?

Mr. EDMUNDS. Yes.

Mr. MITCHELL, of Oregon. He quoted some clause to the effect that all persons are entitled to the equal protection of the laws. There were twenty-eight Chinamen who were so unfortunate as to lose their lives in the disgraceful occurrence which took place at Rock Springs, subjects of the Chinese Empire, resident in this country, engaged in following the occupation of laborers. Suppose that instead of being twenty-eight Chinamen it had been fourteen Chinamen and fourteen citizens of the United States who had lost their lives, would my friend from Vermont and would the Committee on Foreign Relations of this body recommend that those citizens of the United States be indemnified, not through the courts in the ordinary way, but as is proposed here by an appropriation from the Treasury of the United States? That is the question which I put to the Senator.

Mr. EDMUNDS. Well, I will answer, and answering categorically, I will say, no.

Mr. MITCHELL, of Oregon. Then, right there—

Mr. EDMUNDS. If you will just pardon me, when I say "no" I say it with an explanation, or a justification, which is a better word.

Mr. MITCHELL, of Oregon. Very well.

Mr. EDMUNDS. Every citizen of the United States who is preyed upon by a fellow-citizen has a common recourse at law, and he is not under any constitutional or treaty protection from another power that is engaged in defending him in any such attitude as a foreigner is. Therefore I say that the case is entirely distinguishable between a mob which inflicts an injury upon a citizen of the United States and a mob which inflicts an injury upon subjects of another country whom we have engaged to protect.

I will put to my friend a corresponding question. Suppose a similar number of American citizens had been engaged in extracting coal-oil from the depths of the ground in Western Canada, in the district of Ontario, under a treaty with Great Britain, which authorized them to go there and to be engaged in that business. Thereupon a British mob in Ontario proceeds, on account of the fact that they are citizens of the United States (for that was the fundamental ground of this mob, that these men were Chinese and not Americans or Bohemians or Europeans), proceeds to put them to death. I ask my friend from Oregon if he would not stand up with all the rest of us and call upon the British Government, the most powerful probably in all respects, excepting ourselves, on the globe, and say to the extent of war we will demand that you shall make restitution to the heirs and children and wives of these people and make reimbursement for the losses that they have sustained. There is not a man in the Senate who would not stand up, and would not go to the front if he was capable of carrying a musket, to accomplish that very thing, and it is the very thing that we have over and over again with other nations insisted should be done, as we would have done if a similar number of American citizens because they were American citizens had been maltreated in the very front of Buckingham Palace in London, which is the official residence of the Queen at the seat of her empire.

It is stated in the documents, as my friend the chairman of the com-

mittee [Mr. SHERMAN] points out to me, by the Chinese consul in San Francisco, Mr. Bee:

I am, after a thorough investigation, firmly of the opinion that not one of these criminals who murdered the twenty-eight Chinese, burned and robbed them at Rock Springs on the 2d day of September, will or can ever be brought to punishment by the so-called Territorial or local authorities. In this opinion I am sustained not only by my own convictions, but also by the governor and prosecuting attorney of the Territory, and scores of citizens, resident and non-resident.

Therefore, if we are right in our pretensions, as I submit we are, when our citizens are thus treated in a foreign country whose protection by treaty they are entitled to, is it not right that we should have the manhood and the honor to say that when the case comes the other way we will do all that we can to make restitution and reimbursement for such a crime and injury?

My friend from Massachusetts [Mr. HOAR] calls my attention to the third article of the treaty with China, which reads as follows:

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons—

Not United States citizens, but "any other persons"—

the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

Mr. COCKRELL. Is there any indemnity for any injury that may happen to them?

Mr. EDMUNDS. Oh, no; the logic is generally left out of a statute. There is not any indemnity in most statutes.

Mr. COCKRELL. It seems to have been left out of that one.

Mr. EDMUNDS. It is the honor that is supposed to follow in the minds of most men, and it is an honor that the Senator from Missouri would stand up for as strongly as I do, if any similar number, or any quarter number, or tenth number of citizens of the United States had been similarly treated in any other country on this globe.

Even this administration, as conservative—I will not use any offensive phrase—as it may be, would recommend and its partisans and adherents would vote for measures for raising armies and arming vessels and carrying on a war, no matter whether with Great Britain or France or Germany or the greatest powers on the globe or the smallest ones, to reach the very indemnity that we for our own honor should cheerfully and gladly propose in this case. If the argument is based on the question of physical strength only and that everything that is might is right, then the Senator from Missouri is correct; but if it is based upon national honor and justice and duty as between nations, then if we apply to ourselves the same law of justice as we demand from others there is no answer to this bill.

Mr. MITCHELL, of Oregon. Mr. President, the Senator from Vermont answered my question in the negative. He said that if a number of the persons murdered by this mob had been American citizens instead of being subjects of China, then he would not favor an indemnification for their wrongs and their injuries by an appropriation from the Treasury of the United States. Then why quote the Constitution of the United States, the fourteenth amendment, here as bearing upon this question? The Senator in his opening remarks referred to that article which says that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Has not the Chinese subject the same protection of the laws in Wyoming that our own citizens have?

Mr. EDMUNDS. Your executive officers say no, and we all know it is true.

Mr. MITCHELL, of Oregon. A mere failure to find an indictment, a mere failure of justice, does not create a new principle, it seems to me.

Mr. EDMUNDS. No, but illustrates the fact.

Mr. MITCHELL, of Oregon. Nor does it demonstrate that there is a difficulty in this particular case. The fourteenth amendment of the Constitution has nothing to do with it, in my judgment. Of course, all persons are entitled to the equal protection of the laws. What laws? The laws that create tribunals, the laws that enact provisions for the protection of private property and for life, are domestic laws, not international laws, not any obligation that may arise by virtue of a conventional stipulation with a foreign nation. So it does occur to me that this provision of the Constitution has nothing whatever to do with this question, and why my friend from Vermont quoted it I confess I am unable to see.

Now, Mr. President, one other word—

Mr. EDMUNDS. With the permission of my friend, I wish to recall to his attention a decision of the Supreme Court of the United States in respect of our internal laws, that this provision in the Constitution of the United States is not a provision of statute and legislative authority, but it is a provision of action, and they have held that where in some one or two of the States, where the question arose, the administration of the laws of Virginia, if it arose there, or Kentucky, or wherever it was, that denied in fact and prevented in fact and did not accomplish in fact the equal justice and protection that the constitutional provision provided for, was an invasion of this principle. It was by way of illustration of

the right that I quoted that and in that connection. So it is not a question of mere law-making; it is a question of law-doing by execution; and now we have the officials of the Government reporting to the President of the United States through the proper Department that the execution of the law there can not be accomplished, and, therefore, these persons are denied, under the decision of the Supreme Court of the United States and in their very language, as I believe, that equal protection which the Constitution gives them, because the executive authority and the administrative authority, whether the judicial or otherwise, is incapable of doing it.

Mr. MITCHELL, of Oregon. Suppose in any given case where parties have suffered by a mob there was a failure to protect our own citizens not the subjects of a foreign power, no matter how that failure may come; admit that it does come for the very reason stated by the honorable Senator, by a failure to execute the law as it should be executed, would my friend then favor an appropriation from the Treasury of the United States to indemnify such person, a citizen?

Mr. EDMUNDS. That would depend as to whether it was within a State or a Territory, because within a State its internal policy is its own affair, and it would be the duty of the State to indemnify; but in a Territory, which is our business and ours alone, in the case proposed I should say it would. If the United States in a Territory, over which it has sole control and for which it is entirely responsible and of which it creates all the government, fails in providing such executive government as to protect the citizen, then I say the United States ought to make indemnity.

Mr. MITCHELL, of Oregon. One other question, Mr. President. Let me ask the honorable Senator from Vermont, inasmuch as the United States Government has classed the Indians of this country as its wards and exercised jurisdiction over them and entered into treaties with them, in the event of Indian outbreaks, and Indian depredations, and Indian mobs, and Indian murders, and Indian massacres, as there can be no indemnification by the courts that we have seen proper to establish in our Territories within the United States, would he indemnify on the same principle the sufferers in those cases by an appropriation out of the Treasury of the United States?

Mr. EDMUNDS. That would not follow, although I can tell my friend, as he probably very well knows, that in a thousand such cases, speaking in round numbers, we have compelled the Indian tribes whose members did those things to pay for the benefit of the people injured out of their funds a proper indemnity, and in a great many other cases we have provided, when there was not any such indemnity got, to pay out of the Treasury of the United States.

Mr. MITCHELL, of Oregon. Mr. President, I was not aware that this question was coming up this evening. I do not know that there is any other Senator here who will vote against this bill. For one I never intend to vote for it, and I desire very much to give my reasons why I shall not vote for it.

Several SENATORS. Give them now.

Mr. MITCHELL, of Oregon. I am not prepared to do it now, because there are certain papers which I have that are not here. I will be ready to-morrow morning, or whenever it is the pleasure of the Senate to take up the bill and dispose of it.

I undertake to say in this connection that, in my judgment, after a most careful examination, there is no principle either of international law, of conventional stipulation in any treaty existing between this country and China, or in any Federal statute that will justify this proposed action; but upon the contrary, if this bill passes, as I have no doubt it will, it will be no more and no less than an act of charity, pure and simple, an act of benevolence, and nothing else. I undertake to say in this connection here and now that there never has been a Secretary of State from the time of Daniel Webster down to the present day, so far as I have been able to advise myself, who has not argued ably and at length and with conclusiveness that in a case like this there is no legal liability whatever on the part of the Government of the United States to make indemnity. That was the position taken by Daniel Webster in regard to the celebrated Spanish riots at Key West; that was the position taken by Secretary Seward, by Secretary Blaine, and by Secretary Evarts, and it is the position taken to-day by Secretary Bayard, although it is a fact that the present Secretary of State recommends it as an act of benevolence, as an act of pure charity, and with the distinct understanding, as he declares in his letter to the President of the United States, that it shall not be considered as a precedent nor as creating a liability on the part of the Government to respond in damages from the Treasury of the United States in any such case.

Mr. INGALLS. Does the Senator oppose that view of it as an act of charity?

Mr. MITCHELL, of Oregon. I certainly am opposed to extending this as an act of charity; and until the Congress of the United States will pay some portion at least of the twelve or thirteen million dollars due on account of losses suffered by frontiersmen in the Western States and Territories by reason of Indian depredations, in reference to which there is to-day a legal obligation on the part of the Government of the United States to make payment, I shall vote no gracious contribution to Chinese subjects in this country. Not by my vote shall an act of benevolence be passed through the Senate until these obligations to our

frontiersmen and our pioneers receive some kind of attention and some kind of respect at the hands of Congress.

You pass resolutions through Congress directing the Secretary of the Interior to investigate and find out what losses have been sustained by our own citizens by reason of Indian depredations, by reason of the acts of men with whom you have made treaties and with whom you are in treaty relations to-day. The Secretary, in pursuance of that direction, has gone on and investigated these cases and reported these claims to Congress amounting to many millions of dollars, and they lie stuck away in your pigeon-holes; and yet before the cry of the mob has died away, of an alien mob in the Territory of Wyoming, we get on our knees here before the Chinese Empire and propose to do an act of great grace, to pass an act of benevolence, an act of charity, when not a Senator upon this Foreign Relations Committee, so far as I know, has yet had the temerity, if I may be permitted to use the language, to place upon record in the Senate any report upon which they can base a legal obligation to do what they now propose to do. I have watched carefully, and I have seen no report from the committee in support of this bill.

Now, Mr. President, inasmuch as I for one—and I perhaps shall be the only one in the Senate, I do not know how that is—do not intend to vote for this bill, and inasmuch as perhaps I shall be so largely in the minority, I think it but due not only to the Senate but to the people whom I in part represent here that I should give my reasons. I prefer to do it in a careful, methodical way. I shall do so to-morrow if I have an opportunity. If the Senate denies me that, of course I shall cast my vote against the bill and submit. I will say, however, before I take my seat, that I had understood from the honorable chairman of the Committee on Foreign Relations that if I desired to make an argument on this question he would give way until to-morrow. I will say in addition that if my request is denied, I think perhaps it will be the only time such a request was ever denied in the Senate.

Mr. SHERMAN. I do say now, as I said to the Senator a while ago, that I would not as one ever deny to a Senator the right to express his opinions freely on any subject. I have sat here many a time until the gray of the morning to secure Senators their right to talk at pleasure. At the same time, while I intend to stand by what I said, the Senator must perceive that having spoken at least four hours on two separate occasions on this Chinese question, giving us his views, so that we know them thoroughly and his constituents know them, it is a great stretch of courtesy for him to ask us under the circumstances that we give him another day, to-morrow, on this subject. But I think on the whole it is better to do it, because I do not want ever to see debate restrained in the Senate.

So far as writing a report is concerned, I understood the Senator from Alabama [Mr. MORGAN] to say that he would write a report. I think he probably has prepared one, but he is not here to speak for himself. I want no report except the message of the President of the United States, which I hold in my hand. It contains the gist and germ, the whole substance of the argument in favor of this proposition. It is reported by the Secretary of State in a communication to the Chinese minister, which is the last document in this little pamphlet I hold in my hand.

Mr. COCKRELL. What is that document Executive Document 102?

Mr. SHERMAN. The President's message, Executive Document 102. The last paper in the document is the letter of the Secretary of State, which covers the whole ground, and there is also the communication of the Chinese minister setting out this claim, and here is the evidence as to the items of the claim.

The President and Secretary of State in their discussion with the Chinese minister naturally avoided the legal question so far as they could, but I think the President in quoting the treaty substantially showed that by the fair terms of the treaty as construed between man and man the Government of the United States is bound to protect these people, and in case it does not is bound to make indemnity. The President quotes the language of the treaty in his message. I think on reading that treaty any fair-minded man will see that if there was no express legal obligation to pay indemnity, yet we do expressly provide and engage in the treaty that the Government of the United States will exert all its power to devise measures for their protection and secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by others. It says also:

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

The Government has not been able to do it, and has not done it; they are in a remote Territory under the national flag. As a matter of course under these circumstances the implied condition, if not the express language of the treaty, requires that indemnity should be paid in case they be not protected from injury. The same argument is amplified by Mr. Bayard.

I do not wish to go further into the matter. As I said, I would not

insist on a vote now if the Senator from Oregon wishes to speak on this subject at some other time. I move to postpone the bill until to-morrow to give him that opportunity, so as not to interfere with the unfinished business.

Mr. COCKRELL. Before that is done I wish to put on record one or two statements.

I will first read from the message of the President of March 2, 1886, transmitting this case to Congress:

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection; and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country; with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

Mr. President, the distinguished Senator from Vermont [Mr. EDMUNDS] attempted in his sly way to cast an insinuation upon the existing administration by saying that even this conservative administration, and he would say nothing further, was in favor of this indemnity, and even this administration would resort to force to protect the rights of the American citizen. Yes, there never was a day in the history of this great country, for over half a century under Democratic administration, when any citizen of the United States feared to tread the soil of the greatest empire on earth, knowing as he did that he would receive full and perfect protection of person and property in every respect; and it will be so again. That is not the question, Mr. President. It was an attempted fling, unworthy of the distinguished Senator and the position he occupies before the country.

Now let us see what position his administration and his distinguished Republican leader, the last nominee for President and the prospective next one of his party for the highest office in the gift of the American people, took when he was Secretary of State and we had a Republican President. I read from this same document, and I read from No. 1, the Chinese minister to Secretary Bayard, on page 5, toward the bottom. The Chinese minister, having made his statement, proceeds to say:

With this statement I might consider my duty discharged, but for the fact that this legation, having had occasion to call the attention of two of your worthy predecessors to a similar but much less bloody and disastrous event, the honorable Secretary Evarts—

A distinguished member of this body now—

expressed some doubts as to the legal liability of his Government to make pecuniary indemnity to the Chinese sufferers by the mob at Denver, in the State of Colorado, in 1880, and that the honorable Secretary Blaine—

James G. Blaine, of Maine—

concurred in the views of Mr. Secretary Evarts. I have, therefore, to beg the kind indulgence of your excellency while I attempt to show why the present request for indemnification, in the opinion of my government, ought in justice and equity to be granted, notwithstanding the views set forth in the notes of Secretary Evarts of December 30, 1880, and of Secretary Blaine of March 25, 1881. In doing this it is not my intention to either appeal to you from or to question the correctness of the interpretation of the laws of the United States as given by the distinguished jurist Mr. Evarts, and confirmed by the experienced statesman Mr. Blaine. It would seem to me, however, to be just that if the view taken by Mr. Evarts as to the obligation of the United States to make indemnity for injuries to private individuals from mob violence should be insisted upon and adhered to by your excellency's Government, China should, in due reciprocity and international comity, accept and practice the same principle.

Mr. President, it is well enough when these thrusts are attempted to be made upon the existing administration that we should look back a little and see what was done when the distinguished Senator from New York [Mr. EVARTS] was Secretary of State and when the experienced statesman James G. Blaine was Secretary of State. Why was no indemnity made then? It was claimed. There was no response and no indemnification was made, and I assert that in my judgment there is no principle of international law, there is no principle of justice, of right, of equity, of morality, or of Christianity that will require the tax-paying citizens of the United States to respond in damages for the malicious, vindictive, tortious, illegal acts of a band of foreigners, Bohemians imported there by a corporation asserfs to do their work as laborers, as servants, as slaves. I fail to recognize any principle which will make the citizens of the United States responsible in such a case.

Mr. CALL. Mr. President, it seems to me somewhat remarkable that the principles of international law and of intercourse which have existed between all governments for a thousand years should now be denied and fail of universal recognition.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator will allow the Chair to inquire of the Senator from Ohio whether he withdrew his motion to postpone?

Mr. SHERMAN. I did not. I withdrew it at the request of the Senator from Missouri to give him an opportunity to speak. That mo-

tion is still pending. I am willing the matter should go over at this hour of the day. I suggest to the Senator from Florida that the matter will be called up again.

Mr. CALL. I have no objection.

The PRESIDING OFFICER. The Senator from Ohio moves that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. CONGER. I wish to make a conference report on the bill (H. R. 6975) to establish additional life-saving stations. I send the report to the desk.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

O. D. CONGER,
S. J. R. McMILLAN,
A. P. GORMAN,

Managers on the part of the Senate.

