

SENATE.

WEDNESDAY, February 8, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

FORT HALL INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of 4th instant from the Secretary of the Interior, submitting, with other papers, a draught of "a bill to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 7, 1888.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 30, 1888, information as to what communications have been had with the Dominion of Canada since the abrogation of article 30 of the treaty of Washington; what agreements have been arrived at touching the transportation of goods across the boundary line in bond; what methods have been taken to protect the revenue derived from bonded goods; and what has been done to enforce the second clause of section 6 of the interstate-commerce law; which, on motion of Mr. FRYE, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in accordance with section 232 of the Revised Statutes, an abstract of the militia force of the United States, organized and unorganized, according to the latest returns received by the Adjutant-General of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of the Interior, in response to a resolution of January 19, 1888, transmitting statements in detail of the plan of legislation referred to on page 23 of his annual report as to the legislation needed for the disposal of the public timber lands so as to secure the preservation of the natural forest lands at the headwaters of navigable rivers, and to allow settlers legal means for providing themselves with timber for building their homes, for fuel, and other domestic purposes; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bill and joint resolution, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1215) to amend section 5209 of the Revised Statutes of the United States; and

Joint resolution (H. Res. 54) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases.

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

A bill (H. R. 3749) for the relief of Frank Baker;

A bill (H. R. 2611) for the relief of Joseph W. McClurg; and

A bill (H. R. 2068) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employees of the custom-house, for extra-time service.

The bill (H. R. 221) increasing the pension of John C. Johnston was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of 139 citizens of the Third, Fifth, Seventh, and Tenth Congressional districts of Iowa, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of 155 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce, of New Haven, Conn., praying Congress that an international marine conference may be invited by the United States; which was referred to the Committee on Foreign Relations.

Mr. DAWES. I present the petition of Gardiner G. Hubbard, in favor of the passage of a bill for the establishment of a system of postal telegraph, which I ask may be referred to the Committee on Post-Offices and Post-Roads, and as on the 22d of January the remonstrance

of the president of the Western Union Telegraph Company was presented and ordered to be printed in document form by the Senate, I ask that this petition may be printed in like form.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Post-Offices and Post-Roads, and it will be printed as requested, if there be no objection.

Mr. DAWES presented the petition of Henry P. Walcott, Francis H. Appleton, Charles L. Flint, Joseph S. Fay, and 86 other citizens of Massachusetts, praying for the passage of Senate bill 1779, for the protection of the forests on the public domain; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present a petition of 130 citizens of the Tenth Congressional district of Massachusetts, which is indorsed "begging for prohibition in the District of Columbia." I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PAYNE presented a petition of 259 citizens of the Sixth, Twelfth, Fourteenth, Sixteenth, and Eighteenth Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented petitions of the Mercantile Exchange of New York; Mechanics' Exchange of New Orleans; Mechanics' Exchange of Providence, R. I.; Board of Lumber Dealers of Cleveland, Ohio; Cotton Exchange, Vicksburg, Miss.; Board of Trade of McKeesport, Pa.; Board of Trade of Kansas City, Mo., and Chamber of Commerce of Birmingham, Ala., praying for a congress of maritime nations; which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of 167 citizens of the Seventh and Fifteenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EVARTS presented a petition of 354 citizens of the Fourteenth, Sixteenth, Twenty-sixth, Twenty-eighth, Thirty-first, Thirty-third, and Thirty-fourth Congressional districts of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a petition of members of the Woman's Christian Temperance Union and other citizens of Elmer, N. J., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I present a petition, with sundry accompanying papers, of Sarah J. Foy, of Rutland, Vt., praying to be allowed a pension. I move that the petition and papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MCPHERSON presented a petition of members of the faculty of Rutgers College, at New Brunswick, N. J., praying for the passage of an international copyright law; which was referred to the Committee on Patents.

Mr. MCPHERSON. I present a petition from many citizens of New Jersey, praying for the better legal protection of young girls in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. QUAY presented a petition of ex-soldiers, citizens of Somerset County, Pennsylvania, praying for the passage of a law giving a service pension to all honorably discharged soldiers and the widows of such soldiers; which was referred to the Committee on Pensions.

Mr. SPOONER presented the petition of Peter Parkinson and 75 other citizens of La Fayette County, Wisconsin, praying that the surviving soldiers of the Black Hawk Indian war be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. PASCO presented a petition of the Grand Division of the Sons of Temperance of Florida, praying for the appointment of a national commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented a petition of 174 citizens of the Third, Twelfth, and Thirteenth Congressional districts of Wisconsin, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS. I present a petition purporting to be the petition of sundry citizens of Hancock's Bridge, N. J., praying that by appropriate legislation exemplary penalties be provided for seduction, with or without promise of marriage, and for the defilement of the persons of young girls, without or with consent, under the age of at least eighteen years, in the District of Columbia, and in all other localities under the jurisdiction of Congress. Why this petition was sent to me I do not know. I move its reference to the Committee on the District of Columbia, as it refers to the District.

The motion was agreed to.

Mr. SHERMAN presented resolutions adopted at a meeting of Ford Post, No. 14, Department of Ohio, Grand Army of the Republic, in favor of placing on the pension-roll all officers and enlisted men who served in the Army or Navy between March 4, 1861, and February 1, 1866, at the rate of 1 cent per month for each day's service performed, in ad-

dition to invalid pensions for disability; which were referred to the Committee on Pensions.

Mr. SABIN presented a petition of 135 citizens of the First, Second, and Fourth Congressional districts of Minnesota, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of St. Croix County, Wisconsin, praying that the courts of the United States decide the meaning of the granting and indemnity clauses in acts granting lands to railways; which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Minnesota, officially signed, representing 4,000 members, praying for the abolition of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented resolutions adopted by the Duluth (Minn.) Board of Trade, in favor of the passage of the bill embodying the suggestions of the Secretary of the Navy in regard to establishing a naval militia; which were referred to the Committee on Naval Affairs.

He also presented resolutions adopted by the Winona (Minn.) Board of Trade, indorsing the resolutions adopted by the Mississippi River Improvement Convention, held at Dubuque, January 17 and 18, 1888, in relation to the improvement of the Mississippi River; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 212) for the relief of Patrick H. Winston, jr., reported it with an amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Claims, to whom was referred the bill (H. R. 19) for the relief of H. B. Wilson, administrator of the estate of William Tindler, deceased, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 1904) granting a pension to Albert G. Torney; which was read twice by its title, and, with the accompanying papers, referred the Committee on Pensions.

Mr. COKE introduced a bill (S. 1905) to define and regulate the jurisdiction of the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 1906) granting a pension to Matilda Bleumner; which was read twice by its title.

Mr. COCKRELL. I present, to accompany the bill, a letter from the Pension Office and a brief statement of the case, which I move be referred with the bill to the Committee on Pensions.

The motion was agreed to.

Mr. FRYE introduced a bill (S. 1907) granting a pension to Lloyd H. Snell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 1908) for the relief of George B. Hansell; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 1909) for the relief of Ferdinand Hercher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 1910) for the relief of James Gaster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1911) for the relief of Stephen O'Connor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1912) granting an increase of pension to William Irving; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1913) for the erection of a public building at Emporia, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PAYNE introduced a bill (S. 1914) for the relief of Mary E. Hopkins; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLUMB. In connection with the last bill, I ask that the bill I introduced early in the session in regard to public buildings, a general bill, and requested to lie on the table, be taken from the table and referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The title will be reported.

The SECRETARY. A bill (S. 736) to provide for the erection of public buildings for post-office and other purposes.

Mr. PLUMB. I move that that bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MORRILL introduced a joint resolution (S. R. 50) appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution; which was read twice by its title.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on the Library.

Mr. MORRILL. I hardly think it necessary to refer the joint resolution. Let it be printed, and lie on the table.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

J. D. AND C. T. HEWLET.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to transmit to the Senate, for use of the Committee on Indian Affairs, all papers in relation to the claim of J. D. and C. T. Hewlet, sent to that body on the 5th of January last, in compliance with the act of May 15, 1886.

HEARINGS AS TO ADMISSION OF NEW STATES.

Mr. PLATT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories be, and they are hereby, authorized to employ a stenographer to report the arguments made before them relative to the admission of Dakota or other Territories as States in the Union, and have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

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. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion;

A bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J.;

A bill (H. R. 3263) to amend sections 5365 and 5366 of the Revised Statutes of the United States;

A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"

A bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama;

A bill (H. R. 5931) to amend the internal-revenue laws, and for other purposes;

A bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service; and

A bill (H. R. 6558) regulating the emolument returns of civil officers of the United States.

RELATIONS WITH CANADA.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions to be offered, the Chair lays before the Senate a resolution coming over from a former day, introduced by the Senator from Kansas [Mr. PLUMB].

Mr. FRYE. The next resolution in order on the Calendar after that one is a resolution offered by me requesting the Committee on Foreign Relations to get certain information. I am very anxious that that resolution shall pass, so that the committee may enter upon the business which it assigns to it. When the resolution was first read, the objection made to it by the Senator from Missouri [Mr. COCKRELL] was made by a misapprehension. He supposed that it was a call on the Secretary of State for information. It is simply a request upon the Committee on Foreign Relations to obtain certain information. I ask that that resolution may be taken up, as it is next in order.