A. B. IRION,
CHARLES F. CRISP,
R. W. DUNHAM,

Managers on the part of the House.

The report was concurred in.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. SHERMAN. Now let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The unfinished business will be stated.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. PLUMB. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 2, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 1, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

UNITED STATES COURT-HOUSE, PHILADELPHIA.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Supervising Architect for repairs, painting, and ventilation of the United States court-house at Philadelphia, Pa.; which was referred to the Committee on Appropriations, and ordered to be printed.

DOMESTIC REQUIREMENTS OF GRAIN.

The SPEAKER also laid before the House a letter from the acting Commissioner of Agriculture, transmitting, in response to a resolution of the House, a report by the statistician of that Department respecting the surplus and domestic requirements of wheat and corn, and the acreage of wheat for the present year as compared with the past five years; also, the probable requirements of importing countries, and the acreage of crop and probable surplus or shortage in exporting countries for the ensuing year; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SWINBURNE, on account of sickness in his family.

To Mr. STEWART, of Texas, indefinitely, on account of sickness.

To Mr. COOPER, indefinitely, on account of important business.

MRS. ELEANOR ELLWOOD.

Mr. HOPKINS, by unanimous consent, introduced a bill (H. R. 9120) making an appropriation for Mrs. Eleanor Ellwood, widow of Hon. Reuben Ellwood, deceased, late a Representative from the State of Illinois; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILKINS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill S. 206, and put the same upon its passage. It is simply a local measure, and will require but a few moments.

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. 206) to provide for the erection of a public building at the city of Zanesville, Ohio.

Mr. BEACH. I shall have to demand the regular order.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. IRION, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6975) for the establishment of additional life-saving stations, submitted the following report; which was read, considered, and agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

A. B. IRION,
CHARLES F. CRISP,
R. W. DUNHAM,

Managers on the part of the House.

O. D. CONGER,
S. J. R. McMILLAN,
A. P. GORMAN,

Managers on the part of the Senate.

Mr. IRION moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL PRIVILEGE.

Mr. WEAVER, of Iowa. I rise to a question of personal privilege. I send to the desk to be read a portion of an editorial in the Iowa State Register, the leading Republican organ of Iowa.

The Clerk read as follows:

OLEOMARGARINE WEAVER.

According to the reports of the spirited debate in the lower House of Congress on Wednesday, in the matter of the bogus-butter bill, all the Iowa Congressmen except one appeared to have stood by the Iowa dairy. One of them, Mr. JAMES B. WEAVER, stood by Mr. Millionaire Armour and his Chicago factory for making butter out of refuse tallow and pig fat. Mr. Armour, whose income is \$10,000 a week, evidently knows where to find a man and how to find him when he wants him. Such a man can always find Congressman WEAVER, and generally does it. Evidently the gentleman from the sixth district of Iowa, occupying a seat in Congress by fraud, is making hay while the sun is shining hot enough to melt Mr. Armour's tallow. He has less than a year in Congress left, and all the dairies and butter-makers in Iowa are not going to cause him to disappoint Mr. Armour when Mr. Armour's millionaire interests are so much at stake.

But what do the farmers and butter and cheese makers of Iowa think of an Iowa Congressman's betrayal of their interests for the sake of a millionaire dealer in refuse tallow and lard?

Mr. WEAVER, of Iowa. It is very seldom that I rise to a question of personal privilege or pay any attention to what is said about me in the opposition press. But here is an innuendo very plain that I have been influenced by improper motives in my course toward the pending oleomargarine bill.

In the first place it is charged I am opposing that bill. That, of course, would not constitute a question of privilege, although it is false, as every member of this House knows I am ardently supporting that measure and have done so at every vote. I shall continue to do so till the end of the controversy if it continues during the remainder of the session.

But the charge is made here plainly that I have not only opposed the bill, but that I have been influenced to do so by improper motives and influences. I simply want to call attention in the presence of my fellow-members to the character of the opposition I am compelled to meet in my State in standing up for what I believe to be right principles and correct laws. There is no foundation whatever for this charge. In every word and thought expressed or implied it is exactly the opposite of the truth.

Further, it is charged I am holding my seat in this House by fraud. That also affects my standing as a member of this House and is a matter of personal privilege.

Mr. MORRISON. I submit there is no question of privilege involved in this newspaper article.

The SPEAKER. The Chair thinks that in so far as the article read from the Clerk's desk imputes to the gentleman from Iowa improper or corrupt motives—

Mr. MORRISON. Nobody believes it. You have been for the bill from the first.

The SPEAKER. The Chair thinks in so far as it does that, there is presented a question of privilege, but only to that extent.

Mr. WEAVER, of Iowa. Of course I understand that. Of course nobody believes it here. Nobody in Iowa who is acquainted with the man who makes the charge believes it. But there are thousands of men who read that paper who may believe it, because they will never see the contradiction, nor do they understand the unmanly and malicious motives which prompted the article. Now, as to the charge that I am holding my seat by fraud, I wish to say no charge was ever made that I had obtained my seat by fraud. My right to a seat was investigated by a committee of this House, and the majority of that committee reported—only three of the six Republican members dissenting—that I had a right to the seat. And I will state further that when the vote was taken in this House—I desire to be contradicted if I am not stating it correctly—there were not exceeding six men who voted that I was not entitled to my seat; and among those who voted that I was entitled

to a seat were the leaders on the Republican side of the House. They did not feel there was anything in the legal points or the facts sought to be made against me. If I am not correct as to that, I desire to be contradicted here and now. I want to stand right on the record.

Another charge is made by this same paper that I falsely, and knowing it to be false, accused my colleague, Mr. HENDERSON, of having once left the Republican party. This charge is also untrue and without foundation. I have never at any time made any such charge against my colleague, Colonel HENDERSON. Having said this much I am through.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been called for, the Chair will proceed to call committees for reports.

DUFF GREEN REED.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 8296) to remove the political disabilities of Duff Green Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAVAL BUREAUS.

Mr. BOUTELLE, from the Committee on Naval Affairs, obtained leave to present the views of the minority on the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes; which were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

LOTTERY GIFT CIRCULARS IN THE MAILS.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported, in lieu of sundry bills, a bill (H. R. 9121) to amend section 3894 of the Revised Statutes of the United States relating to the transmissions through the mails of lottery gift enterprise and other circulars, and excluding from the mails newspapers and periodicals containing advertisements of the same; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills Nos. 6522, 2030, 2296, and 3337, relating to the same subject, were laid on the table.

Mr. WARD, of Indiana, obtained leave to present the views of the minority; which were ordered to be printed with the report of the majority.

CHANGE OF REFERENCE.

On motion of Mr. LOUITT, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 1201) granting a pension to Louise Armbricht; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

- A bill (H. R. 6475) granting a pension to Benjamin Hillman;
- A bill (H. R. 6751) granting a pension to Margaret O'Neill;
- A bill (H. R. 5096) granting a pension to James Chase Heath;
- A bill (H. R. 1116) granting a pension to the orphan children of Dennis Owens; and
- A bill (H. R. 6090) granting a pension to William W. Wheeler.

MRS. HANNAH BABE HUTCHINS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back amendments of the Senate to the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, with the recommendation they be non-concurred in; and the same were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ADDIE L. MACOMBER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back unfavorably amendments of the Senate to the bill (H. R. 1462) granting a pension to Addie L. Macomber; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

JAMES CARLIN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6314) to increase the pension of James Carlin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN SADLER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also re-

ported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed.

A bill (H. R. 7186) granting a pension to John E. Rollins; and

A bill (H. R. 8309) granting a pension to John N. Bickford.

THOMAS WALSH.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8481) granting a pension to Thomas Walsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANNA SCHIER.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7983) granting a pension to Mrs. Anna Schier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE LANIGAN.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2349) granting a pension to Catharine Lanigan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID RYAN.

Mr. SPRINGER, from the Committee on Claims, reported, as a substitute for H. R. 7233, a bill (H. R. 9122) to confer jurisdiction on the Court of Claims to hear and determine the claim of David Ryan against the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 7233) was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from further consideration of the bill (H. R. 4033) for the relief of Richard A. Newert, and the same was referred to the Committee on War Claims.

ROBERT STRACHAN.

Mr. GALLINGER, from the Committee on Claims, reported back with an amendment the bill (S. 574) for the relief of Robert Strachan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATES OF ELY MOORE AND OTHERS.

Mr. BUCHANAN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5470) for the relief of the estates of Ely Moore and John W. Whitfield and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMPENSATION OF CERTAIN PHYSICIANS.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN WIGHTMAN.

Mr. FLEEGER, from the Committee on Claims, reported, as a substitute for H. R. 7803, a bill (H. R. 9123) for the relief of the legal representatives of John Wightman, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 7803) was laid on the table.

RICHARD H. AND JAMES PORTER.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 8168) for the relief of Richard H. Porter and James Porter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BOARD OF FOREIGN MISSIONS, M. P. CHURCH.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back with amendments the bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

Mr. LAFFOON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

GEORGE J. STANNARD.

Mr. GROUT. Mr. Speaker, Maj. Gen. George J. Stannard, a brave soldier and distinguished officer in the late war, at present upon the soldiers' roll as an employé of this House, died suddenly this morning about 9 o'clock at his lodgings in this city. I ask unanimous consent to put upon its passage at the present time the usual resolution relating to his pay and funeral expenses.

The SPEAKER. The resolution will be read for information, after which there will be opportunity for objection.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House to the widow or legal representatives of George J. Stannard, late an employé of the House, a sum equal to his salary for six months, and also the necessary expenses of his last illness and funeral, not to exceed \$250.

There being no objection, the House proceeded to consider the resolution; which was adopted.

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

The latter motion was agreed to.

OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) and resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The CHAIRMAN. On this bill the Committee of the Whole had reached the consideration of section 8. By order of the House all debate on this section and amendments thereto has been limited to one minute.

Mr. DUNHAM. Are there any amendments now pending to this section?

The CHAIRMAN. There are several amendments pending.

Mr. DUNHAM. I wish to offer an amendment at the proper time.

Mr. NEGLEY. I desire to have read a telegram from various trades assemblies.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. NEGLEY] to occupy the one minute allowed for debate.

Mr. NEGLEY. I desire to have read from the Clerk's desk the telegram which I send up.

The Clerk proceeded to read the following:

PITTSBURGH, PA., May 31.

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon, amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legal, a legitimate business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of the legislation will be to increase the price of a cheap and wholesome food product and destroy the labor its manufacture employs; and

Whereas the only reason given for the legislation is that it comes into competition with butter:

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy.

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preambles and resolutions were adopted at a session of the Trades Assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

RICHARD ENNIS,

President of Trades Assembly of Western Pennsylvania.

THOMAS S. DICUS,

Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations: Superior Lodge No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metal Workers' Assembly, Knights of Labor; American Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly, No. 21, Knights of Labor; Good Intent Lodge No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 142; Builders, Carpenters, and Joiners' Union; International Cigar-makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture Makers' Union, No. 21, Knights of Labor; Bridge Workers' Assembly, No. 1632, Knights of Labor; Labor Assembly No. 5269, Knights of Labor; Calkers Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street-car Drivers' Assembly, No. 1603, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banks-ville Miners' Association; Typographical Association, No. 1632, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly No. 80, Knights of Labor; Pressmen's Union, No. 13; Labor Assembly No. 791, Knights of Labor; Labor Assembly No. 1631, Knights of Labor; Labor Assembly No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union, No. 14; Iron-molders' Assembly, No. 230, Knights of Labor; Bottle-blowers' Union of North America; Horse-

shoers' Union; Typographical Union No. 7; Job Printers' Association No. 1392, Knights of Labor; Independent Lodge of Millvale, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Assembly, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works, Lodge No. 8, Amalgamated Association of Iron and Steel Workers; American Flint-glass Workers' Association, No. 6; Labor Assembly No. 719, Knights of Labor; Labor Assembly No. 2300, Knights of Labor; Cigar-makers' Union No. 271; Iron-molders' Union of North America, No. 243; Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union, No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 2126, Knights of Labor—representing about seventy-eight thousand members.

The CHAIRMAN (before the reading of the telegram was concluded) said: By order of the House all debate on this section is now closed.

Mr. NEGLEY. I desire that the entire telegram may be printed in the RECORD.

There being no objection, it was ordered accordingly.

The CHAIRMAN. The first question is on an amendment offered by the gentleman from Virginia [Mr. DANIEL], to add a proviso to section 8. This amendment having already been read, the reading will not be repeated unless some gentleman demands it.

Mr. DUNHAM. I think it ought to be read again.

The Clerk read as follows:

Add to the pending section the following:

Provided, That on and after the 1st day of July, 1886, the taxes herein specified imposed by the internal-revenue laws of the United States now in force be, and the same are hereby, repealed, namely: The taxes on manufactured tobacco, snuff, cigars, cheroots, and cigarettes, and the special taxes required by law to be paid by dealers in leaf-tobacco, retail dealers in leaf-tobacco, dealers in manufactured tobacco, peddlers of tobacco, snuff, and cigars, and manufacturers of snuff and of cigars: *Provided also*, That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, cheroots, and cigarettes held by manufacturers, factors, jobbers, or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be a drawback or rebate in favor of said manufacturer, factor, jobber, dealer, or other owner of said tobacco, snuff, cigars, cheroots, and cigarettes to the full amount and extent of the tax so paid thereon, but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect; and no claim shall be allowed for a less amount than \$10; and any special-tax stamp covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal, when the amount claimed for such stamp shall not be less than \$10; and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated, and it shall be the duty of the Secretary of the Treasury to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect: *Provided also*, That all internal-revenue laws limiting, restricting, or regulating the manufacture, sale, or exportation of tobacco, snuff, cigars, cheroots, and cigarettes are hereby repealed on and after the 1st day of October, 1886, and that there shall be no drawback allowed upon any such articles which shall be entered for export on or after that date: *Provided*, That all laws now in force shall remain and have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when the repeal of the taxes specified in this act shall take effect."

The CHAIRMAN. The gentleman from North Carolina [Mr. COWLES] submitted a substitute for this amendment. The Chair is advised, however, that the gentleman prefers to move his proposition separately. The Chair will therefore put the question upon the amendment of the gentleman from Virginia, just read by the Clerk.

The question being taken, there were—ayes 49, noes 102.

Mr. GIBSON, of West Virginia. No quorum.

Tellers were ordered; and Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 110.

The CHAIRMAN. In order to make a quorum the Chair votes in the negative, and the amendment is rejected. The next question is upon another amendment submitted by the gentleman from Virginia [Mr. DANIEL], which will be read.

The Clerk read as follows:

Add to section 8 the following:

That on and after the 1st day of July, 1886, all laws and parts of laws heretofore passed by Congress, and now in existence, imposing an internal-revenue tax upon liquors distilled from apples, peaches, and other fruits, shall be repealed: Provided, That no person or persons shall be allowed to manufacture or distill spirits partly from fruits and partly from grain without the payment of the full tax required by law upon the making or manufacture of spirits distilled from grain; and any person violating the provisions of this section shall be fined not less than \$100 nor more than \$500, and imprisoned not less than one month nor more than one year, or both, at the discretion of the court."

The question being taken, there were—ayes 42, noes 110.

Mr. GIBSON, of West Virginia. No quorum.

Tellers were ordered; and Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 38, noes 125.

So the amendment was rejected.

The CHAIRMAN. The next question is upon an amendment submitted by the gentleman from North Carolina [Mr. COWLES], which will be read.

The Clerk read as follows:

Add to section 8 the following:

That all laws and sections and clauses of laws, imposing a tax or taxes on brandy distilled from fruit, and all laws and sections and clauses of laws, providing for the collection of a tax or taxes on brandy distilled from fruit, and prohibiting, without compliance with certain statutory requisitions, the manufacture or distillation of brandy, be, and the same are hereby, repealed."

Mr. HATCH. I make the point of order that this amendment is substantially the same as that which has just been voted down by the committee.

Mr. GIBSON, of West Virginia. Let us hear reread the amendment that was just voted down.

The Clerk again read the amendment of Mr. DANIEL.

Mr. COWLES. Allow me but a minute in reply on the point of order.

The CHAIRMAN. The Chair desires to state that the amendment submitted by the gentleman from Virginia [Mr. DANIEL], which has just been voted down, provides that, on and after the 1st day of July, 1886, these laws should be repealed, while the pending amendment provides for repeal immediately on the passage of the law, which makes it a different proposition.

Mr. HATCH. I withdraw the point of order.

The question recurred on Mr. COWLES's amendment.

The committee divided; and there were—ayes 26, noes 121.

Mr. GIBSON, of West Virginia. No quorum.

Mr. COWLES and Mr. HATCH were appointed tellers.

The committee again divided; and the tellers reported—ayes 43, noes 120.

So the amendment was disagreed to.

Mr. DUNHAM. I move the following amendment.

The Clerk read as follows:

Strike out the word "ten," in line 3, and insert the word "three;" so it will read:

"There shall be assessed and collected a tax of 3 cents per pound."

Mr. HEPBURN. Was not that amendment voted upon on a previous day?

The CHAIRMAN. Amendments heretofore were amendments to the amendment, to strike out "ten" and insert "two," and the votes heretofore taken were on that amendment. There has been no amendment heretofore to strike out "ten" and insert any number except "two."

Mr. DUNHAM. More than that, "three" has not been mentioned before.

Mr. GIBSON, of West Virginia. I understand this amendment is debatable.

The CHAIRMAN. It is not.

Mr. GIBSON, of West Virginia. I understand the motion was to close debate only upon the pending amendments, and not upon all amendments to the section.

The CHAIRMAN. At Saturday's session the motion was made to close all debate on the eighth section and all pending amendments thereto.

Mr. GIBSON, of West Virginia. It referred, I think, only to pending amendments.

The CHAIRMAN. It referred to all amendments.

Mr. GIBSON, of West Virginia. I ask the language of the motion be read.

The CHAIRMAN. The Clerk will read from the RECORD.

The Clerk read as follows:

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of revenue bills; and pending that motion I move that all debate on the eighth section and all amendments thereto shall be limited to one minute, and upon that I demand the previous question.

The CHAIRMAN. That is the motion which was adopted by the House.

Mr. TOWNSHEND. I submit the following amendment to the amendment.