The PRESIDENT *pro tempore*. Does the Senator desire to have the pending resolution laid aside?

Mr. FRYE. Let it be laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the Senate proceed to the consideration of the resolution referred to by him.

Mr. PADDOCK. I wish to inquire what has become of the other resolution?

The PRESIDENT *pro tempore*. It is temporarily laid aside to enable the Senate, at the request of the Senator from Maine, to proceed to the consideration of a resolution the title of which will be reported.

The CHIEF CLERK. A resolution directing the Committee on Foreign Relations to prepare a statement showing the political organization of the Dominion of Canada.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. FRYE. The resolution has been read once at length. I ask to amend it, in clause 1, by inserting in the second line, between the word "the" and the word "relations," the word "geographical," and by striking out the last six words, "as well as to Great Britain."

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

The CHIEF CLERK. In line 2 of the first paragraph, between the word "the" and the word "relation," it is proposed to insert the word "geographical;" and after the words "United States," in line 3, to strike out "as well as to Great Britain;" so as to make the resolution read:

Ordered, That the Committee on Foreign Relations be authorized and directed to prepare for the use of the Senate a statement showing—
1. The political organizations of the Dominion of Canada and of the several

provinces of which it is composed, and the geographical relations sustained by the same to the United States.

2. The several treaties, commercial or otherwise, that have been made between the United States and Great Britain in behalf of the Dominion of Canada, or any of the several provinces composing the same, and the present condition or status of said treaties.

3. The commercial relations established by the statutes of the United States between the United States and the Dominion of Canada, or any of the provinces composing the same.

4. The amount and value of the commerce and trade, subject to duty, between the United States and the Dominion of Canada, or the provinces of which it is composed.

5. The amount and value of the "transit" trade or commerce of the Dominion of Canada, not subject to duty, passing through the territory of the United States between said Dominion and countries other than the United States.

6. The amount and value of the commerce and trade between the Dominion of Canada, and the provinces of which it is composed, and all other countries, including the United States.

7. The area of the Dominion of Canada, and of the several provinces that compose it, and the population of the same, including Newfoundland.

8. The amount of the funded and floating debts of the Dominion of Canada, and of the several provinces of which it is composed, and the objects for which they were created.

9. The revenues, from whatever source, of the Dominion of Canada, and of the several provinces composing the same, including Newfoundland, and the current charges against the same.

10. The several railroads that have been constructed in the Dominion of Canada, and within the provinces of which it is composed, including Newfoundland; the mileage of the same; the cost of the same; the share capital, funded and floating debt of the same; the guaranties or undertakings of Great Britain, or of the Dominion of Canada, or of the several provinces composing the same, including Newfoundland, on account of such railroads; the tonnage, earnings, and operating expenses of the same.

The PRESIDENT *pro tempore*. The amendment requires no action by the Senate. Will the Senate agree to the resolution as modified? The resolution as modified was agreed to.

THE MAIL SERVICE.

The PRESIDENT *pro tempore*. The resolution coming over from a previous day, submitted by the Senator from Kansas [Mr. PLUMB], will be read.

The Chief Clerk read the resolution submitted by Mr. PLUMB January 30, 1888, as follows:

Whereas there have been for many months serious complaints as to the inefficient character of the mail service, especially in the West and South, and the same continue, indicating that the trouble is of a permanent character:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to make thorough inquiry into the cause of such inefficient mail service, and report to the Senate their conclusions thereon, with suggestions as to remedy.

Mr. PADDOCK. I should like to state, on behalf of the Senator who introduced the resolution, the junior Senator from Kansas [Mr. PLUMB], that he is detained in the Committee on Agriculture on an important hearing before that committee, and the resolution had better go over until he can be present. I think he would like to be present when the resolution is considered.

The PRESIDENT *pro tempore*. The resolution will lie over and retain its place on the Calendar, if there be no objection.

ALIEN OWNERSHIP OF MINERAL LANDS.

Mr. STEWART. I move that the Senate proceed to the consideration of Senate bill 1176.

Mr. COCKRELL. I hope we shall proceed with the Calendar.

The PRESIDENT *pro tempore*. The motion of the Senator from Nevada can not be entertained by the Chair before 1 o'clock, except by unanimous consent.

Mr. STEWART. I ask unanimous consent. I think the bill will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the Senate proceed to the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Mines and Mining with an amendment, to strike out all after the enacting clause and insert:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, be, and the same is hereby, amended by inserting after section 4 of said act the following:

"Provided, however, That this act shall not relate to, or in any manner affect, the title to mineral lands or mining claims in the Territories of the United States, which have been acquired or held under the mineral land laws of the United States, nor to mills or other reduction works or property used in the production of metals from said mineral lands or claims; but, as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be and remain the same as though this act had not passed."

Mr. STEWART. I will say one word in explanation of the bill. It only applies to the mineral lands acquired under our mineral land laws. Those lands are pretty well guarded against monopolies, and the foreign capital which has been invested in developing them in the last thirty years has been beneficial. Foreign capitalists have probably expended more money than they have taken out of them. At all events, it is a business where the owners have to employ a great many people and spend a large amount of money, and whether they are foreigners or natives makes no difference. If they will develop the mines in the Territories and furnish employment, it is entirely satisfactory to the people.

I believe there is a universal desire among those who are familiar with the subject that this particular kind of property—mines which

require large capital for their development, as they usually do—should remain under the law as it stood before the alien land law was passed. That law was directed mainly and properly against acquiring agricultural lands so as not to operate against private settlers and citizens, and prevent them from obtaining homes. The object of the bill is to restore the law as it had stood for the last thirty years, and its operation was entirely satisfactory.

Mr. MITCHELL. I indorse fully all that has been said by the chairman of the Committee on Mines and Mining. I hold in my hand a letter addressed to me by Hon. JOSEPH K. TOOLE, the Delegate in Congress from the Territory of Montana, and I should like to have it read in this connection, so that it may go in the RECORD.

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

WASHINGTON, D. C., January 1, 1888.

MY DEAR SIR: Having observed that you have introduced in the Senate a bill to modify the alien land law and feeling a deep interest in this proposed legislation, I venture to make a few suggestions which I hope will show the injustice and inexpediency of the present law and furnish some reasons for modification whereby mineral lands shall be exempted from its operation.

An examination of the CONGRESSIONAL RECORD will show that the reasons for the passage of the act applied entirely to agricultural lands and were based upon the fact that large areas of such were purchased and held by aliens, estates which were increasing in value from year to year. This is not, and never can be, true of mineral lands, for the following reasons:

First. Under the land laws of the United States a lode claim can not exceed a parallelogram whose dimensions are 630 feet wide and 1,500 feet long; and a placer claim can not exceed 20 acres.

Second. It is uniformly true that such lands do not enhance in value by the lapse of time, but upon the contrary are worthless for any purpose after the mineral in them has been exhausted.

What reason is there, then, for laying this embargo upon the Territories? The owners who have generally sought foreign markets have been poor men, who have only done so when they could not obtain money in the immediate locality, or the great money centers of the United States, and the question of obtaining capital abroad has generally been of vital importance, as the owners have often been at the time seriously in debt for preliminary work upon their properties, and if they have failed to obtain what they require there, they have sometimes had to abandon their properties, their workmen have been thrown out of employment, and the owners, if not ruined, have lost the labor of years.

In other cases the owner has simply gone abroad, as the United States railroad companies and similar concerns go, to the cheapest money market, and by so doing the owner has managed to retain a much larger interest in his property; or he has gone there for assistance to prevent being "frozen out," or to sell at a higher figure.

Owing to depressed trade, or to the greater attraction of other enterprises, there are, as you know, periods, frequently of years' duration, when it is simply impossible to get money employed in any part of the United States for new mining enterprises, except to a limited degree locally, and during that period there must be much curtailment of labor and much sacrifice of poor men's interest if the needy owner can no longer obtain what he requires from Europe.

The promoters of the mining section of the act can scarcely have realized the immense area that exists in the Territories, the countless lodes discovered and awaiting capital for development, and the still greater number awaiting discovery. The surplus capital of the United States, great as it is, will not for hundreds of years fail to find a larger field than it can occupy.

Think of the small area of the Cornish mines—so small that it would scarcely be found on one of our maps if it formed part of our country—and you will realize the fact that this spot has required millions upon millions of pounds to develop, and that many important discoveries have been made within the last few years after working and prospecting for eight hundred years.

It is not generally known or realized by men unacquainted with mining that to develop a limited portion of one lode, to provide mills, works, horses, etc., requires from \$250,000 to a sum represented by the enormous outlay made upon such lodes as the Anaconda in Montana Territory.

Fears have been expressed in some quarters that the foreign investor may obtain too large a return for his money. Those who know the facts know that it is not so, for even where the mines are profitable (and certainly three out of four of them are not profitable), the net returns from the hazardous investments rarely exceed more than one-tenth of the gross yield of the mine, the other nine-tenths being employed in the payment of wages and the purchase of stores and supplies, all of which are supplied by works in the United States, and the general average of the return on capital, as I can prove by actual results obtained by English companies working in America, is less than the average local rate of interest in the United States, excluding the high rates of the Territories.