The Clerk read as follows:

Strike out "three" and insert "five."

Mr. HATCH. Has not that amendment already been voted on?

The CHAIRMAN. The amendment voted on was an amendment to the then pending amendment.

Mr. HATCH. It is substantially the same thing.

The CHAIRMAN. Not in a parliamentary sense, and the Chair was compelled to recognize the amendment to the amendment.

The question recurred on Mr. TOWNSHEND's amendment to the amendment.

The CHAIRMAN. The noes appear to have it.

Mr. TOWNSHEND demanded a division.

The committee divided; and there were—ayes 21, noes 92.

Mr. GIBSON, of West Virginia. No quorum.

Mr. TOWNSHEND and Mr. STAHLNECKER were appointed tellers.

The committee again divided; and the tellers reported—ayes 46, noes 118.

So the amendment to the amendment was disagreed to.

Mr. BROWNE, of Indiana. I move an amendment to come in at the end of the section.

The CHAIRMAN. It is not in order at this moment.

Mr. DUNHAM. I ask for the reading of the amendment, and then for the reading of the section as it will be if the amendment is adopted.

The Clerk read the amendment and section as it would be if amended.

Mr. GIBSON, of West Virginia. I offer an amendment to the amendment, to strike out "three" and insert "four."

A MEMBER. Let this go through and offer yours afterward.

Mr. GIBSON, of West Virginia. You can not do it then.

The CHAIRMAN. The noes have it.

Mr. GIBSON, of West Virginia. I demand a division on my amendment, to the amendment.

The committee divided; and there were—ayes 6, noes 106.

Mr. GIBSON, of West Virginia. No quorum.

Mr. GIBSON, of West Virginia, and Mr. PRICE were appointed tellers.

The committee again divided; and the tellers reported—ayes 31, noes 117.

The CHAIRMAN. Does the gentleman withdraw his point of no quorum?

Mr. GIBSON, of West Virginia. When I get ready to yield the point I will announce it to the Chair.

The CHAIRMAN. No quorum appearing, it becomes the duty of the Chair under the rules to have the roll called in order to report the names of the absentees to the House to be spread upon the Journal.

The Clerk called the roll; and the following members failed to answer to their names:

Adams, J. J.	Cutcheon,	Kleiner,	Rogers,
Aiken,	Daniel,	Laird,	Scott,
Anderson, C. M.	Davis,	Le Fevre,	Spriggs,
Arnot,	Dibble,	Markham,	Stewart, Charles
Belmont,	Dunn,	Molson,	St. Martin,
Bingham,	Eden,	McKinley,	Stone, W. J., of Mo.
Bragg,	Foran,	Mitchell,	Swinburne,
Brumm,	Ford,	Morrill,	Taylor, I. H.
Butterworth,	Gibson, C. H.	Muller,	Thomas, J. R.
Candler,	Glover,	Negley,	Trigg,
Clardy,	Grosvenor,	Nelson,	Van Eaton,
Clements,	Guenther,	Oates,	Viele,
Cobb,	Hayden,	Pierce,	Ward, T. B.
Cole,	Heard,	Reed, T. B.	Warner, A. J.
Cooper,	Hewitt,	Reid, J. W.	Winans,
Crain,	Hires,	Rice,	
Curt n.	James,	Robertson,	

The committee rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole, having had under consideration House bill No. 8328, found itself without a quorum; whereupon the Chair had caused the roll to be called, and now reported the names of sixty-six absentees to the House.

The SPEAKER. From this report it appears that there are sixty-six members absent, whose names will be entered upon the Journal. The roll-call discloses the fact that a quorum is present, and, under the rules of the House the Committee of the Whole will immediately resume its session.

The Committee of the Whole resumed its session.

The CHAIRMAN. The tellers will resume their places, and in order to prevent confusion the Chair will direct the vote to be taken anew.

Mr. BROWNE, of Indiana. Will not the tellers resume the count where they left off? Is it necessary that the vote should be taken anew? Is not this the same continuous action of the tellers?

The CHAIRMAN. Where a quorum fails to vote, and the roll is called, such a length of time having elapsed, the Chair thinks it proper that the vote should be taken *de novo*, as the tellers can not determine whether or not the gentlemen have voted thereafter.

Mr. BROWNE, of Indiana. But the gentlemen themselves can.

The CHAIRMAN. The Chair thinks in order to avoid confusion that a new vote should be taken.

The committee again divided; and the tellers reported—ayes 51, noes 120.

So the amendment was not agreed to.

Mr. HATCH. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Illinois [Mr. DUNHAM]. I understand his amendment is to strike out 10 cents and insert 3 cents. I move to amend the amendment by striking out "three" and inserting "eight;" so that it will read:

There shall be assessed and collected a tax of 8 cents per pound.

Mr. DUNHAM. I would like to say to the gentleman from Missouri—

The CHAIRMAN. It is not debatable.

Mr. DUNHAM. I do not propose to debate it, but simply to say that that is no improvement.

The question being taken on the amendment to the amendment, there were on a division—ayes 86, noes 17.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed tellers.

The committee again divided; and the tellers reported—ayes 124, noes 40.

So the amendment to the amendment was agreed to.

Mr. BROWNE, of Indiana. I desire to offer a further amendment.

The CHAIRMAN. No further amendment is in order to this amendment at this time.

Mr. GIBSON, of West Virginia. I submit it is in order to offer further amendments.

The CHAIRMAN. The committee has already amended this amendment by striking out "three" and inserting "eight."

Mr. GIBSON, of West Virginia. And the amendment now stands simply as if it had been originally offered "eight" instead of "three," and therefore other amendments are in order.

The CHAIRMAN. The committee has already accepted an amendment, and consequently the amendment is not subject to further amendment, because otherwise the committee could never reach a conclusion. The committee has reached a conclusion as to this amendment.

Mr. GIBSON, of West Virginia. But I submit that was simply a choice between three and eight. It does not settle any other question. [Cries of "Regular order!"]

The CHAIRMAN. The committee must now settle the other question as between eight and ten, and the question recurs upon the amendment of the gentleman from Illinois as amended.

Mr. LAWLER. Would it be in order to have read a letter at this time?

The CHAIRMAN. It would not; debate is not in order.

The question being taken on the amendment of Mr. DUNHAM as amended, the committee divided, and there were—ayes 120, noes 10.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed tellers.

The committee again divided; and there were—ayes 130, noes 33. So the amendment as amended was agreed to.

Mr. BROWNE, of Indiana. I move to amend by adding to the section what I send to the desk.

The Clerk read as follows:

Provided, That oleomargarine which is ascertained to be pure and healthful, and so certified in writing by the duly appointed health officer of a city or State where the same is offered for sale, and which is exposed for sale and sold to the consumer by its true name and without fraud, and without being disguised so as to resemble dairy butter, shall not be subject to the tax imposed by this section.

Mr. HATCH. I make the point of order on that amendment. It has been already offered to this section and voted down, or substantially the same was offered on Saturday, as will be seen by the RECORD.

Mr. McRAE. I desire to offer an amendment to the amendment for my colleague [Mr. BRECKINRIDGE], who is necessarily absent for a few moments. It is his and not mine.

Mr. BROWNE, of Indiana. I wish to say that I will be glad if the gentleman from Missouri will point out the amendment to which he refers, or in what shape this proposition has been heretofore submitted to the committee and voted down, as I should like to be heard upon the point of order.

Mr. HATCH. The RECORD will show it.

The CHAIRMAN. The clerk is examining the RECORD.

Mr. BROWNE, of Indiana. I assume that no such proposition has been submitted or voted on by the committee.

Mr. HATCH. It is easy enough if I am mistaken to withdraw the point of order. I feel sure that substantially the same amendment has been acted upon by the committee.

Mr. BROWNE, of Indiana. This amendment, in order that the committee may understand it, and in order that the question of order may be properly determined, is this: It seeks and is intended to make the bill what its projectors say it is now, and that is, if oleomargarine be pure and healthful, if it has no tape-worm eggs in it, or fungi, or trichine, or dairy-maid's hair, or any other impurities; if it is ascertained to be by the proper health officer healthful and so certified in writing (which is a matter of local inspection) and undergoes such inspection, and is submitted to chemical analysis and to the microscopic tests, and after having undergone all of these investigations is found to be pure and healthful and is offered for sale and sold to the consumer—

Mr. HATCH. I must demand the regular order.

Mr. BROWNE, of Indiana. I am simply stating what my amendment is.

The CHAIRMAN (Mr. McMILLIN). The Chair understood the gentleman from Indiana to be addressing himself to the point of order.

Mr. HATCH. On the contrary, he is explaining his amendment.

Mr. BROWNE, of Indiana. I am addressing myself to the point of order, and am endeavoring to show that this is not the same amendment as any that has been previously submitted to the committee.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BROWNE, of Indiana. In addition to the article being ascertained to be pure and healthful, it must be exposed in the market for sale under its own name of oleomargarine. It is expressly provided that the consumer shall be notified so that there shall be no fraud upon him. And then for the purpose of protecting the dairy interest which lies behind this bill, and needs its protection, it is further provided that it shall not be disguised so as to resemble dairy butter, either good dairy butter or bad dairy butter, yellow dairy butter or red, white or blue dairy butter, dairy butter made out of pure cream or out of buttermilk. It seems to me this provision is broad enough to protect the dairy interests and all other butter interests from Chinese cheap labor.

Mr. CURTIN addressed the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. CURTIN] desire to speak to the point of order?

Mr. CURTIN. Yes. If the representation of seventy-eight thousand laboring men of Pennsylvania has any bearing on the point of order I have it here.

The CHAIRMAN. Nothing except what pertains to the point of order would be in order at this time.

Mr. CURTIN. With very little knowledge of the rules of this House I do not think I am in order. [Laughter.]

The CHAIRMAN. Upon the hasty examination which the Chair has been able to make of the RECORD for several days past he finds the nearest approach to the amendment of the gentleman from Indiana is one offered by the gentleman from Texas [Mr. REAGAN], which the Clerk will read.

The Clerk read as follows:

Mr. REAGAN. Mr. Chairman, I desire to offer an amendment as a substitute for the amendment of the gentleman from Massachusetts [Mr. LONG].

The Clerk read as follows:

Amend by adding the following proviso at the end of section 8: "Provided, That this act shall not be understood or construed to impose any of the taxes mentioned in it on oleomargarine, or any of the products or compounds mentioned in it, where the same is plainly marked with the name of the particular product, and sold or offered to be sold as such."

The CHAIRMAN. The Chair will now direct to be read the amendment offered by the gentleman from Indiana upon which his ruling is asked.

The Clerk read as follows:

Provided, That oleomargarine, which has been ascertained to be pure and healthful, and so certified by the duly appointed health officer of a city, or a State, and where the same is offered for sale, and it is exposed for sale and sold to the consumer by its true name, and without fraud, and without being disguised so as to resemble dairy butter, shall not be subject to the tax imposed by this section.

Mr. GIBSON, of West Virginia. The two amendments are quite distinct.

The CHAIRMAN. The Chair is ready to rule on the point of order. It will be observed the amendment of the gentleman from Texas provided that all oleomargarine substances marked as such should be exempted from the tax provision of the bill. Upon comparison it will be seen that not only is that required in the amendment of the gentleman from Indiana, but the certificate of the proper health officer showing its healthfulness is also required. The Chair is therefore of opinion that the amendment of the gentleman from Texas while similar in one respect to that of the gentleman from Indiana is not so in others. The Chair therefore overrules the point of order.

Mr. BAYNE. I desire to make another point of order against the amendment. It is this: that the bill is only for the purpose of raising revenue—

Mr. HAMMOND. That is a mistake.

Mr. BAYNE. And that the amendment of the gentleman from Indiana is one requiring a distinction to be made between wholesome and unwholesome food, and is therefore not germane to this bill.

The amendment distinguishes as to the wholesomeness or unwholesomeness of the food. It distinguishes the wholesome food which may be put on the market from the unwholesome food liable to tax. And, moreover, it is not proper to propose an amendment to the bill which takes away from it the property of levying an equal tax upon the subject-matter of taxation as this proposition of the gentleman from Indiana does.

Mr. HAMMOND. I desire to say on the point of order that the gentleman from Pennsylvania [Mr. BAYNE] is mistaken in both his propositions. This is not a bill to raise revenue, but is a bill to put down oleomargarine. He is mistaken also in supposing that the bill has nothing to do with the purity of the food. For in section 14 is this provision:

The Commissioner may also decide whether any substance made in imitation or semblance of butter or intended for human consumption contains ingredients deleterious to the public health.

Now, this is a mere change of one of the features of the bill, providing that in certain cases State officers may determine that the thing presented to the public is not injurious to public health, and that if so it may be subject to sale without this tax. Therefore, whether this be a bill to raise revenue or to put down oleomargarine, it is a bill also to protect people from putting bad food into their stomachs.

Mr. GIBSON, of West Virginia. I desire, in answer to the point raised by the gentleman from Pennsylvania—

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. GIBSON, of West Virginia. That being the case, I do not desire to be heard on it.

Mr. BROWNE, of Indiana. As it was I who offered the amendment, if the Chair is in any doubt about it I should like to be heard on the point of order.

The CHAIRMAN. The Chair is of opinion that, the bill being before the committee, whether its purpose is one thing or another it is competent for the House to restrict it wherein it sees proper to do so. The Chair, therefore, overrules the point of order. The question is on the amendment offered by the gentleman from Indiana.

Mr. GIBSON, of West Virginia. Let the amendment be read again.

Several members objected.

Mr. McRAE. I ask that the amendment which I sent a few moments ago to the desk for my colleague be submitted.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. McRAE. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 8 by adding at the end of the section the following:

"Provided, That where cotton-seed oil enters into the production of oleomargarine, and it shall be satisfactorily shown that the product is perfectly wholesome as an article of food, and when it is marked and sold as oleomargarine and not as butter, and the Secretary of the Treasury is satisfied that no fraud is contemplated or is possible upon buyers, then the tax herein imposed shall be remitted to the extent that cotton-seed oil enters into the composition of said product."

The CHAIRMAN. This seems to be framed as an amendment to the section, and will properly be in order after the amendment of the gentleman from Indiana [Mr. BROWNE] is voted upon. The gentleman from Arkansas will be recognized to present it at the proper time.

Mr. McRAE. Mr. Chairman, the amendment was drawn by my colleague, Mr. BRECKINRIDGE, who is absent, without seeing the pending amendment. He asked me to offer it for him, and I have done so; but with the understanding that the committee shall have an opportunity to vote upon it after the pending amendment is disposed of, I withdraw it for the present.

The CHAIRMAN. The Chair thinks that in its present form the amendment will properly come in after the amendment of the gentleman from Indiana [Mr. BROWNE] has been acted upon.

Mr. McRAE. I have no objection to that.

The House divided on the amendment offered by Mr. BROWNE, of Indiana; and there were—ayes 44, noes 92.

So the amendment was rejected.

The amendment of Mr. BRECKINRIDGE, of Arkansas (presented by Mr. McRAE), was read, as follows:

Amend section 8 by adding at the end of the section the following:

"Provided, That where cotton-seed oil enters into the production of oleomargarine, and it shall be satisfactorily shown that the product is perfectly wholesome as an article of food, and when it is marked and sold as oleomargarine and not as butter, and the Secretary of the Treasury is satisfied that no fraud is contemplated or is possible upon buyers, then the tax herein imposed shall be remitted to the extent that cotton-seed oil enters into the composition of said product."

The amendment was rejected.

Mr. McRAE. Mr. Chairman, I have another amendment to the same section, which I desire to offer for my colleague [Mr. BRECKINRIDGE].

The Clerk read the amendment, as follows:

Amend section 8, line 3, by striking out the word "eight" and inserting the words "half a cent"; so that it will read "a tax of half a cent per pound," &c.

Mr. HISCOCK. Mr. Chairman, I make the point of order on that amendment.

Mr. HATCH. Mr. Chairman, I make the point that the rate has been already fixed by a vote of the Committee of the Whole.

The CHAIRMAN. The Chair thinks the point is well taken.

Mr. GIBSON, of West Virginia. Mr. Chairman, I submit again—[Calls of "Regular order!" "Regular order!"] I am addressing the House on the point of order. [Renewed calls of "Regular order!"]

Mr. HATCH. I think I can settle this. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McMILLIN, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 8328) defining butter, &c., and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

The Speaker announced the appointment of Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM as conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the Post-Office appropriation bill.

OLEOMARGARINE.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the further consideration of bills raising revenue; and, pending that motion, I ask unanimous consent that when the bill is reported from the Committee to the House a vote shall be taken in the House on the propositions which I am about to state in the order in which I shall state them. I do this for the purpose of advancing the business of the House. What I propose is that a yea-and-nay vote shall be taken, first, upon the proposition to fix the rate of tax at 3 cents; if that is voted down by the House, that a similar vote shall be taken upon the proposition to fix the rate at 5 cents; if that is voted down, that a like vote shall be taken upon the amendment submitted by the committee fixing the rate at 8 cents; and, if that is voted down, that the vote shall then be taken upon the bill as reported.

Mr. BRECKINRIDGE, of Arkansas. I object. If the gentleman will include my amendment and give me a vote on it I will agree, but if he insists upon cutting my amendment out, then, as a matter of course, I object.

Mr. GIBSON, of West Virginia. Mr. Chairman, it is certainly very desirable that we should, if possible, compromise our differences upon this bill and let legislation proceed. I have been in consultation with the gentleman from Missouri [Mr. HATCH] upon this subject. I have

no desire whatever to retard legislation in this House. All I want is to have a fair vote upon this bill. I want to make this further suggestion to the gentleman from Missouri [Mr. HATCH]. I speak only for myself, for I am not authorized to speak for anybody else. If the gentleman from Missouri will agree to allow the vote to be taken as he suggested, with a further yea-and-nay vote on the amendment offered by the gentleman from Indiana [Mr. BROWNE], and a further yea-and-nay vote on the section in this bill dividing the fines between the Government and the informer, I say to him that I, for one, will stop fighting this bill and let it come to a vote.

Mr. DUNHAM. Mr. Speaker, as I understand the friends of this bill, their object has been mainly to provide means for identifying this oleomargarine, and I understand that they have stated privately that they do not care so much for the tax as they do to be certain that this article is sold for what it is. Now, if that be the fact, I can see no object in placing the Commissioner of Internal Revenue in charge of all the factories of this character throughout the country, placing inspectors over them, and compelling the manufacturers to pay a tax. The article being identified beyond question, I can not see any good reason why there should be any tax whatever upon it. For that reason, Mr. Speaker—

Mr. HATCH. I desire to say to the gentleman from Illinois [Mr. DUNHAM] that I am not responsible for what any friend or opponent of this bill may have said about it outside of this House, nor am I governed by any such statement. I am here in good faith supporting this bill. I have made this proposition in the utmost good faith to meet more than half-way gentlemen on the other side who have suggested that an arrangement might be reached. I have made my proposition, and it is to take a fair vote in the House to test the sense of the House upon the several propositions as to the rate of tax—3 cents, 5 cents, 8 cents, or 10 cents.

Mr. RANDALL. I suggest that these questions should be voted on in a different order from that suggested by the gentleman from Missouri; that the question should first be taken on 8 cents, then on 5 cents, then on 3 cents.

Mr. HATCH. I would be willing to have the vote so taken; but the gentleman from West Virginia [Mr. GIBSON] requested that it be taken the other way, and in deference to him I have so proposed.

Mr. RANDALL. Unanimous consent can do anything, of course; but the usual proceeding is to vote first on the higher figure. If the House should agree to 8 cents, that of course would settle the question by a single vote.

Mr. GIBSON, of West Virginia. But, Mr. Speaker, the object of this compromise is to save the necessity—

Mr. RANDALL. I do not wish to interfere with any compromise which may have been arranged; I only state what is the usual proceeding under the rule.

The SPEAKER. The request of the gentleman from Missouri [Mr. HATCH] has been objected to.

Mr. HATCH. I hope the Chair will state it again before making a final announcement.

The SPEAKER. The Chair will do so.

Mr. GIBSON, of West Virginia. Does the gentleman from Missouri accede to the proposition that there be a yea-and-nay vote taken on the amendment of the gentleman from Indiana [Mr. BROWNE]?

Mr. HATCH. I do not.

Mr. GIBSON, of West Virginia. And on the clause in regard to informers?

Mr. HATCH. I do not.

Mr. GIBSON, of West Virginia. Then we can not agree.

Mr. HISCOCK. I hope that some general understanding may be reached, so that we may have a vote on these questions and proceed with the business of the House. I think the gentleman from Missouri had better agree to a yea-and-nay vote on these two questions.

Mr. REAGAN. There are a great many other subjects waiting action by the House, and I trust that some agreement may be reached.

Mr. TAULBEE. I rise to a parliamentary inquiry. I wish to know what question is pending before the House?

The SPEAKER. There is no motion before the House except the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole—

Mr. TAULBEE. Then I call for the regular order.

The SPEAKER. But pending that, the gentleman from Missouri endeavored to effect some arrangement about the consideration of the bill, which was objected to. There is nothing of that sort before the House. The question is on the motion of the gentleman from Missouri.

Mr. HISCOCK. I hope there will be consent to a little informal talk on this subject in the way of negotiation to see whether we can not reach some basis of agreement.

Mr. HATCH. Mr. Speaker, gentlemen have asked me to consent to modify a section of this bill the consideration of which has not yet been reached in the Committee of the Whole. I can not speak for the committee; I have no right to anticipate what the committee will do with that section when it is reached. I will not submit any proposition to modify a section of this bill which has not been reached for consideration in the Committee of the Whole.

Mr. MORRISON. What does the gentleman say as to the proposition of the gentleman from Indiana which has been voted down?

Mr. HATCH. In two or three different shapes it has been voted down in the Committee of the Whole by a very large majority, and I think gentlemen ought to accept that decision.

Mr. HISCOCK. I hope the gentleman from Missouri will accede to the suggestion that the amendment of the gentleman from Indiana be included in his proposition.

Mr. HATCH. At the suggestion of the gentleman from New York [Mr. HISCOCK] I include in my request the three propositions I have named and a yea-and-nay vote upon the amendment offered by the gentleman from Indiana [Mr. BROWNE].

Mr. GIBSON, of West Virginia. Now I hope the gentleman will go further—

Mr. HATCH. No; I will not go further.

Mr. HISCOCK (to Mr. GIBSON, of West Virginia). That is as far as you should ask him to go.

The SPEAKER. Will the gentleman from Missouri state in what order he desires the questions taken upon the rate of tax?

Mr. HATCH. I desire that the question be first taken on the lowest rate.

The SPEAKER. If the House will be in order the Chair will state the request made by the gentleman from Missouri. The gentleman asks unanimous consent that there may be a yea-and-nay vote in the House, first upon the proposition to fix the tax at 3 cents per pound; secondly, to fix it at 5 cents; thirdly, at 8 cents; and also that there may be a yea-and-nay vote in the House upon the amendment heretofore proposed in Committee of the Whole by the gentleman from Indiana [Mr. BROWNE] to the eighth section. Is there objection?

Mr. GIBSON, of West Virginia. I hope there will be none.

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. HATCH. Put the question on my motion, to go into committee.

Mr. BRECKINRIDGE, of Arkansas. I withdraw my objection temporarily. Why does the gentleman exclude my amendment; why not allow it to be pending?

Mr. HATCH. Simply because, as I have already explained, the gentleman's amendment of half a cent a pound is not in order, the rate having been fixed at 8 cents.

Mr. BRECKINRIDGE, of Arkansas. If that is not in order then 3 cents is not in order.

Mr. HATCH. It is only piling up one more vote in the RECORD.

A MEMBER. I would do it.

Mr. HATCH. I ask for a vote on going into committee.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. McMILLIN. I offer the following amendment to the eighth section.

The Clerk read as follows:

Add to section 8:

"And the producer of tobacco shall have the right to sell the same, and dealers to buy from them, unmanufactured tobacco without the payment of privilege or other taxes, and all laws in conflict herewith are hereby repealed."

The amendment was disagreed to.

Mr. DUNHAM. I offer the following amendment, to come in at the close of the section.

The Clerk read as follows:

That the tax on spirits distilled from grapes and peaches shall hereafter be 25 cents a gallon.

Mr. DUNHAM. I demand a division.

The committee divided; and there were—ayes 15, noes 99.

Mr. DUNHAM. No quorum has voted.

Mr. DUNHAM and Mr. FREDERICK were appointed tellers.

The committee again divided; and the tellers reported—ayes 42, noes 121.

Mr. DUNHAM. I move the following amendment.

The Clerk read as follows:

That hereafter there shall be placed upon every receipt for any sum of money or the payment of any debt a special-tax stamp of the denomination of 2 cents.

Mr. SOWDEN. I make the point of order that this amendment is not germane to the bill.

The CHAIRMAN. This is a revenue tax, and the Chair will entertain it.

Mr. DUNHAM. I demand a division.

The committee divided; and there were—ayes 5, noes 117.

The amendment was disagreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, several messages in writing were received from the President of the United States, by Mr. PRUDEN, one of his

secretaries, announcing that he had approved and signed bills of the following titles:

An act (H. R. 570) for the relief of E. P. Thompson;

An act (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich.;

An act (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States; and

An act (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

OLEOMARGARINE.

The committee resumed its session, Mr. SPRINGER in the chair.

Mr. DUNHAM. I offer the following amendment.

The Clerk read as follows:

That hereafter there shall be affixed to each deed, instrument, or writing, whereby any lands, tenements, or otherwise conveyed to or vested in the purchaser or any other person or persons by his, her, or their direction, when the consideration or value does not exceed \$500, a stamp of the denomination of 50 cents; when the consideration exceeds \$500 and does not exceed \$1,000, a stamp of the denomination of \$1, and for every additional \$500 or fractional part thereof in excess of \$1,000 of consideration, an additional stamp of the denomination of 50 cents.

The committee divided; and there were—ayes 5, noes 122.

So the amendment was not agreed to.

Mr. DUNHAM. I offer the following amendment.

The Clerk read as follows:

That hereafter all United States officers shall pay a tax of 5 per cent. upon salaries exceeding \$1,500 per annum.

The committee divided; and there were—ayes 5, noes 92.

So the amendment was disagreed to.

Mr. DUNHAM. I move the following amendment.

The Clerk read as follows:

That all railroad companies shall hereafter pay a tax of 10 per cent. on all dividends and undistributed profits.

The committee divided; and there were—ayes 11, noes 90.

Mr. DUNHAM. Let us have a quorum on that.

Mr. DUNHAM and Mr. PRICE were appointed tellers.

The committee again divided; and the tellers reported—ayes 21, noes 143.

So the amendment was disagreed to.

Mr. DUNHAM. I move to strike out the eighth section of the bill.

The committee divided; and there were—ayes 21, noes 117.

Mr. DUNHAM. Let us have a quorum on this.

Mr. DUNHAM and Mr. PRICE were appointed tellers.

The committee again divided; and the tellers reported—ayes 3, noes 117.

So the amendment was disagreed to.

The Clerk read the ninth section, as follows:

SEC. 9. That whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

No amendment was offered.

The Clerk read the tenth section of the bill, as follows:

SEC. 10. That all oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom-house officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than 10 pounds, as prescribed in this act for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this act prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be guilty of a misdemeanor, and shall be fined not less than \$1,000 nor more than \$5,000, and imprisoned not less than six months nor more than three years. Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this act, shall be fined not less than \$500 nor more than \$5,000, and be imprisoned not less than six months nor more than two years.

Mr. LAWLER. Mr. Chairman, I move to strike out the last word.

I have a letter here, which I want to have read in the hearing of the House by the Clerk, in reference to the subject now under debate. One of the oldest residents of Illinois, in the stone business, in the course of his travels through the State of Illinois, while in Chicago, and hearing a great deal about this question, concluded to visit one of the packing-houses and see how this oleomargarine was manufactured. His letter is in reference to that subject, and I ask the Clerk to read it.

The Clerk read as follows:

ENGLEWOOD, ILL., May 28, 1886.

DEAR SIR: I am not in any way interested in any of the corporations; not one cent can it affect me except in what I will be compelled to pay for the oleomargarine in tax. I have gone for my own satisfaction and examined the *modus operandi* of the work—which any man can do who may wish—of the making of the oleomargarine.

It is made from the tallow, first grinding then heating sufficiently to make it into a liquid. It is run into coolers and then pressed, separating the stearine and all fibrous parts. The oil from the press is dropped into a cooler. When taken from the cooler it has the appearance of butter when taken from the churn, and is palatable and sweet and of a better color than the average of butter taken from the churn. It is then placed in a churn with pure milk and cream and churned, which gives a butter flavor. It is then salted and worked over, the same as is done in a dairy. It is then ready for use. There is nothing in it that can be unhealthy. It is a pure extract from the tallow, in substance about the same as the butter from the cow, and is as good as the average butter and far superior to the low grades of butter. It is nutritious, palatable, healthy, and cheap. It is the poor man's butter, and when you tax it you are only adding that burden to the poor man. You tax him and not the manufacturer.

The discovery of extracting the oleomargarine from the tallow of the bullock is a blessing, and makes it possible for the poor man to have butter on his table. Those who say oleomargarine is made up of refuse grease are talking for a purpose, as they know not what they say. The discovery has given a value to tallow of from one to two dollars per hundred on each fat bullock. The farmer gets that.

The dairy interests may fear they have a competition in the introduction of oleomargarine. Is it not an honest one? Are they going to force this tax on the poor man with the view of forcing out of use an honest competitor? What a hue and cry they would raise if one firm in the country had the exclusive right of making all the mowers and harvesters or plows! In 1834 or thereabouts the farmers and stage owners and agents met in convention in Albany with the view of stopping the building of railroads. The pretext was it was going to ruin the sale of horses and the use of coaches and drivers.

In 1845-'46 the discovery of the propeller wheel was being introduced. It was ridiculed then. It is now forcing our large steamers on the ocean. The flying-shuttle, the steam-power for weaving, and the planing-machine met vigorous opposition, yet the world moves on.

The twelve hours a day, the ten hours, and now the eight hours a day has its opposition. Genius and intelligence and progress will move on notwithstanding the selfishness of men. Science will prevail; selfishness must give way.

The farmers are among those who cry out against trades unions. They, like the trades union, are selfish in the extreme. The dairymen are only a small portion of producers of this country, and they, like the other trades, will have to concede that there are other people and other interests than theirs. We want but one trades nation in this country. That union shall be for the best interests of the entire nation. We do not want, nor will we have, any more legislation for classes or corporations. This that has been done must be abolished. The land, railroad, banking, and other monopolies must be abolished, and that soon. If there is a necessity for raising more revenue raise it by a graduated income tax; put it on those who have their favored franchises, not on the poor man. Let up a bit on him. Look back over the history of the last thirty years. See if you can what has been done for him. A change will be demanded in a way it will not be misunderstood. We expected a change for the better; so far it has been for the worse.

It was the design of the founders of this Government it should be for the masses and not for the few. We have no objection to the strictest inspection and restriction to protect and govern the manufacturer of all food products, and tax the same to pay the expense of maintenance of the inspection and make the penalty for any infringement or violation with severe punishment. This will meet the approval of all good citizens.

Respectfully, yours,
Hon. FRANK LAWLER.

M. HALEY.

Mr. LAWLER. I am sorry that owing to the confusion prevailing in the House this letter was not carefully listened to by every member on the floor. This is the opinion of a straightforward, honest business man. He has no interest whatever in the matter, and believes that it is a manufacture that ought to be controlled by the authorities in a proper way; but he takes the view which I am satisfied is taken by nine-tenths of the people, that it is an improper and poor way of levying taxation to select a food product for that purpose.

I withdraw the *pro forma* amendment.

Mr. CURTIN. Mr. Chairman, the other day during the course of some remarks made upon this bill I said I did believe that the workmen of this country in their organizations are opposed to its passage. A telegram was read, in answer to which I rose to a personal explanation. I now hold in my hand a telegram received from a number of these organizations in Central and Western Pennsylvania, an association numbering altogether about seventy-eight thousand, against the passage of the bill; and I wish to say to this House that there are more coming from that class of people.

I oppose the bill on the principles of the bill itself. I am opposed to it because I am opposed to taxing any industry out of existence; and am willing, as I said before, to submit this article to the most rigid tests that can be demanded even down to the microscopic tests with instruments of the highest-magnifying powers.

I oppose it because on the same principle you should introduce an inquiry into coffee and tea and other articles of food just as well as in reference to this article; and if this is a parental Government let us examine the food of our people generally, but until then let the freemen of the United States be the judges of what is wholesome for themselves and their families, and let not this House legislate on such a subject.

I ask to have this telegram and the resolutions read, and if there is not time in the two minutes allotted to me then I shall ask to have them printed. [Cries of "Read!" "Read!"]

The Clerk read as follows:

PITTSBURGH, PA., May 31, 1886.

Hon. ANDREW G. CURTIN,

House Representatives, Washington:

Below find resolutions passed by trades assembly and lodges composing the same. Official copies by mail:

PITTSBURGH, PA., May 29, 1886.

Whereas certain measures are now pending in Congress for the regulation of

the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legitimate business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of this legislation will be to increase the price of a cheap and wholesome food product, and destroy the laborer's manufacture employs; and

Whereas the only reason given for this legislation is that it comes into competition with butter:

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy.

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolution were adopted at a session of the Trades Assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

RICHARD ENNISS,

President of Trades Assembly of Western Pennsylvania.

T. J. DICUS,

Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations: Superior Lodge, No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metallic Workers' Assembly, Knights of Labor; American Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 21, Knights of Labor; Good Intent Lodge, No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 142, Builders, Carpenters, and Joiners' Union; International Cigar-makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture Makers' Union, No. 21, Knights of Labor; Bridge Workers' Assembly, No. 1652, Knights of Labor; Labor Assembly No. 5269, Knights of Labor; Calkers' Assembly, No. 892, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street-car Drivers' Assembly, No. 6003, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banksville Miners' Association; Typographical Association, No. 1690, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly No. 80, Knights of Labor; Pressmen's Union, No. 13; Labor Assembly No. 791, Knights of Labor; Labor Assembly No. 1631, Knights of Labor; Labor Assembly No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union No. 14; Iron-molders' Assembly, No. 1030, Knights of Labor; Bottle-blowers' Union of North America; Horse-shoers' Union; Typographical Union No. 7; Job Printers' Association, No. 1392, Knights of Labor; Independent Lodge of Millvale, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Assembly, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works Lodge, No. 8, Amalgamated Association of Iron and Steel Workers; American Flint-glass Workers' Association, No. 6; Labor Assembly No. 1719, Knights of Labor; Labor Assembly No. 2300, Knights of Labor; International Cigar-makers' Union, No. 170; Iron-molders' Union of North America, No. 243; Labor Assembly No. 5478, Knights of Labor; Lodge No. 85, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 2126, Knights of Labor—representing about seventy-eight thousand members.

[During the reading of the foregoing the hammer fell.

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

Mr. HISCOCK. I understand the gentleman from Pennsylvania is indifferent about the whole of this being read; I therefore call for the regular order.

Mr. CURTIN. It comes out of my time.

Mr. WILLIS. Let it be read.

Mr. CURTIN. I want the names of the signers to be read.

The CHAIRMAN. The gentleman can have them printed.

Mr. CURTIN. Very well; I ask to have it all printed.

The CHAIRMAN. It will be printed.

The telegram is printed above.]

Mr. GIBSON, of West Virginia. Mr. Chairman, I move to strike out the last word.

I have during the progress of this bill and its consideration in the committee persistently fought it at every step. I have done so not for the purpose of wasting the time of the House, not for the purpose of making myself conspicuous as a filibuster, but for the purpose of gaining a good end in a matter of important public legislation. I think we have arrived at that stage in the consideration of this bill when I feel I have accomplished all I expected to accomplish or could hope for. The chairman of this committee having the bill in charge has agreed with me that when it comes up in the House for consideration he will himself offer amendments such as I have desired to vote upon: first to strike out the tax of 10 cents a pound and insert 3; if the House refuses to do that, then to strike out 10 and insert 5; and if the House shall refuse to do that, to follow it up by another amendment to strike out 10 and insert 8. And it is further agreed with him that he will himself offer the amendment which was submitted by the gentleman from Indiana [Mr. BROWNE], so that the House can have an opportunity for a fair and square ay-and-no vote upon these items of the bill and upon the bill itself.