Then, again, all the first outlay for buildings, purchase of machinery, tramways, and other works benefits Eastern and Western manufacturers and workmen, for all the machinery and materials are obtained in America. Already since the passing of the alien act the English capital for investment in foreign mines has been directed largely to the Spanish-speaking part of America, to the British colonies and South Africa. In such cases the machinery and supplies are generally ordered in England.

An advantage which must have come under your notice frequently arises from the success of foreign capital when American Eastern capital will not at first invest in a new district, but the success of the foreign enterprise, which was at first deemed too risky by Eastern capitalists, has immediately led to the influx of American capital into the district.

The above points may be summarized as follows:

First. That the employment of foreign capital in mines has not led, and is not likely to lead, to any permanent holding of real estate.

Second. That the mining area occupied by foreign capital is extremely small and can never be larger.

Third. That foreign capital has frequently acted as a pioneer in new districts, and has led United States capital to follow.

Fourth. That foreign capital has assisted the poorer mine-owners at times, when but for such assistance the mines would be stopped.

Fifth. That its employment has given employment to many workmen and whole communities at the mines, and has benefited Eastern and Western American capitalists and workmen by giving orders for machinery and supplies.

Sixth. That notwithstanding the risky character of the business the remuneration of foreign capital has not averaged more than ordinary legal interest upon well-secured loans current in the United States.

With respect to the amendment of the act, your plan to simply exclude mining claims from its operation is by far the simplest and best, and the only one which will fully restore confidence abroad. But assuming that this is found to be impossible, and if a compromise has to be agreed to, I would suggest that the mine-owners have power to lease their properties to aliens for a period, say, not exceeding ninety-nine years, and I would also suggest that section 2 of the act

should not operate against mining companies owning a limited number of acres of real estate. If the operation of that section was changed so as to apply to mining properties, then corporations formed in America for the purpose could purchase the mines and could lease to aliens or alien companies, and aliens could even acquire a right to purchase shares in the American company, owning the reserved rights of the owner. I mention ninety-nine years for leases because it is a well-known term.

The above suggestion of lease would not entirely remove the difficulty with alien investors, as they would not find quite the same security as if they were actual owners of the property; at the same time it would still allow business to be done to a considerable extent.

I have made no attempt to discuss the whole subject. I believe the operation of the present law is well understood and generally condemned in this country.

I have the honor to represent a Territory that is producing about \$26,000,000 annually of silver, gold, and copper. In that Territory there are thousands of unworked and undeveloped mines awaiting the touch of European investments; investments which, on account of the accumulated capital and a low rate of interest at home, are satisfied with a smaller return than American capitalists are willing to receive.

The desire to see these properties opened up and developed, to see cities and towns grow and flourish, and thus furnish employment to many men and a maintenance to many families, has induced me to make these few observations in the hope that some of them may be of use to you when the subject is under discussion in the Senate.

Yours, truly,

JOS. K. TOOLE.

Hon. JOHN H. MITCHELL,
United States Senator.

Mr. MITCHELL. This proposed amendment of the present alien land act has been recommended, I believe, strongly by every present governor of the Territories, with one exception, and I think there can be no objection to it, as was stated by the chairman of the committee. I have an amendment, however, which I desire to offer that I think will not be objectionable to the chairman of the committee. I ask that it be read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Oregon to the amendment of the committee will be stated.

The CHIEF CLERK. Add to the proposed amendment the following proviso:

Provided, however, That no Chinese person, or any company or corporation in which any Chinese person is interested, shall ever be permitted to hold or own any mining claim or other real estate in any of the Territories.

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

Mr. McPHERSON. It seems to me, in the first place, as though that was an extraordinary amendment to offer to this bill. I have not a copy of the original law before me which the bill proposes to amend, but it seems to me to be an abandonment of the entire principle embodied in the law which it seeks to amend.

Mr. MITCHELL. To what amendment does the Senator refer?

Mr. McPHERSON. I speak now of the bill itself, not particularly of the amendment of the Senator from Oregon who sits nearest me.

The intention of the law of last year was to restrict, I believe, the employment of foreign capital and the purchase of large tracts of the public domain, which should be used and controlled by foreigners and by foreign capital, to the exclusion of our own citizens who desire to settle upon the public land. The amendment to the law, offered by the Senator from Nevada, proposes, as I understand, to limit the prohibition to agricultural land, and to release the mineral lands from the operation of the law, and as a reason the Senator from Oregon has had read the argument made by—I do not know the name.

Mr. MITCHELL. The Delegate from Montana.