Mr. BLANCHARD. A yea-and-nay vote has been agreed upon.

Mr. GIBSON, of West Virginia. Yes, it has been agreed that an ay-and-no vote shall be taken in the House.

Now, while I can not vote for the bill even with the amendments I have suggested, still I do not feel at liberty uselessly to consume further

the time of the House when there is so much public business to be transacted. I can not vote for the bill for reasons which I have heretofore stated in my remarks. I regard it as vicious in every form and in every aspect. It violates every principle of republican government, and violates as well all of the fundamental principles of the Democratic party, in which I believe.

It will subject the people throughout the country to a system of espionage, to spies and informers. It will make all the housekeepers in this land afraid of their employes, their servants, or whoever may be around them. It will seriously embarrass and disturb the cattle interest of this country. It will lower the price of hogs as well as of cattle. And all for no good to the masses of the people. It will simply put it into the power of combinations of dairymen around the cities to increase the price of living, and will make it harder for the poor people, for the wage-workers, for the millions of consumers in this land to live.

For these reasons, whenever this bill comes up for a vote, I propose to vote against it. But as I have accomplished all that I could have hoped to accomplish, and as the chairman of the committee has shown a spirit of fairness, I announce for myself I will not filibuster further against the bill. [Applause].

Mr. HATCH. I desire to say to the committee that the statement made by the gentleman from West Virginia is authoritative and correct. I propose, when we get into the House, to offer for the consideration of the House, in the order named, the amendments stated in my request for unanimous consent a short time ago. The gentleman from West Virginia said I would offer them. I will offer them as stated, not, of course, that I will support them, and the gentleman does not expect that; but I will offer them in good faith in the House, giving the opportunity in the House for every gentleman to vote by a yea-and-nay vote on each of these propositions.

Mr. GIBSON, of West Virginia. That is my understanding.

Here the committee informally rose, and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. 2076) to extend to letter-carriers the advantages secured to other employes of the United States by section 3738 of the Revised Statutes relating to the hours of labor; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee.

The message also 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 House of Representatives to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. TILLMAN. Mr. Chairman, the gentleman who preceded me [Mr. CURTIN] has just had read an important dispatch, that contains information, I think, of such a character that the House should weigh it well. And I, too, sir, have a couple of dispatches that will contribute to our information. Only a few moments ago I received one from the oleomargarine manufacturers of New York and Brooklyn in these words.

A MEMBER. Manufacturers of what?

Mr. TILLMAN. Of oleomargarine, of course. The dispatch says:

NEW YORK, June 1, 1886.

Hon. G. D. TILLMAN,
Washington, D. C.:

Your consistent course in defending oleomargarine has our warmest approval. All we desire is a right to fair competition with honest State branding laws honestly enforced.

THE MANUFACTURERS OF NEW YORK AND BROOKLYN.

I also hold in my hand another dispatch from the Merchants' Exchange of the city of Charleston, addressed to the entire delegation from South Carolina, exhorting us to defeat this bill if possible. It reads:

CHARLESTON, S. C., May 27, 1886.

Hons. SAMUEL DIEBLE, GEORGE D. TILLMAN, D. WYATT AIKEN, W. H. PERRY, J. J. HEMPHILL, G. W. DARGAN, and ROBERT SMALLS, House Representatives:

The committee appointed by the Merchants' Exchange to investigate the important subject of the proposed dairy legislation in Congress would respectfully report that your committee have as carefully as they were able examined this question in all its bearings, and recommend the following action by the exchange:

Whereas efforts are now being made to secure enactment by Congress, under bills pending, providing for imposing a special tax of 10 cents per pound upon the manufacture of oleomargarine and butterine, with additional restrictions in the form of heavy license assessments against dealers in these articles and the placing of their production and sale under charge of the Internal Revenue Department; and

Whereas it has been well and clearly shown that these products are proper ones for food purposes, and their manufacture has proven to be a great public convenience, as well as furnishing an important acquisition to the volume of commercial operations, thus promotive of the business interest of a large number of merchants throughout the country, as well as conferring incalculable benefits upon consumers: Therefore,

Be it resolved by the Merchants' Exchange of Charleston, S. C., That it would be against sound public policy to carry out the proposed legislation calculated to

operate against the oleomargarine and butterine industries, and that, as these articles are manifestly proper ones to be manufactured and sold for food purposes, any special tax would be an unjustifiable discrimination against legitimate domestic industry, and should not be imposed.

Resolved, That all imitation butter products should be sold on their merits, and that measures providing against their being offered for sale as ordinary butter should be enacted and enforced by State or local authority.

Respectfully submitted.

GEO. W. BELL, Secretary.

Mr. Chairman, it is but a pretense that this bill is to protect the public health. When the gentleman from Georgia [Mr. HAMMOND] offered an amendment requiring hotel, restaurant, and boarding-house keepers to placard their dining-rooms conspicuously with the words "Oleomargarine is used by this house," it was readily adopted, but when he proposed another amendment, attaching a penalty for failure to so notify customers, it was easily voted down, showing that the majority are insincere and care nothing for the health of those who eat oleomargarine, because, as the bill in its present shape is merely declaratory, no public housekeeper can be punished for feeding his boarders on oleomargarine.

Mr. Chairman, this bill is a discrimination against towns people and against laboring people. Nearly everybody in the country has a cow and can make natural butter for his own use and that of his family. But where can townsmen and laborers in cities, mines, factories, &c., get their butter except at a rate at which they can only taste it occasionally unless they can purchase oleomargarine or butterine at a reasonable price? This bill likewise discriminates in favor of the dairymen against other agriculturists.

Enact this bill, and it will lower the price of beef-cattle nearly \$3 per head by diminishing the market value of the oleine in the tallow, and in proportion, for the same reason, it will reduce the value of hogs and sheep. Tallow, lard, and suet were all formerly largely used for illuminating or lubricating purposes, both of which are now done either by gas, petroleum, or cotton-seed oil. As these animal fats have been superseded for those purposes, what valuable use can be made of them if they can not be worked into oleomargarine, especially as the quality of cotton-seed oil is so superior and its quantity so abundant that it has well-nigh displaced not only olive oil for the table but lard for the kitchen. Peanut oil which for food is even better than cotton-seed oil is likewise becoming very plentiful and cheap in competition with lard.

I say to my North Carolina friends who are advocating this bill, pass it and the price of peanuts will fall perhaps 50 per cent. [Laughter.] I say to my friend from Mississippi [Mr. MORGAN], and the representatives from other Cotton States, pass this bill and the price of cotton-seed, now worth on the average perhaps 20 cents a bushel, will go down to 10 cents a bushel, their value for manure. Why? Mostly because the oleine of these two articles, together with oleine of animal fats, enter so largely into the manufacture of oleomargarine, which I insist is better than natural butter, as my colleague [Mr. AIKEN], if he were here, could testify, for he has studied this question thoroughly, having carefully examined the factories and spent hours and days investigating the process of making oleomargarine.

Mr. MORGAN. Will my friend permit me to state—

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the formal amendment offered by the gentleman from West Virginia as withdrawn.

Mr. BLOUNT. I renew the amendment; and I yield my time to the gentleman from South Carolina.

Mr. TILLMAN. I thank the gentleman from Georgia [Mr. BLOUNT], and I should like if I could get my time extended once or twice more. [Laughter.]

Mr. MORGAN. Mr. Chairman, I speak now for the opportunity of extending the gentleman's time.

Mr. TILLMAN. Mr. Chairman, oleomargarine, when it is honestly made out of good materials, is not only as good as butter but it is better. [Laughter.] Gentlemen, you laugh again because you have not studied the science and art of its manufacture. Oleomargarine is simply made of the oleine or principal liquid ingredient of certain animal and vegetable fixed oils or fats. The gentleman from Missouri [Mr. HATCH] charged that oleomargarine is made out of tallow, lard, and suet bodily, while it is made merely out of those articles in part, as only the oleine which is about four-tenths of those fats is used in making oleomargarine, and oleine is oleine, whether derived from butter, from animal fat, or from vegetable matter. The crude materials are put through a hashing, washing, freezing, heating, and pressing process to get rid of the tallow and stearine and other solids and gums that are objectionable and fit only to make candles, soap-grease, &c.

The substance which gives oleomargarine the consistence, color, and taste of butter comes from the sweet milk in which the mixed oleine is churned, and it is merely the caseine, curd, or cheesy element, and the margarine of the milk blended with the oleine by churning at a high temperature, and then freezing, to prevent crystallization. Take 500 pounds of oleine properly extracted from oils and fats with 100 pounds of sweet milk and 20 pounds of salt and churn them together and you get 620 pounds of better butter than you can make in the best Alderney dairy in America. [Laughter.] Why? Because, first, it will keep ten times as long as natural butter for the reason that it has an excessive supply of oleine, while it is deficient, so to speak, in cer-

tain acids that speedily smell badly in natural butter and cause it to become rancid and putrid. Another advantage that oleomargarine has, one by which it can be easily distinguished in warm weather, is that it never gets soft and sloppy as natural butter does. Oleomargarine will not get in that condition until the thermometer approaches 140° Fahrenheit.

That is a simple rule by which to test the matter; and gentlemen need not shudder in horror about this thing. It is not the first instance where art has surpassed nature. If I were now put on the stand in a court of justice I would swear to the best of my knowledge and belief that two-thirds of all the butter that the members of this House have eaten in this city, or in Baltimore, Philadelphia, New York, Boston, or in other cities, for the last three or four years, but especially in this city, has been oleomargarine. [Great laughter.] And yet, gentlemen, you are still alive. It is only a wrong association of ideas and facts which makes your gorge rise. The friends of this bill have been challenged to name a single instance of any one dying, or even being made sick, from the use of oleomargarine, yet they have not even named one instance. Still they propose to legislate against the poor laborers in the cities, in the factories, in the mines, and in the workshops, and to deprive them of this cheap and wholesome article of food which I may well define as the poor man's meat as well as butter. By the use of this article he can use cold baker's bread and avoid the expense of a cook and fuel for perhaps half of the year. Pass this bill, and those of you from the cities who vote for it will hear from your constituents or I am most sadly mistaken; and some of the representatives of rural districts will also hear it thunder in my opinion.

[Here the hammer fell.]

Mr. MORGAN. Mr. Chairman, I move to strike out the last word. Oleomargarine has struck such a solid friend in my distinguished friend from South Carolina that I want to give him more time. [Laughter.]

Mr. TILLMAN. I not only thank the gentleman, but I am grateful to the House for unanimously according me a third hearing. This, however, is a subject about which so many gentlemen on this floor differ from me, and about which there are such strong and radical antagonisms of opinion (I say it without intending to offend anybody) simply because gentlemen have not inquired into the subject, that I can not hope to do it justice even in five minutes more, but I will attempt to present one or two additional points which I think ought to have some weight.

The derivation of the word "margarine" throws some light on the manufacture of artificial butter. It comes from the Greek and means "pearl," because it crystallizes in pearly scales and is the substance which imparts the color as well as the firm consistence of natural butter. Mège, who invented oleomargarine, while pursuing his efforts to manufacture a palatable substitute for butter was led to believe that the only difference between butter and beef fat was that the latter contained an excess of stearine which is the chief constituent of butter. By extracting the oleine of tallow and other fats and churning it in milk he proved his theory to be correct. So that the component elements of natural and artificial butter are the same, except that they are mixed in better proportion in the artificial than in the natural product.

Mr. Chairman, that some of the materials used in the manufacture of oleomargarine are not as fresh and pure as they ought to be no one will deny, and that the processes of separating or blending those materials are not always as well performed as they ought to be nobody can gainsay, but the same is true of natural butter. The milk from which it is made is frequently very poor, filthy, or diseased, and we know that millions of gallons of water and thousands of tons of mutton suet have been employed to adulterate butter.

The shocking stories we hear about the fat of dead horses, cattle, and other animals being converted into oleomargarine are mere inventions of the imagination. The manufacturer of oleomargarine has a reputation or good-will to preserve as well as the dairyman, and the maker of the former article must keep on his good behavior and exercise his best skill to perfect his product to command the highest price for it. So that there is quite as much necessity to protect the public against adulterated butter as against adulterated oleomargarine.

Mr. Chairman, the principal objection to oleomargarine is that it makes natural butter cheap, and that therefore it should be taxed out of existence. Sir, everything is cheap now except gold. Beef is down in price, as well as miltch cows; so is pork, mutton, cotton, corn, wheat, and even uncoined silver. As I said the other day, the discovery of a German chemist a few years ago, that glucose sugar and sirup could be extracted from Indian corn, by the simple process of boiling it in diluted sulphuric acid has made sugar cheaper than it has been in the history of the world. Everybody knows that glucose sugar and glucose sirup contain only about 40 per cent. as much saccharine matter as an equal quantity of cane sugar and sirup, yet it gives satisfaction. Everybody is pleased with it, except that maple-sugar producers and cane-sugar producers try to make us believe that some of the sulphuric acid is left in it and causes disease, just as these dairymen are trying to make out that oleomargarine is causing sickness and diminishing population. I say that with these exceptions everybody is pleased to have sugar so cheap, and nobody proposes to tax glucose; still it would be just as wise and just

as fair to tax glucose, and thus to discriminate to that extent against the producer of Indian corn in the West, as it is to tax oleomargarine.

After many years' trial oleomargarine has approved itself a cheap and excellent food. There is hardly a doubt that twice as much of it is consumed in the cities as of natural butter, and there is a much greater quantity of it exported from this country than there is of butter.

Impose a tax of 10 or even 8 cents a pound on oleomargarine and there shall soon be but little or no oleomargarine to tax, either by reason of a mighty industry having been stricken down by the strong arm of the law at the bidding of a rival interest, or by every public dairy having a creamery and an oleomargarine factory working in concert, and the whole product will go out for sale as butter, but it will be half one, half the other, and all of neither. I predict that although this bill if it become a law may decree the destruction of the manufacture of oleomargarine by a prohibitory tax, yet the decree can never be carried into effect, nor will the city people do without oleomargarine, because they can not and will not. So we may expect fearful times in the near future if the Internal Revenue Bureau shall attempt to enforce such a law.

I have not time to do more than merely glance at the revenue feature of the bill. Eight cents a pound tax if it can be collected will bring into the Treasury \$16,000,000 according to the lowest estimate. What use have we for the money? There is already a large surplus in the Treasury, and to increase the surplus is to stimulate further extravagance and corruption than now prevail.

But the most odious provision of the bill is the extension of the infamous excise system, which offers a premium for spies, informers, and petty tyrants to worry, rob, and oppress the people. [Great applause.]

[Here the hammer fell.]

Mr. PARKER. Mr. Chairman, I rise for the purpose of protesting against the use which is made here of the names of organizations of Knights of Labor and other associations of laboring men with the view of influencing the vote upon this bill. I affirm that such use is without proper justification. Why, sir, we have had presented here petitions claiming to represent the sentiments of seventy thousand laboring men. By whom are these petitions signed? They are signed, as I understand, by the heads of the orders, the officers; they are signed by a few men who can be easily reached, easily worked upon, easily induced to act in this matter; and petitions gotten up in this way are brought here and heralded over the country as an expression of the views of seventy thousand workingmen.

A MEMBER. Who gets them up?

Mr. PARKER. We can readily understand how they are gotten up. They are gotten up by such men as those who have been sent here, if we are correctly informed, within forty-eight hours, to put in their work where it will do most good.

Mr. Chairman, we have no evidence that any reasonable number of workingmen anywhere have personally signed these petitions; these men are not directly consulted in any manner, but certain leading men undertake to speak for them.

Sir, we had before a special committee of this House a petition purporting to represent the views of seventy thousand Knights of Labor in favor of the Bland dollar, of making it the currency of the country. But, sir, it is now a matter of public notoriety, for it has been reported in the public press, that the general secretary of the order, Mr. Turner, being examined upon the subject, testified that the order as an order was not exerting a political influence upon the question; that if any assembly had acted on the subject, it acted merely for itself. On tracing the matter further, it was evident that upon these petitions appeared merely the names of different local organizations, those names having been put upon the papers by officers or small numbers of men who are assumed to represent the great mass of the laboring men.

And, sir, only a day or two ago Mr. Powderly, seeing the use attempted to be made of the organization of which he is the honorable head, acting upon his own judgment, as I believe, without being called upon by any one, repudiated in a manly way this improper use of the name of the order.

We see in the public press another illustration of the manner in which these things are gotten up. In the Evening Star of this city recently appeared a telegram from Cleveland, Ohio, dated May 28, stating that—

Messrs. Edwin C. Dodge and George M. Sterne, of Chicago, are in the city trying to induce the Knights of Labor to take some favorable action on the oleomargarine and butterine bill now pending in Congress.

Sir, these men are known to be the agents of Armour & Co., representing undoubtedly the imitation-butter manufacturers of the country, those men who, according to a careful computation, are now making from \$24,000,000 to \$34,000,000 annually off of the consumers of the country; and while carrying this amount of money to their safety vaults they turn round and pretend to be groaning and weeping for the poor laboring men. While appropriating to themselves from \$24,000,000 to \$34,000,000 a year, they stand before the country claiming that they are concerned for the welfare of the poor laboring men whose name they belie and whose intelligence, by putting these petitions upon them, they would disgrace.

It has been said here that our action upon this legislation may affect

the membership of the next House, and may involve the success or failure of some gentlemen in their aspirations for re-election, and the last speaker [Mr. TILLMAN] has repeated the suggestion. Sir, I submit that such motives should not influence members in their action here; but I will say that there are men here to-day opposing this bill who within ninety days will be making a diligent "tin-peddler" canvass through their districts, going from house to house, seeking to appease the anger of the blessed old women of their districts (incensed by this unreasonable opposition to honest dairy products), and begging to be allowed to come back here and attempt to regain a popularity which at home they have properly lost. [Applause.]

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I rise simply for the purpose of having read an act passed by the Legislature of the State of Pennsylvania on the 21st of May, 1885. I desire this act read, because, my State having protected itself by passing a law on this subject, I design voting against this bill.

The Clerk read as follows:

An act for the protection of the public health, and to prevent adulteration of dairy products and fraud in the sale thereof.