Mr. McPHERSON. I am not conversant with the mineral land laws, but from the reading of that statement I understand they are very important. Yet it is well known that there are large tracts of land, including thousands and tens of thousands of acres in the public domain of the United States, which are practically called mineral lands, which are useless for agricultural purposes, and if they have any use whatever, and if they have any value whatever, it is the value given them by reason of the mineral wealth that is buried in them.

If this amendment should pass, foreign capitalists would come in and purchase large tracts of land which possess vast mineral wealth, and hold them away from the occupancy of citizens of the United States who desire to prospect and, if possible, discover this mineral wealth. As I said before, it is an abandonment of the principle we intended to embody in the law passed last year in respect to restricting the ownership of lands of the United States to actual settlers and citizens of the United States.

Mr. HOAR. Will the Senator from New Jersey allow me to make an inquiry? I inquire whether the morning business is over at this time?

Mr. McPHERSON. I do not know. The Senator from Nevada asked the Senate to consider a certain bill, and that bill is before the Senate, as I understand the parliamentary situation.

Mr. HOAR. I should like to say, if the Senator will pardon me, that I gave my consent on the assurance of the Senator from Nevada that it was a bill which would lead to no discussion. The statement was that it would take but a moment. Now, certainly the Senator from Nevada, whatever may be his desire, would not deem it proper to present a bill which involved a discussion occupying the whole time. I ask the Senator to let the bill go over. It will evidently lead to a long debate.

Mr. STEWART. I do not know that there is any morning business pressing now.

The PRESIDENT *pro tempore*. The Calendar of resolutions coming over from a former day under the practice of the Senate is morning business.

Mr. HOAR. The assurance was given to the Senate by the honorable Senator from Nevada, on which, for one, I said I made no objection, that this was an undebatable measure. The phrase was that it would take but a moment. Now it turns out to be an important matter of legislation on which there is positive difference of opinion. The Senator, I hope, will not press that at this time. I should not have given my consent if I supposed the bill was one which would lead to debate.

Mr. MITCHELL. Does the Senator understand that my amendment involves a discussion of the Chinese question?

Mr. HOAR. There will be such a discussion before we get through with it. That amendment proposes to prohibit the ownership of land by a certain nationality, different from all others. That involves a very important principle.

Mr. STEWART. I do not think there is anything connected with this bill which need involve any considerable time; and I do not think any Senator is to be held responsible for all that may come when he asks to take up a bill supposing it will pass speedily. That was my opinion. I did not anticipate the discussion which has arisen.

Mr. McPHERSON. Now, I wish to say a few words. I am unalterably opposed to the amendment to the law offered by the Senator from Nevada. I am equally opposed to the amendment offered by the Senator from Oregon, which I understand the Senator from Nevada to accept as part of this measure, and I can not consent that the bill should pass without entering my protest, and giving the reasons therefor. I think this a measure that requires and will require a great deal of discussion before the Senate becomes satisfied to pass it. Therefore, I ask the Senator from Nevada to have it go over to a future time, because I am not ready this morning to debate it.

Mr. STEWART. I might be able to enlighten the Senator a little, if he would allow me a moment.

Mr. FAULKNER. I desire to say that I am a member of the Committee on Mines and Mining, and that I have not had any notice of any meeting of that committee up to this time, and therefore have not had my attention called to this bill, and from the remarks made by Senators in discussing the measure I feel it to be of such importance that I shall ask the courtesy of the Senator from Nevada that it be postponed until to-morrow anyhow, that I, as a member of the committee, may have an opportunity of considering its provisions.

Mr. STEWART. I will let it go over, but I wish to make one remark before I do so, in reply to the Senator from New Jersey with regard to the suggestion of a possibility of monopolizing mining lands.

The laws as they exist are well guarded against monopoly of mines. There are no communities that are more jealous of monopoly than the mining communities. The legislation that we have had heretofore, which I had the honor in great part to initiate some twenty years ago, is satisfactory, and under those laws foreigners can not enter, they can not acquire by prospecting. They can only acquire property in mines after the American citizen has found them, perfected his title, and got his patent. Then there is no prohibition in existing laws against an alien buying, or there was not until the law of last winter. There was no grievance in that respect. The law has been in existence for a good many years, and there was no grievance, but, on the contrary, it was exceedingly beneficial to the mining Territories, whereas there was a great grievance in the acquisition of large tracts of agricultural land in the new States and Territories by foreigners. Attention was called to that, and in passing the bill to remedy that Congress included another subject that had not been discussed or considered, and as to which there was no complaint, and as to which there was no reason for the legislation. Hence the desire that it should be removed.

I think if the Senator from New Jersey will examine existing laws he will see that there is sufficient protection against monopoly in the mining lands in those laws.