SEC. 1. *Be it enacted, &c.,* That no person, firm, or corporate body shall manufacture out of any oleaginous substance, or any compound of the same, other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream from the same, or of any imitation or adulterated butter or cheese, not shall sell or offer for sale, or have in his, her, or their possession with intent to sell the same as an article of food.

SEC. 2. Every sale of such article or substance which is prohibited by the first section of this act, made after this act shall take effect, is hereby declared to be unlawful and void, and no action shall be maintained in any of the courts of this State to recover upon any contract for the sale of any such article or substance.

SEC. 3. Every person, company, firm, or corporate body, who shall manufacture, sell, or offer or expose for sale, or have in his, her, or their possession, with intent to sell, any substance, the manufacture and sale of which is prohibited by the first section of this act shall for every such offense forfeit and pay the sum of \$100, which shall be recoverable with costs by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable, one-half of which sum when so recovered shall be paid to the proper county treasurer for the use of the county in which suit is brought, and the other half to the person or persons at whose instance such a suit shall or may be commenced and prosecuted to recovery.

SEC. 4. Every person who violates the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than three hundred, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both such fine and imprisonment for the first offense, and by imprisonment for one year for every subsequent offense.

SEC. 5. It shall be the duty of the constables of the several cities, boroughs, wards, and townships of this Commonwealth to make quarterly reports under oath to the courts of quarter sessions, of all violations of any of the provisions of this act which may come or be brought to their notice, and it shall be the duty of the judges of the said courts to see that the said returns are made regularly and faithfully.

SEC. 6. This act shall take effect on the 1st day of July, 1885.

SEC. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved May 21, 1885.

Mr. O'NEILL, of Pennsylvania. I wish to state, Mr. Chairman, that that act has been carried out to the letter in several of the counties adjoining the city of Philadelphia, and that farther west there have been suits and prosecutions against those engaged in the sale of this article or in its manufacture. In other words, the law which was read by the Clerk has thus far been strictly carried out.

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard all formal amendments as having been withdrawn.

Mr. ALLEN, of Mississippi. Mr. Chairman, I had hoped it would not be necessary for me to speak again on this bill, but I can not permit the assertion of the distinguished gentleman from South Carolina [Mr. TILLMAN], that oleomargarine is better and more wholesome food than the best butter produced in any Jersey or Alderney dairy in the country, to pass without dissenting therefrom and expressing some opinion as to his taste. [Laughter.] He insists that this is one of the many instances in which art has triumphed over nature. I grant there are some instances in which art seems to have decidedly the advantage as shown by a look into the window of Bell's gallery, where the photographs of the gentleman and myself are exhibited. [Renewed laughter.]

Mr. TILLMAN. Yours is there, but not mine.

Mr. ALLEN, of Mississippi. But, Mr. Chairman, I deny that this is true of any likeness or imitation of good butter. I know, sir, that what is good is often a matter of taste; that taste sometimes depends on how a person is raised. For my part, I think it must be a vitiated taste that would prefer oleomargarine to genuine, good butter. People, you know, can eat almost anything, and they often persuade themselves that what is cheap is wholesome. I remember, sir, an incident that occurred in my town about two years ago that illustrates this. A colored friend of mine, Dave Creighton, walked into a store in my town, and after passing the usual compliments with the merchant asked him, "How is politics now?" The merchant replied that politics were quiet, when Dave said: "I hear de Demicrats is nominated Mr. John Allen for Congress dis time." "Yes," said the merchant. "Well," said Dave, "dey is sho' got a good man dis time, and it won't take no ballot-box stuffing to elect him needer." "The cullored men will vote for him." Just then Dave, being hungry, noticed some small boxes of axle-grease put up

in boxes round like cheese, and he said, "Boss, how you sells dem little cheeses." The merchant priced them at 10 cents. "Throw in the crackers," said the darkey. The merchant said yes, and a bargain was struck, and the darkey went out in front of the store and sat down on a goods box, took out his knife and his crackers, opened his box, and fixed for a good time. He did not seem to like the looks of his cheese at first, but he had paid for it and he had it to eat, and with his knife he put it on his crackers and ate till it was all gone, and then scraped the box out with his knife, wiped it on his cracker, and put it in his mouth. When the merchant, who had watched the proceeding, asked him how he liked his cheese, Dave said, "Well, sir, the crackers was mighty good and de cheese was cheap enough, and I speck it is mighty wholesome, but fo' God, boss, dat was de ransomest cheese I ever is eat yet." [Prolonged laughter and applause.]

Now, Mr. Chairman, I have no doubt but that if a proposition were pending here to prevent the sale of axle-grease for cheese the gentleman from South Carolina would deliver us a scientific lecture, and try to persuade us it was much better and more wholesome than cheese, and that it would be a great outrage on the laboring man to suppress the fraud. [Applause.]

Mr. BUTTERWORTH. I move to strike out the last two words. I was unable to be here, Mr. Chairman, during Saturday's session. I was informed that the Indian bill would be considered on that day. The 30th of May is memorial day, and I was called to Ohio on that day to bear testimony on the occasion of the decoration of our soldiers' graves. On that day it was my good fortune to meet a great many farmers, a great many mechanics, a great many merchants who have to deal with oleomargarine in one way or another. I found the action of the House on the bill now under consideration was being carefully noted. I was at some pains to ascertain as far as I could the views entertained on the provisions of the bill. I shall refer to my interviews in a moment.

I learn that on Saturday the friends of this bill who favor the high rate of tax fixed in section 8, after four days' earnest discussion, discovered, instead of a high tax suggesting the extermination of the manufacture of oleomargarine, that under the provisions of this bill that industry is not liable to be taxed at all. I understand that is the construction which is now given it by my honorable friend from New York. I wish to say to the House that nobody discovered until after four days' discussion that under the provisions of this bill it was possible for oleomargarine to escape taxation. I certainly did not hear such intimation. The point of the excessive rate was distinctly discussed pro and con, and the idea that the article would not be taxed at all under the peculiar phraseology of section 2 was not mentioned.

Mr. STRUBLE. You are mistaken.

Mr. BUTTERWORTH. Possibly I am mistaken as to the point having been made, but I am sure I did not hear any such line of argument touching the operation of section 2 as was urged on Saturday. I am inclined to the opinion that it was only when after discussion gentlemen discovered it was not safe and defensible to inaugurate a new system of protection in this country—a system which destroys domestic as well as foreign competition by crushing one of the competitors by burdensome taxation, and when the unsafe ground upon which gentlemen stood became manifest and the dangerous innovation upon the well-considered and long-established system of protection which has obtained in this country became apparent, this new and revised construction was given to the bill.

I wish to say to the House, not that some gentlemen may not have entertained and expressed the view of the bill now insisted upon, but that I did not hear anything in all the discussion that indicated to my mind that any gentleman who favored the high tax either thought or desired that a single pound of oleomargarine, however and wherever manufactured, could or should escape a tax of 10 cents a pound. Certainly the debate proceeded on that understanding; and on reading the bill again I am unable to see anything in the language that would permit a pound to escape payment of the tax, and that without reference to the merit or demerit of the article. And it is the fact that the tax as fixed by the eighth section wages a war of extermination against the industry that compels me to protest. I favor a tax to regulate, not a tax to exterminate, regardless of the merits of the article manufactured.

As intimated a moment since, I had occasion within the last three days to talk with a great many farmers and others on this subject. I addressed a large assemblage of people on Sunday. Both before and after the meeting I talked with a great many of them about this matter—

A MEMBER. On Sunday!

Mr. BUTTERWORTH. Yes, on Sunday. I talked with a number of gentlemen, farmers and others, and not one of them, not one, pretended that the farmers' interests demanded anything at the hands of Congress except that these two industries should be separated and that butter should have a fair field unvexed by fraudulent competition. Nothing more was demanded and nothing less ought to be granted.

And, more than that, I will say to gentlemen and to the country, for the people understand perfectly the object and purport of this bill, that at 10 cents a pound, if this industry could continue to flourish as it does now when untaxed, it would yield to the Government eighteen or twenty millions of dollars annually, and the people—that is, the consumers of

the country—will not agree that four or five millions of people who are the consumers and who purchase all they eat shall be compelled to pay that eighteen or twenty millions of dollars for the privilege of eating any particular article of domestic manufacture simply to protect a competing industry, both being domestic industries. They will not consent that this Congress shall increase the cost of an article of food that is used on every man's table 50 per cent. merely to aid a kindred and competing domestic enterprise.

In protecting against foreign competition there is manifest and palpable compensation to the producers and consumers of the country, but the protection which this bill proposes to this home industry by imposing a high tax on oleomargarine is nothing more nor less than compelling one class of our citizens who are consumers to pay so many dollars directly over into the pockets of another class who are producers, and that without any shade or trace of compensation as in the case of import duty on articles of foreign production.

Now, it has been said, Mr. Chairman, that my position in regard to this bill has not been understood. To gentlemen who say they can not understand my position on this bill, I wish to remark, in the language of the Roman maxim, "against stupidity the gods themselves are powerless." I have stated it fully heretofore and restate it now, that these industries should be torn apart and each compelled to stand before the country upon its own intrinsic merits; and I think it has been made plain. Certainly the honorable gentleman in charge of the bill admits that a merely nominal tax is enough for that—that is, to pay the cost of enforcing the law—the result of which would be the complete separation of the industries.

But if it can not be otherwise done, if we are still to eat we know not what, and it was impossible otherwise to accomplish the result, I would levy the tax as high as might be found necessary and would go as far as any one in that direction. My point is—and I restate it again and again so I may not be misrepresented nor misunderstood—to let every man who manufactures oleomargarine for sale and sells it put it upon the market, to be accepted or rejected on its own intrinsic merits and upon that exclusively, and to that end and for that purpose this bill has my support, but beyond that I will not go; for I am well assured that on no other theory or basis can we defend the interference with this domestic industry through the taxing power. No other incidental protection to the dairy industry can be successfully defended before the country.

The amendments proposed and promptly voted down by the champions of the high tax would seem to settle the question as to whether the tax is to destroy. Clearly that is the intention; it would be the inevitable result. And, sir, that proposition as embodied in the bill is without a precedent in the history of legislation in this country. I defy my friend from New York or any other gentleman here upon this floor to cite a precedent which can be produced for driving one domestic industry entirely from the field of competition, out of existence altogether, by overtaxation in order to bolster up and make more prosperous another competing domestic industry. You might just as well and on the same principle crush the manufacture of Bessemer steel because it competes with wrought iron.

Mr. LONG. Do you agree with the gentleman from Michigan in his interpretation of the legal effect of the bill?

Mr. BUTTERWORTH. I do not know what it is.

Mr. LONG. You have just stated it.

Mr. BUTTERWORTH. No; I do not. Clearly this bill taxes all oleomargarine, and, as I have stated, it was so understood for the first few days of the debate. I met no man in the marts of the country that believed otherwise, and so far as I observed every speaker who addressed the House upon it for the first few days took that ground.

That was the whole tenor of the discussion, and was the accepted interpretation so far as my information goes. Gentlemen may have held different views, but I did not hear them expressed; and for myself I will vote for no measure which puts these industries of the country in any other position than each fairly and squarely upon its own basis, each one for itself. I shall never vote for a measure that compels my constituents to pay 10 cents per pound for a substitute for butter, if they want to buy it knowing what it is, as a mere bounty to those who produce butter.

It is a principle that I can never sustain by any vote of mine. It is anti-American, it is undemocratic and unrepugnant, and can not be justified on any principle whatever consistent with what is known and recognized as the protective or tariff system of the country. I need hardly say to my Republican friends that our protective system must be maintained, if at all, as a system. And that system requires all our domestic industries to stand together, each finding its strength and prosperity in the unity, strength, and prosperity of all. It in no wise deals with the competition which springs up between domestic industries, except possibly for the avowed purpose of this bill, which looks merely to the prevention and punishment of fraudulent competition, which is accomplished as an incident to raising revenue. Those who cry out that the farmer is in no wise protected under our system have not studied the question. Our system is his source of prosperity.

[Here the hammer fell.]

Mr. FARQUHAR rose.

Mr. HATCH. Mr. Chairman, I move that the tenth section of the bill, which has been read and no amendment offered, be allowed to stand.

The CHAIRMAN. That will not require a motion, and if there be no amendment to the section then the Clerk will read the next section. The tenth section as read will stand, unless stricken out by a vote of the committee.

Mr. FARQUHAR. I desire, Mr. Chairman, to renew the motion of the gentleman from Ohio, and rose for that purpose, understanding that the Chair had promised to recognize me.

Mr. HATCH. I move that the committee do now rise.

The CHAIRMAN. The gentleman from New York is making a request, as the Chair understands.

Mr. FARQUHAR. I simply wish to renew the motion of the gentleman from Ohio. If I can have only one or two minutes' explanation in regard to the remarks of the gentleman from New York—

The CHAIRMAN. The Chair will submit the request of the gentleman from New York to the committee as soon as order is restored upon the floor.

Mr. FARQUHAR. My request was simply to be permitted to make a few remarks by consent of the committee in reply to the gentleman from New York, who I think has not taken the right view in respect to the papers presented and read by the gentleman from Pennsylvania [Mr. CURTIN]. I wish to explain the means of bringing such papers before this body.

Mr. HATCH. If I can get unanimous consent of the committee that all debate upon this section may be closed in five minutes, I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri, that the debate on this section shall be closed in five minutes, that time to be yielded to the gentleman from New York? There was no objection, and it was so ordered.

Mr. FARQUHAR. Mr. Chairman, I am very sorry that my colleague from the State of New York should try to break the force of this petition or memorial presented in the shape of resolutions by the workmen of Pittsburgh through the gentleman from Pennsylvania [Mr. CURTIN]. They are presented in the proper form by organized assemblies, especially by the trades assemblies of that city. I wish to state to the committee that when he says they had no authority more than as any three, or five, or ten, or fifteen men he is entirely mistaken in the scope of the authority of an organized trades assembly.

The assemblies are composed of delegates from every trades association in their districts. They may have fifteen or forty or sixty members. These members come there with delegated authority from their own trades unions, from their own local assemblies, and they are given power as delegates to meet all current questions. When they have discussed these questions, as they do in these assemblies—and I am sorry to say, Mr. Chairman, it has been the custom the last four or five years, on account of the long hours of labor, to drive these assemblies into Sunday, and they are held Sundays—after proper discussion the delegates have the power in their hands to give voice to the sentiments of every assembly that they represent.

Mr. PARKER. Will the gentleman permit me a question?

Mr. FARQUHAR. Yes, sir.

Mr. PARKER. I ask the gentleman if he has any knowledge or information that the assemblies where the men meet themselves gave authority to the superior assembly to address Congress upon oleomargarine?

Mr. FARQUHAR. I tell the gentleman from New York that no officer of a trades assembly in America would dare send forth to this House of Representatives an expression of opinion from his assembly, whether a trades union or whether Knights of Labor, that was a falsehood. I have never known a case in the history of any assembly where they have taken upon themselves to formulate opinions that were not held in common by the whole brotherhood that were in the assembly.

Mr. PARKER. Again I ask the gentleman to answer my question. It is: Whether he has any knowledge or information that the superior assembly communicating with Congress had authority from any inferior lodge to address Congress on the subject of oleomargarine?

Mr. FARQUHAR. I have just informed the gentleman and the committee that I affirm on this floor that they had all the authority; and if they represent seventy thousand men, they voiced the sentiments of seventy thousand men; and until that authority is revoked in the lower assemblies the expression of the superior assembly stands as the voice of these workmen of Pittsburgh.

A MEMBER. Is the assembly entitled to speak the opinions of the workmen?

Mr. FARQUHAR. It is clothed with full power to speak their opinions.

Mr. CUTCHEON. Can the gentleman from New York state that this particular question now under debate, the taxing of oleomargarine, has been submitted to or voted upon by every individual assembly represented in the general assembly?

Mr. FARQUHAR. The gentleman from Michigan has as much knowledge on that question as I have. I have no right to go back on this official document, nor has the gentleman from New York.

Mr. CUTCHEON. Then you mean this is simply within their general scope and power?

Mr. FARQUHAR. Yes, sir.

Mr. HISCOCK. Do you believe that on this question the officers of this association represent the sentiments of the men in the primary assemblies?

Mr. FARQUHAR. I did not say it was the officers who expressed these views. The officers signed the papers merely. They are voted upon by the delegates, and the voice of the delegates the officers must express in the paper which they sign.

Mr. NEGLEY. I have here the minutes with the seal of the association and the signatures of the officers.

Mr. BOUTELLE. I will ask the gentleman from New York is it not a fact within his own knowledge that petitions have been repeatedly received here purporting to come from Knights of Labor favoring or opposing certain legislation which when they have had their attention called to the real merits of the legislation they have withdrawn?

Mr. FARQUHAR. The gentleman asks if I know that of my own knowledge. I answer, no.

Mr. BOUTELLE. Then I inform the gentleman that has been repeatedly the fact during this session.

Mr. MILLS. This communication speaks by its seal.

Mr. HISCOCK. I ask the gentleman do the Knights of Labor contemplate as a body in their corporate capacity attempting to influence legislation upon a fraud in food products of this kind?

Mr. FARQUHAR. I will say to the gentleman this is not from the Knights of Labor at all. This is from the trades assembly of Western Pennsylvania.

Mr. HISCOCK. Do you believe it represents the sentiments of that association?

Mr. FARQUHAR. That is a matter of opinion. I think that just now petitions and remonstrances of this character are somewhat premature. And why do I say that? Because the effect of the operation of this bill has not yet been felt. But they attempt to ward the stroke. Let butter go up 5, 8, or 10 cents a pound within six months and your petition-box will not be large enough to hold the remonstrances that will be coming in against this legislation.

Mr. HISCOCK. I believe every laboring man would be willing to have butter high-priced rather than to have these unwholesome imitations of butter in the market.

Mr. FARQUHAR. All I desired when I took the floor was merely to break the force of the argument against this remonstrance—an argument which has no point when that remonstrance bears the seal of the association and is signed by its officers.

Mr. PARKER. And the gentleman has stated no fact that breaks the force of that argument.

The Clerk read section 11, as follows:

SEC. 11. That every person who purchases or receives for sale any oleomargarine which has not been branded or stamped according to law, shall be liable to a penalty of \$50 for each such offense.

Mr. WHEELER. I offer the amendment which I send to the desk. The Clerk read as follows:

Provided, That no person who was reported by the tenth census as unable to read shall be fined or imprisoned for violating the provisions of sections 6, 11, 12, or 13 of this act until one year after the passage of the bill now pending in Congress to aid in the support of common schools.

Mr. HATCH. I make the point of order that that amendment has been already acted upon.

Mr. WHEELER. It was ruled out when offered to the sixth section. I now offer it to the eleventh.

Mr. HAMMOND. I make the further point of order against the amendment that it alludes to the twelfth and thirteenth sections and is not in order till those sections are read.

Mr. Chairman, without regard to the merits of the proposition—

Mr. WHEELER. Mr. Chairman, I withdraw the amendment, and will introduce it at the end of the thirteenth section.

Mr. HATCH. Mr. Chairman, I move to insert in the first line of section 11, after the word "who," the word "knowingly;" so that it will read "that every person who knowingly purchases or receives for sale," &c.

Mr. DUNHAM. Mr. Chairman, have we passed the tenth section?

The CHAIRMAN. The tenth section is passed.

Mr. DUNHAM. I had some amendments that I wanted to offer to that section.

The CHAIRMAN. The section is now passed, and the gentleman can not return to it except by unanimous consent.

The amendment offered by Mr. HATCH was agreed to.

Mr. DUNHAM. Mr. Chairman, I would like to have the gentleman from Missouri [Mr. HATCH] in charge of this bill explain exactly what this eleventh section means. It says that "every person who knowingly purchases or receives for sale any oleomargarine," &c. I wish to know if that means that the wholesale dealer who buys this article of the manufacturer and keeps it for sale is the one who is to be fined, or does the section include every person who goes to the retail dealer and buys a pound of it?

Mr. HATCH. The section is so plain that I do not think anything

I can say will make it any plainer. The provision of the section is that "every person who knowingly purchases or receives for sale any oleomargarine, which has not been branded according to law shall be liable to a penalty of \$50 for each such offense."

Mr. DUNHAM. Then the workingman who goes to a retail dealer and purchases a pound of this article, perhaps under the name of "butter," is not subject to the fine.

Mr. HATCH. That is not covered by the eleventh section at all. That section applies only to those who purchase or receive the article for sale again.

Mr. DUNHAM. People who buy it or receive it for the purpose of selling it to somebody else?

Mr. HATCH. Yes.

Mr. HAMMOND. Mr. Chairman, I suppose the gentleman from Missouri [Mr. HATCH] desires to have the word "knowingly" qualify the branding. Of course, if I purchase anything I knowingly purchase it, and if I receive anything for sale I knowingly receive it for sale; but the point the gentleman wishes to make, I suppose, is, that the man who shall purchase or receive oleomargarine for sale knowing that the same has not been properly branded shall be subject to the penalty.

Mr. HATCH. That is unquestionably the purpose of the amendment.

Mr. McMILLIN. Mr. Chairman, I move to strike out the eleventh section. I do so because I think that we go to the very verge of propriety by the other sections of the bill, even if this be left out. I suppose there are few men here who have not seen something of the troubles and hardships that have arisen in the administration of our internal-revenue laws relative to the sale of spirits. The effect has been to drag citizens to attend courts at points far distant from their homes, irrespective of the season of the year, of their home obligations, of the condition of their crops, or of the condition of their families or their purses. There is no time when Federal courts having cognizance of such cases are in session that you can not see these unfortunates hanging around the court-rooms, and there are instances where parties have taken a single barrel of whisky, started out through the country, and sold it by the gill, the pint, or the quart, as they found people to buy it, and then those who were with them in the transaction have gone around and arrested every man who had bought it and dragged him off before a Federal court.

It is bad enough to have such things done in the whisky traffic, but I say to this House that no man can foresee the extent of the hardships that will follow from turning your deputy marshals loose to pry into the homes of the people and into their pantries; to smell around trying to discover the odor and the age of their butter. I think this section should be struck out, leaving the provision that he who first makes the article and first puts it upon sale in violation of law shall be the guilty party and shall bear the penalty.

The question was taken on the motion of Mr. McMILLIN; and it was rejected—ayes 43, noes 90.

Mr. O'HARA. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from Wisconsin [Mr. PRICE] and the gentleman from Missouri [Mr. HATCH] to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 106.

So the motion of Mr. McMILLIN to strike out the section was rejected.

Mr. DUNHAM. I move to amend by striking out the word "fifty," in the third line of this section, and inserting the word "ten."

Mr. HATCH. I make the point of order that this amendment is not in order.

Mr. DUNHAM. Why not?

Mr. HATCH. Because the Committee of the Whole has just refused to strike out the section.

Mr. DUNHAM. I accept the gentleman's suggestion, and withdraw my motion.

Mr. PETTIBONE. I move to amend by inserting after the word "purchases," in the first line of the section, the words "for resale."

Mr. HISCOCK. I make the point of order that no amendment to this section is now in order, the Committee of the Whole having just rejected a motion to strike out the section.

The CHAIRMAN. According to the ordinary parliamentary rule, the point made by the gentleman from New York [Mr. HISCOCK] would be correct; but the attention of the Chair has been directed to a special rule of the House which changes on this subject the ordinary parliamentary rule.

Mr. PETTIBONE. My amendment is to insert after the word "purchases" the words "for resale;" so that the section will read:

That any person who purchases for resale or receives for sale any oleomargarine, &c.

I will state my reason for offering this amendment. The question has been asked whether by this section as it now stands a poor man purchasing a single pound of oleomargarine, not for sale but for his own use, will be liable to the penalty prescribed in the section. The man who purchases for the purpose of selling again—

Mr. HATCH. Will the gentleman listen to me one moment?

Mr. PETTIBONE. Yes, sir.

Mr. HATCH. So far as I am concerned, I see no objection to the gentleman's amendment.

Mr. PETTIBONE. I am glad to hear the gentleman is willing to assent to it. It simply removes an ambiguity; that is all. I hope we may have a vote upon it. What we desire to accomplish by this section is to prohibit the buying of oleomargarine to be resold as honest butter.

Mr. WARNER, of Missouri. The proper construction of the language as it now stands in the section is that "every person who purchases for sale or receives for sale," &c.

Mr. PETTIBONE. I wish to avoid the ambiguity of the present language.

Mr. WARNER, of Missouri. What is the difference between the language of the section and the gentleman's amendment?

Mr. PETTIBONE. Under the language of the section as it now stands a man who has bought one pound or ten pounds of oleomargarine for home consumption may possibly be arraigned for having purchased it, though he did not buy for the purpose of selling again.

Mr. BOUTELLE. The language is "purchases or receives for sale."

Mr. PETTIBONE. Possibly the ambiguity might be removed by the insertion of a comma; but if the words "for resale" be inserted after the word "purchases" there can be no possible doubt as to the meaning.

The question being taken on the amendment of Mr. PETTIBONE, it was not agreed to.

Mr. DUNHAM. If amendments are in order, I move to amend by striking out "50," in line 3 of this section, and inserting "10;" so as to make the language read "shall be liable to a penalty of \$10 for each such offense." It seems to me improbable that any person would be guilty of this offense, and if it should be committed \$10 fine is enough. It is unnecessary that \$50 should be collected and put into the Treasury. [Cries of "Vote!" "Vote!"]

Mr. EVANS. Mr. Chairman, so much has been said upon the bill under consideration, and so little left to say, that I shall not occupy the time of the committee very long in what I have to present. I am aware that it will be next to an impossibility to offer anything new on the question.

The great State of Pennsylvania, which I have the honor in part to represent, is largely interested in this bill, notwithstanding we have a State law. Nearly if not quite 80,000,000 pounds of butter are produced annually within her borders, and the district which I individually represent is especially noted for its fine quality of butter; but my people are largely interested in both agriculture and manufactures; they regard their interests as mutual, and I am sure there is no desire on the part of either one to take advantage of the other.

During the commercial and financial depression of the last decade we have not been afflicted, like many other sections, with riots and strikes, but all have quietly and peaceably borne their share of the depression in the hope that the lawmakers of the country would find some way or would enact some legislation that would stimulate and promote the growth and prosperity of the country. My people are firm believers in the system of protection to American industry. They believe in protection to the farmer as well as to the manufacturer, knowing that whatever benefits the one must benefit the other. If the manufacturer receives a fair price for his commodities he can afford to pay his skilled workmen remunerative wages, and they in turn, together with the manufacturer, can pay the farmer fair prices for his productions. But neither the manufacturer nor the workman is willing to be cheated and defrauded by a counterfeit product, for which he has to pay the price of the genuine article.

In many instances the workman is more particular as to what he eats than the epicure, and I venture to say, if he has his choice between oleomargarine and pure butter, that ninety-nine times out of one hundred he would take the butter; to say that oleomargarine is the poor man's food is a dishonest and false assertion. If it is to be manufactured and sold for the benefit of the poor man alone, I venture to say it would have a poor market. Who do they mean when they speak of the poor man? There is not one in a thousand so poor but what he can afford to buy genuine butter instead of oleomargarine, especially when the counterfeit is sold to him for the genuine. Oleomargarine is manufactured for a very much larger market than the poor man can afford. It is manufactured for the manufacturer, the mechanic, for all classes of wage-workers, the professor in the arts and sciences, for the high as well as the low, and for the rich as well as the poor. Nearly sixty millions of people are included in this number; they compose the market.

But how much, may I ask, of these obnoxious compounds known as oleomargarine and butterine would all these people consume if they were sold for what they really are? Instead of 200,000,000 pounds, which is said to be the product of the last year, I venture to assert that not one million pounds would be manufactured, unless it is found to be superior to lard and tallow for cooking purposes, which of course it can not be. If my predictions are true, then those gentlemen on this floor who have grave fears of a surplus revenue produced by taxing it may rest in peace; even 10 cents per pound would not more than pay

necessary expenses in enforcing the law. But we are confronted with the charge that we propose to tax one industry out of existence for the benefit of another. I do not so understand it. The chairman of the Committee on Agriculture has clearly and fully explained the provisions of the bill as given in the second section, as follows:

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

The chairman says:

The last two lines of this section apply to and interpret each and every single word in the section. According to the interpretation of that section as interpreted not only by the Commissioner of Agriculture but by the Commissioner of Internal Revenue, who submitted it to the law officer of that Department who has revised every single word and comma in it, it means this and nothing but this: That the mixture of any two or more of these compounds into a substance to be colored and flavored and packed and sold as butter, is to be taxed, under this bill, 10 cents a pound. But if lard and cotton-seed oil are mixed together, if any two or more of these substances are mixed, placed on the market and sold for what they are, in good faith and in fact, and not colored and flavored as an imitation and fraud upon butter, they are not liable to the tax under this section, and no reasonable construction of that kind can be placed on that section, or the bill as an entirety.

It is clear to my mind that this bill does not tax the manufacture and sale of oleomargarine if it is not colored, flavored, or mixed with butter and made to imitate butter. The object of this bill is to deprive it of its fraudulent character, to compel it to stand on its own merits. If the manufacturers of it are willing to do this they will be free from license and taxes, and the retail dealers likewise will be free from license to sell to all who may wish to purchase it. Therefore the charge that we are taxing one industry to its death for the benefit of another is not true. We are only taxing a fraud, a counterfeit, not an honest industry, and this we are doing not alone in the interest of the farmer or the dairy, but to protect all of us who are consumers from imposition and fraud which is daily and hourly being practiced upon us by unscrupulous manufacturers and dealers in the article.

Now, Mr. Chairman, we are told by the expounders of the Constitution in this House that this bill, if enacted into a law would be unconstitutional. Comic Blackstone says:

It is well enough for every man to know a little law; but perhaps the less he knows the better.

I have sometimes thought that if some of the members of this House knew a little less law, and would depend more upon good, sound, practical common sense and business principles, we would get along more rapidly than we do, with a better prospect than we now have of getting away from here before the middle of August. I am not a lawyer, and I think I can indorse the remark of Brother PRICE, "That I am rather glad that I am not," especially if its study should enable me to construe the law when so desired as to hold a false position, and thereby defeat the ends of justice.

I, however, have a high regard for an honest lawyer, and lest I might be misunderstood I freely admit that there are many of them in the profession; but when they endeavor to construe the Constitution in such a way as to make it say that such a bill as we propose to pass and now under consideration is unconstitutional, I am led to believe that they do not want to understand either the provisions of the bill or the Constitution. The Constitution was intended to protect the rights of the citizen, and was never intended to protect fraud of any kind. The very first article of the Constitution defines the powers and duties of Congress. Section 8 says:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The power therefore is clearly expressed in this section.

Not being educated in the law, I presume it would be regarded as presumptuous on my part to endeavor to give an opinion as to the constitutionality of this bill. I desire, however, to quote a few passages from Chief-Justice STORY on the Constitution, in reference to the power of Congress to lay taxes. Judging the argument of the Chief-Justice from a layman's standpoint, I should say that he proves conclusively and beyond all doubt that Congress has full power to select the subjects of taxation, and that it may tax for other purposes beside revenue.

On page 677 he says:

The very point is whether it is restricted to purposes of revenue. The language of the Constitution is, "Congress shall have power to lay and collect taxes, duties, imposts, and excises." If the clause had stopped here and remained in this absolute form, as it was, in fact, when reported in the first draught in the convention, there could not have been the slightest doubt on the subject.

The absolute power to lay taxes includes the power in every form in which it may be used, and for every purpose to which the Legislature may choose to apply it. This results from the very nature of such an unrestricted power. A fortiori it might be applied by Congress to purposes for which nations have been accustomed to apply to it.

Now, nothing is more clear, from the history of commercial nations, than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a regulation of Congress. It is often applied as

a virtual prohibition upon the importation of particular articles, for the encouragement and protection of domestic products and industry, for the support of agriculture, commerce, and manufactures; for retaliation upon foreign monopolies and injurious restrictions, for mere purposes of state policy and domestic economy; sometimes to banish a noxious article of consumption, sometimes as a bounty upon an infant manufacture or agricultural product, sometimes as a temporary restraint of trade, sometimes as a suppression of particular employments, sometimes as a prerogative power to destroy competition and secure a monopoly to the Government.

If, then, the power to lay taxes, being general, may embrace, and in the practice of nations does embrace, all these objects, either separately or in combination, upon what foundation does the argument rest which assumes one object only to the exclusion of all the rest; which insists, in effect, that because revenue may be one object, therefore it is the sole object of the power; which assumes its own construction to be correct because it suits its own theory and denies the same right to others entertaining a different theory?

If the power is general in its terms, is it not an abuse of all fair reasoning to insist that it is particular; to desert the import of the language and to substitute other and different language?

Is this allowable in regard to any instrument? Is it allowable in an especial manner as to constitutions of government, growing out of the rights, duties, and exigencies of nations, and looking to an infinite variety of circumstances which may require very different applications of a given power?

In the next place, then, is the power to lay taxes given by the Constitution a general power or is it a limited power?

If a limited power, to what objects is it limited by the terms of the Constitution?

Upon this subject, as has been already stated, three different opinions appear to have been held by statesmen of no common sagacity and ability. The first is that the power is unlimited, and that the subsequent clause, "to pay the debts and provide for the common defense and general welfare," is a substantive, independent power.

In the view of those who maintain this opinion, the power, being general, can not with any consistency be restrained to purposes of revenue.

The next is, that the power is restrained by the subsequent clause, so that it is a power to lay taxes in order to pay debts, and to provide for the common defense and general welfare. Is raising revenue the only proper mode to provide for the common defense and general welfare? May not the general welfare, in the judgment of Congress, be in given circumstances as well provided for, nay, better provided for, by prohibitory duties, or by encouragements to domestic industry of all sorts? If a tax of one sort, as on tonnage of foreign vessels, will aid commerce, and a tax on foreign raw materials will aid agriculture, and a tax on imported fabrics will aid domestic manufactures, and so promote the general welfare, may they not be all constitutionally united by Congress in a law for this purpose? If Congress can unite them all, may they not sustain them severally in separate laws? Is a tax to aid manufactures or agriculture or commerce necessarily, or even naturally, against the general welfare or the common defense? Who is going to decide upon such a point? Congress, to whom the authority is given to exercise the power, or any other body, State or national, which may choose to assume it?

Besides, if a particular act of Congress, not for revenue, should be deemed an excess of the powers, does it follow that all other acts are so? If the common defense or general welfare can be promoted by laying taxes in any other manner than for revenue, who is at liberty to say that Congress can not constitutionally exercise the power for such a purpose? No one has a right to say that the common defense and general welfare can never be promoted by laying taxes except for revenue. No one has ever yet been bold enough to assert such a proposition.

Different men have entertained opposite opinions on subjects of this nature. It is a matter of theory and speculation, of political economy and national policy, and not a matter of power. It may be wise or unwise to lay taxes, except for revenue; but the wisdom or inexpediency of a measure is no test of its constitutionality.

Those, therefore, who hold the opinion above stated must unavoidably maintain that the power to lay taxes is not confined to revenue, but extends to all cases where it is proper to be used for the common defense and general welfare.

It is contended by some that this bill, if enacted into a law, will raise a large amount of revenue. It can not be regarded as unconstitutional on that account, and the Government has not arrived at that stage of prosperity that it can live without revenue. I do not believe that the tax of 10 cents per pound would raise much revenue, but if it should there are many ways in which it could be used. Every year the expenses of the Government are increasing, notwithstanding the promises of the Democratic party that this should be an administration of "retrenchment, economy, and reform."

The Secretary of the Treasury, in his report of June 30, informs us that there will be a deficit for the fiscal year ending June 30, 1887, of not less than \$24,000,000. Nevertheless it is claimed by the opponents of this bill that we do not need the additional revenue it will raise. Let me say to those gentlemen that we are paying in pensions alone \$80,000,000 annually, that we are appropriating yearly millions for the Army and Navy with a prospect of still larger appropriations, and that we have a national debt of not less than \$1,275,000,000 and an interest charge of some \$48,000,000 annually.

There need be no fears that we shall not be able to use all the revenue that the tax of 10 cents per pound will produce. Indeed our fears may justly be on the other side. How will the Government raise the \$24,000,000 deficit? And in this estimate is not included the increased pensions to widows and orphans of the Union soldiers, which will probably increase the amount five or six millions more. It really looks as though something would have to be taxed to meet the increased expenses of the Government, and if so there are but two ways to accomplish it, either by increased duties on imports or by internal revenue. It is evident that the friends of free trade will not allow us to raise it by increased duties on imports; we shall therefore have to raise it by internal revenue. Where then can we levy this tax to do the least harm?