With these remarks I am willing that the bill may go over until to-morrow, and I give notice that I shall call it up in the morning hour to-morrow.

Mr. MITCHELL. Before this bill goes over I wish to make a single remark. There is, I believe, not a single State in the Union that has through its Legislature prohibited foreign capital from being invested in the development of mines within the State. This proposed amendment to the present alien land act simply proposes to place the Territories on an equal footing with the several States in this respect.

The PRESIDENT *pro tempore*. The bill having been taken up by unanimous consent during the morning hour, resumes its place on the Calendar.

PUBLIC BUILDING AT KANSAS CITY, MO.

Mr. VEST. I ask the Senate to proceed to the consideration of Senate bill 281, Order of Business 67.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent for the consideration of a bill the title of which will be stated.

The CHIEF CLERK. Senate bill 281, making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.

Mr. HOAR. Let the bill be read for information, and the right to object be reserved until it appears whether the bill will lead to any serious debate.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill and the amendment reported by the Committee on Public Buildings and Grounds, to strike out all after the enacting clause, and in lieu thereof to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States post-office, district and circuit courts, custom-house, internal-revenue office, and other Government offices, at Kansas City, Mo. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of \$1,200,000; and it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, which said plans and specifications shall have reference to the probable increase of the population of said city and the consequent needs of the Government during the next twenty years, but shall not involve an expenditure exceeding \$200,000 for the site, or in the erection and completion of said building exceeding the amount remaining of the total sum appropriated by this act after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings, and adequately provided with light by an open space of not less than 50 feet, including streets and alleys, on all sides of said building; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Missouri shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided further*, That the Secretary of the Treasury shall be, and he is hereby, authorized, whenever consistent in his judgment with the public interest, to sell and convey the present property of the United States in said city now occupied as a public building, with the site thereof, the proceeds of the sale of said property to be covered into the Treasury, and to be not less than the cost of the same: *Provided, however*, That the said Secretary may, in lieu of purchasing an entirely new site as aforesaid, purchase additional necessary ground adjoining the site of the present public building in said city, and cause to be erected thereon said new building; but in the event that said present site shall be so utilized for said new building, the cost of said building, including said additional ground, shall not exceed \$1,100,000.

SEC. 2. That the sum of \$1,200,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CULLOM. Does the bill come from a committee?

The PRESIDENT *pro tempore*. It is reported by the Senator from Missouri [Mr. VEST] from the Committee on Public Buildings and Grounds.

Mr. VEST. I send a letter to the desk from the Supervising Architect of the Treasury, to be read.

The PRESIDENT *pro tempore*. The Chair will first inquire if there be objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The question is on the amendment reported by the Committee on Public Buildings and Grounds. The letter sent up by the Senator from Missouri will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, February 4, 1888.

SIR: I have the honor to acknowledge receipt of Senate bill No. 281, making an appropriation for the extension of the custom-house at Kansas City, Mo.

The building as at present constructed cost, exclusive of heating apparatus, \$373,515.05, and from the rapid increase of the customs and postal service in the city named, considered in connection with the statement now on file in this office that the building as at present occupied does not furnish the space needed for the proper transaction of the postal service or the accommodation of the public, it would seem that the Government interest could be best served by enlarging the building by the purchase of additional land and the construction of an extension at a total cost not exceeding \$1,000,000, as contemplated by the bill referred to.

Respectfully yours,

Supervising Architect.

HON. LELAND STANFORD,
Chairman Committee Public Buildings and Grounds, United States Senate.

The PRESIDENT *pro tempore*. The Chair is advised that the letter has no signature.

Mr. VEST. That is a copy. I have the original letter. I will supply it.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Public Buildings and Grounds.

Mr. BECK. What is the amendment?

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Kentucky that the bill as read by the Secretary is an amendment offered by the Committee on Public Buildings and Grounds, being a substitute for the original bill, striking out all after the enacting clause.

Mr. BECK. But, as I heard the letter, the estimate was \$1,000,000, and the committee reported \$1,100,000. Is that right?

Mr. VEST. Yes; the bill appropriates \$1,000,000 for the building.

Mr. BECK. I have never seen the Department which failed to ask enough. I should like to hear some reason for appropriating more than the estimate. The estimate is generally high enough.

Mr. VEST. The estimate of the Supervising Architect is simply for

the building. One million one hundred thousand dollars includes the purchase of additional ground to enlarge the present building. I mislaid the original letter, but I shall have it here and furnish it.