Surely it can do no harm, but on the contrary much good, to put it upon that which is manufactured and sold in defiance of State laws, and is a fraud and a counterfeit. I believe a tax of 5 cents per pound would raise more revenue than 10 cents, but I am not one of those who want it taxed for revenue alone. I would, if it is constitutional, favor

a prohibitory tax on oleomargarine and its compounds, and on all other counterfeits and adulterations of food intended to defraud, cheat, and deceive the people and destroy honest industries.

Mr. Chairman, it can not be claimed that a fraud promotes the public welfare; on the contrary, it is destructive of the public good and the morale of the people; therefore it is always a proper subject of legislation, and if necessary to arrest and prevent fraud and protect the public welfare, the Congress of the United States certainly has the legal power to do it either by taxation or otherwise, independent of the power to tax for revenue purposes. The manufacturers of oleomargarine and its associates claim that they are healthful compounds. It is possible that some of them may be; but who can tell the healthful from the unhealthy—the good from the bad? We are told there are fifty-eight different ways to manufacture them patented, and sixty different articles enter into the manufacture of oleomargarine, butterine, neutral, &c. The list has been given by several members who have addressed the committee; but in my judgment it can not be published too often; the people should know what poisonous articles enter into their composition.

The list taken from the Patent-Office is as follows: Nitric acid, commonly known as aqua-fortis, acetate of lead, better known as sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumin, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, capric acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame or benne, turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, bromo-chloralum, oil of peanuts, sugar, caustic soda, and sea salt. It has often been remarked in a jocular way that people sometimes make apothecary shops of their stomachs. I think it might be truthfully and seriously claimed, after reading this list, that he who eats oleomargarine surely gets about all the ingredients of a well-regulated apothecary shop into his stomach. It is scarcely necessary for me to say that I have some knowledge of materia medica and chemistry, and that some of the ingredients mentioned in the list are deadly poisons, even in what might be termed infinitesimal doses.

It is not contended that all these ingredients enter into a single process of the manufacture of these different compounds; but all of them seem to be regarded as necessary or important by the different patentees in one combination or another. The reports of chemists differ greatly as to the unhealthfulness of oleomargarine, butterine, neutral, &c., and this arises no doubt from the different samples furnished and the knowledge or the want of knowledge of microscopy, of materia medica, of biology, and all germ life, in addition to a mere knowledge of chemistry, and toxicology. It is shown by the analysis of the professor of the State University of Minnesota that the three specimens examined by him contained a variety of living organisms and spores ready to germinate. "Some of it," he says, "teemed with life and yielded molds and bacteria that would have gladdened the heart of the student of biology."

The microscope revealed the fact that the greatest variety of life existed in the inner portion of these samples and that the other portions contained the greatest quantity of active bacteria. Many of the protozoa pass into an encysted stage and lie dormant until the environment is again favorable." He further says: "It can not be doubted that the person who eats so promiscuous and so lively a mixture as the butterine examined is running great risk. Spores and seeds of the lower organisms increase the danger to parasitism; and spores now harmless may become inimical to the health and happiness of countless millions." Other experts and professors have testified that they regarded oleomargarine and like compounds unwholesome as food products. Professor Clark, of Albany, N. Y., says of oleomargarine:

That it is unwholesome to health for four reasons—first, because it is indigestible; second, because it is insoluble when made from animal fats; third, that it is liable to carry the germs of disease into the human system; and fourth, that in the eagerness of manufacturers to produce the spurious compounds cheaply they are tempted to use ingredients which are detrimental to the health of the consumer.

Numerous other testimonies of a like character might be given.

Then, on the other side, we have the testimony of chemists and experts, who say that oleomargarine is a healthy product, and this, I think, to a certain extent may be true when it is carefully made of pure fats, but the difficulty is to know when it is so made. It can not, however, be regarded as healthful as pure butter, for the reason that the animal fats, independent of the chemicals used in its manufacture, are more difficult of digestion on account of their greater insolubility. Believing as we do that much of it is impure and deleterious to health, that it is a fraud practiced upon the people, and that we have the constitutional right to tax it for revenue, if for no other purpose, why should this bill not be passed?

Mr. Chairman, we are told by the State-rights people on this floor that we should leave the matter to the States. I think, if I am correctly informed, some twenty States of the Union have passed laws to regulate its manufacture and sale; but in nearly every instance they

have been failures, and now these very States are appealing to Congress to pass a law placing it under the supervision of the Commissioner of Internal Revenue, who is at the head of an organized force competent to carry out and enforce the law. Some States have passed no laws; others have; but they are not uniform, and it is well known that the States have no power to regulate interstate commerce, therefore there should be concurrent jurisdiction over this matter just as there is in regard to whisky and tobacco. Agriculture is regarded as the basis of our wealth as a nation; but in order for it to be prosperous it must be a diversified industry. The constant cropping by the raising of the cereals rapidly exhausts the soil, and the means of compensation is found only by returning to it that which you have abstracted from it.

In no way can we so well comply with this great law of compensation in farming as by the herd of the dairyman. Every practical farmer knows that the more he feeds to his stock the more fertile his farm becomes. The greater the consumption of his crops on the farm the richer his land will be. Now, in order to do this he must have a dairy or some other live stock. Heretofore the dairy interest has paid better than any other, but since the introduction of imitation butter, which the people do not want if they know it, the production of butter has decreased and the profits greatly diminished.

The number of milch cows have decreased some 25 to 30 per cent., but there are still invested about \$700,000,000 in milch cows; their value, however, has been decreased over \$30,000,000 within the last year, and since the introduction of imitation butter the total loss is estimated at \$150,000,000. Three hundred thousand cows are reported to have been slaughtered for beef during the past year in the city of Chicago alone.

In consequence of this fraud the governments of Europe have passed laws prejudicial to our dairy products. The result has been a steady falling off in our exportation of genuine butter. In 1881 we exported \$22,636,272 worth, in 1885 \$14,086,055, a falling off of nearly \$9,000,000, whereas if it had not been for the distrust and these stringent laws the amount instead of being decreased would probably have been more than doubled.

In conclusion, let me say, Mr. Chairman, that I have not only been a close observer of the farmers' interests, but I have been personally interested in farming for many years. I live perhaps in as good an agricultural district as there is in the State of Pennsylvania, contiguous to the second largest market in the United States, Philadelphia, and yet with all the advantages I do not believe there is one farmer in my district who could pay 5 per cent. interest on his farm and his personal property, pay his labor and his taxes, and at the end of the year's hard labor for himself and family have \$500 left. I am sure if there is one who could do it there are hundreds who are not able to save a single cent, and no farmer in my district who has good judgment would think of buying a farm without some means of his own, for he knows full well that he could not pay for it, and in all probability in less than ten years would be sold out by the sheriff. He runs very much less risk and it pays him better to rent; but the owner of the farm, after keeping up the necessary expenses, gets but a poor interest on his investment.

Where, then, may I ask the members of this House, the great majority of whom are not farmers, is the money in farming? Who is there here who would be willing to exchange his profession and its emoluments with the farmer for his occupation of long days of weary toil and its scanty returns? Who is here that is willing to rob him of the fruits of his honest toil and destroy one of his most profitable and most important industries—important indeed when we come to think of it? The annual product of butter produced in the United States, as given by the Statistician, is over 1,000,000,000 pounds, estimated to be worth \$250,000,000, every pound of which represents hard-earned and scanty paid labor compared to the manufacture of its bogus competitor, oleomargarine, which it is said costs less than 8 cents per pound to manufacture. It is estimated that the profit on the last year's product, 200,000,000 pounds, was not less than \$30,000,000, or about 200 per cent.

Think for a moment. They are now manufacturing about one-fifth as much as the product of genuine butter. If they succeed in driving and starving out the dairy interest, and should manufacture the same amount, 1,000,000,000 pounds, their profits would be not less than \$150,000,000 annually; and yet these are the men who have appeared before the Agricultural Committee in behalf of the poor laboring man of the country, in order that he may not be compelled to pay extravagant prices for his butter, or butterine—a fraud in name, as well as in substance; and they who manufacture this vile stuff to cheat and defraud the poor man as well as the rich—would “steal the livery of heaven to serve the devil in.”

The question now before this House is, shall this great interest in which seven million people are directly interested be destroyed? Will you say to the agriculturist that you prefer to protect the manufacture of a counterfeit article rather than an honest, legitimate industry? If you do, then vote against the passage of this bill; but remember that you who represent agricultural districts will not be forgiven or forgotten by your constituents.

Mr. HATCH. I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having, according to order, had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, had come to no resolution thereon.

And then, on motion of Mr. HATCH (at 4 o'clock and 59 minutes p. m.), the House adjourned.

PETITIONS, ETC.

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

By Mr. C. H. ALLEN: Petition of Alice Donahue, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. BRAGG: Petition of hospital stewards of the United States Army, praying for increase of their pay—to the Committee on Military Affairs.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Faulkner County, Arkansas, in favor of national aid to education—to the Committee on Education.

By Mr. W. W. BROWN: Petition of Post 48, Grand Army of the Republic, of Pennsylvania, praying for the passage of Senate bill No. 1836—to the Committee on Invalid Pensions.

By Mr. COLE: Memorial of the New York Board of Trade and Transportation, for a supply of one and two dollar greenbacks or Treasury certificates—to the Committee on Coinage, Weights, and Measures.

By Mr. CONGER: Petition of citizens of Adair County, Iowa, praying for the protection of the dairy interests of the country against the ravages made by oleomargarine, butterine, and kindred forms of counterfeit butter—to the Committee on Agriculture.

By Mr. CUTCHEON: Petition and statements of A. C. Beals, Charles Gomes, D. Robertson, and August Herbst, hospital stewards, United States Army, asking for increased compensation—to the Committee on Military Affairs.

By Mr. DINGLEY: Petition of Maine Methodist conference, for the passage of the temperance educational bill—to the Committee on Education.

By Mr. DORSEY: Petition of citizens of Custer County, Nebraska, praying for the passage of bill to authorize the Western Pacific Railway Company to build branch lines—to the Committee on Pacific Railroads.

By Mr. ERMONTROUT: Four petitions from United States hospital stewards, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GALLINGER: Petition for a revenue tax on adulterated butter, signed by Mark Spokesfield and 27 others, citizens of Compton, N. H.—to the Committee on Agriculture.

By Mr. GIFFORD: Five petitions of citizens of Dakota, praying for the division of the Territory upon the seventh standard parallel thereof—to the Committee on the Territories.

By Mr. HAMMOND: Petition of citizens of the United States praying that the coinage of silver be placed on an equality with gold, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. HEARD: Petition of citizens of Moniteau County, Missouri, in favor of the passage of House bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Petition from the railroad interests of the United States looking to the perpetuation of the discovery of steam-transportation—to the Committee on Appropriations.

By Mr. HILL: Twenty-six petitions signed by many hundreds of people in Dakota, asking for the division of Dakota on the seventh standard parallel—to the Committee on the Territories.

By Mr. HOUK: Petition of hospital stewards of the United States Army at Governor's Island, New York, Augustine, Fla., Rock Island, Ill., Fort Douglas, Utah, and others, asking for increase of pay to hospital stewards—to the Committee on Military Affairs.

Also, petition of B. R. Hackney, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of M. L. Gifford, and 57 others, of Stuyvesant, N. Y., asking that a revenue tax be levied on adulterated butter—to the Committee on Agriculture.

By Mr. KLEINER: Petition of Russell Post, Grand Army of the Republic, of Indiana, praying for more liberal treatment of ex-Union soldiers—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of David Caulfield, relating to a pension for service in the Florida war—to the Committee on Pensions.

Also, petition of citizens of the counties of Eastland, Comanche, and Stephens, Texas, relating to the removal of the Federal court from Graham to Cisco—to the Committee on the Judiciary.

By Mr. LORE: Petition of George F. Wardle, for reimbursement of money paid to United States for unused revenue-stamps—to the Committee on Claims.

By Mr. McMILLIN: Petition of W. A. Stott, of Smith County, Tennessee, for a pension—to the Committee on Pensions.

By Mr. MORROW: Petition of Knights of Labor Assembly No. 2434, of Bolivar, N. Y., praying for legislation imposing restrictions upon foreign immigration—to the Committee on Foreign Affairs.

By Mr. O'FERRALL: Resolutions of a meeting of citizens, farmers of Dinwiddie County, Virginia, in favor of the passage without amendment of the bill to tax imitation butter—to the Committee on Agriculture.

By Mr. J. J. O'NEILL: Numerous petitions of the employés of the navy-yards at Brooklyn, N. Y., Washington, D. C., Philadelphia, Pa., Norfolk, Va., and Portsmouth, N. H., asking for the passage of Senate bill No. 2268, relating to leave of absence of employés—to the Committee on Labor.

By Mr. PETTIBONE: Petition of William F. Austin and of A. J. Woods, of Hamblen County; and of Logan Hodge and Marion McDaniel, heirs of L. M. McDaniel, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Petition of C. B. Saunders and 60 others, of Grand Army of the Republic, of Pennville; of B. F. Albert and 60 others; of Michael Cook and 100 others; and of Hezekiah Miller and 80 others, of Indiana, asking for the passage of the Mexican war pension bill with Senate amendments—to the Committee on Invalid Pensions.

Also, petition of John W. De Puy, of Post No. 6, Grand Army of the Republic, Wabash, Ind., asking an increase of pensions in certain cases; also consideration of Mexican war pension bill with Senate amendments—to the same committee.

By Mr. TAULBEE: Petition of Elijah Patrick, of Magoffin County, Kentucky—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of Benjamin F. Shelby, executor of Levi Shelby, deceased, asking that the same be referred to the Court of Claims—to the same committee.

By Mr. ZACH. TAYLOR: Petition of William H. Foster, administrator, of Lauderdale County, and of W. W. Wilkerson, of Haywood County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, resolutions of the Cotton Exchange, of Memphis, Tenn., asking for an amendment to section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. TUCKER: Petition of Sarah W. Brown, of Alleghany County, Virginia, praying her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jonathan O. Cooper, administrator of John Cooper; of Lewis F. Martin, executor of Francis C. Martin; and of Bettie F. Perkins, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. A. C. WHITE: Petition of citizens of Utica, N. Y.; of Craigsville and New Brighton, Pa., for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. MILO WHITE: Petition of citizens of Le Roy, Minn., for the oleomargarine law—to the Committee on Agriculture.

Also, resolutions of the Saint Paul Chamber of Commerce, against low bridges on the Mississippi River below the mouth of the Missouri—to the Committee on Commerce.

SENATE.

WEDNESDAY, June 2, 1886.

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

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

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of 317 citizens of the thirteenth Congressional district of Pennsylvania, praying for the enactment of such pension legislation as is recommended by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a petition of residents of Kittanning, Pa., and a petition of residents of Brookville, Pa., praying that an appropriation be made for the erection of a dam at Herr's Island, Allegheny River, Pennsylvania; which were referred to the Committee on Commerce.

Mr. ALDRICH presented a petition of 59 citizens of the ninth ward of the city of Providence, R. I., praying for the adoption of a joint resolution submitting to the Legislatures of the several States an amendment to the Constitution of the United States inserting the word "nativity" in the fifteenth amendment; which was referred to the Committee on the Judiciary.

He also presented two petitions of citizens of Rhode Island, praying for legislation prohibiting the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DAWES. I present the memorial of Charles S. Welsh, second chief, and quite a number of other Indians of the Miami tribe, remonstrating against the passage of the bill making allotments of land on their reservation. I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES presented a memorial of certain Cherokee freedmen, re-

monstrating against the Morgan amendment to Senate bill 1800 to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883; which was referred to the Committee on Indian Affairs.

He also presented the petition of Daniel Ballard and other citizens of New Salem, Mass., praying for legislation to protect the dairy interests against imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I also present the petition of Isaac Rich & Co. and a large number of other merchants of the city of Boston engaged in the fishing industry, praying for the passage of a bill providing for a short season catch of mackerel. I move the reference of the petition to the Committee on Fisheries.

The motion was agreed to.

Mr. CULLOM presented a resolution adopted by the Wool Merchants' Association of Chicago, Ill., remonstrating against the passage of a tariff bill proposing to place foreign wool on the free-list; which was referred to the Committee on Finance.

Mr. BLAIR. I present a petition of the New Hampshire Annual Conference of the Methodist Episcopal Church, praying for the enactment of just legislation to indemnify the Chinese for injuries done them in certain Western States and Territories. I move that the petition lie on the table, as the bill on that subject is now pending.

The motion was agreed to.

Mr. BLAIR. I also present a petition of the same body of clergymen, praying for relief against outrages and wrongs done the Indians. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MAHONEY presented a memorial of Pomona Grange, of Frederick County, Virginia, remonstrating against the admission free of duty of agricultural raw materials; which was referred to the Committee on Finance.

He also presented a petition of Pomona Grange, of Frederick County, Virginia, praying for the suppression of the manufacture and sale of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. MORRILL presented a petition of citizens of Norwich, Windsor county, Vermont, praying for legislation providing that oleomargarine shall be sold under its proper name; which was referred to the Committee on Agriculture and Forestry.

Mr. INGALLS. I present the petition of A. H. Cragin and N. G. Ordway, of Washington, D. C., praying for relief from certain alleged unjust assessments and damages resulting from improvements in the eastern part of the city. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WHITTHORNE. I am directed by the Committee on Claims to report favorably without amendment the bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased.

Mr. HARRIS. That bill passed the Senate at the last Congress, and I am satisfied upon an explanation of a minute and a half every Senator will favor its passage. I ask unanimous consent of the Senate to consider it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read.

Mr. CONGER. Let the reports of committees be finished first.

Mr. HARRIS. I withdraw the request until the reports of committees are completed.

The PRESIDENT *pro tempore*. The request is withdrawn.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 4836) for the relief of Thomas McBride, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., heretofore reported by that committee.

He also, from the same committee, submitted a report to accompany the bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish, heretofore reported by that committee.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1201) for the relief of Mary Howard Farquhar;