I want to make one statement in this connection, an astonishing one even to myself. The reports of the Post-Office Department show that the mail handled at Kansas City is in excess of that at any office in the United States, not excepting the great city of New York. The distributing pouches for the registered matter at Kansas City are greater than at any other post-office in this country. In the last year there were 954,000 registered packages distributed at that office, and this enormous increase of business is going on from day to day. The packages have increased, according to the quarterly reports there, at the rate of 10,000. All matter for the southwestern country is mailed for distribution at that point. It is simply impossible to conduct the public business in the building now constructed. At the time that building was put up it was supposed Kansas City would have a population of 100,000 or 125,000 in the next ten years. It has now a population of 175,000, and is still increasing so rapidly that I have seen myself there a line half a mile long standing out in the street, crowding in to receive their mail matter. There is now in this city a committee from Kansas City for the purpose of obtaining additional accommodations. Under these circumstances the passage of this bill is an absolute necessity.

The amendment was agreed to.

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

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

The title was amended so as to read:

A bill for the erection of a public building at Kansas City, Mo.

ANIMALS IMPORTED FOR BREEDING PURPOSES.

Mr. SPOONER. I move that the Senate proceed to the consideration of Calendar Order 275, Senate bill 1564.

Mr. BUTLER. I have no desire whatever to antagonize the measure which the Senator proposes to call up, but I think we should make more satisfactory progress if we were to call the Calendar in order. I insist on the call of the Calendar.

Mr. SPOONER. I think the bill will not elicit debate. It is purely a relief bill.

Mr. BUTLER. I have a bill that I am extremely anxious to have passed, and I have refrained from asking its consideration out of order, though I am sure it will not lead to debate. I think, and I hope my friend will agree with me, that we shall get along more satisfactorily by calling the Calendar in order.

Mr. CULLOM (to Mr. BUTLER). Take up his bill and then yours.

Mr. SPOONER. This bill is recommended unanimously by the Committee on Finance and by the Secretary of the Treasury, and is of general importance, and I hope the Senate will not object.

Mr. BUTLER. It will be reached after a little while.

The PRESIDENT *pro tempore*. The Chair understands that after 1 o'clock the Senator from Wisconsin has the right to move, and the Senate the right to order, the abandonment of the rule as to the consideration of any particular bill on the Calendar.

Mr. BUTLER. I withdraw the objection to the consideration of the bill called up by the Senator from Wisconsin.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases.

The bill was reported from the Committee on Finance with an amendment, in section 1, after the word "persons," at the end of line 4, to strike out "being citizens of the United States;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit to any and all firms or persons who shall have, prior to the passage of this act, in good faith, and in compliance with the decisions and regulations of the Treasury Department, specially imported into the United States animals for breeding purposes, whether for the importer's own use or for sale, all duties, if any shall have accrued, upon such importations.

The amendment was agreed to.

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

Mr. HALE. I should like to have the bill read in full.

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

The Secretary read the bill.

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

ORDER OF BUSINESS.

Mr. BUTLER. I was going to ask the unanimous consent of the Senate to take up a bill on the Calendar, but my friends around me suggest that we proceed with the call of the Calendar, and I therefore yield for that purpose.

Mr. TELLER. I desire to ask unanimous consent to take up Senate bill 423, a bill in which the State of Colorado is particularly interested.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 423) to enable the State of Colorado to select indemnity school lands.

Mr. TELLER. I ask unanimous consent for the consideration of the bill.

Mr. BECK. When the Senator from Wisconsin [Mr. SPOONER] rose to make his motion, I rose at the same time with the Senator from South Carolina [Mr. BUTLER] to object to anything except the Calendar, because we have all urgent bills there which we desire to call up, and the Senator from South Carolina gave way upon the statement from me that while I would not object to the bill of the Senator from Wisconsin, I would to his bill, or any other, and the suggestion that we go to the Calendar. I do not think it is fair now that another Senator should take the floor from the Senator from South Carolina upon an objection that I was about to make. We shall all get along better by going to the Calendar and proceeding regularly.

Mr. TELLER. I am quite willing to withdraw my request, if the Senator from South Carolina will make his and wait and take the chances of the Calendar.

Mr. BUTLER. I have done that.

Mr. TELLER. I know my bill will not be reached for several days. It is a bill that pertains to the selection of school lands. It is not a personal bill. It is a bill that has the approval of the Department to settle the question of school lands in Colorado, a bill that there can be no opposition or objection to, and it ought to pass soon, so as to get over to the other House and have the matter disposed of there at an early day, because otherwise the State is prevented from making its proper selections, and the Department has withheld from settlement a large amount of land because there has been an improper selection or a deficient selection. The bill will only take a few moments.

Mr. BUTLER. I do not like to object to the consideration of a bill when the Senator says it is urgent, but there are so many bills on the Calendar of that character that we waste time in the attempt to get consideration; whereas if we take the Calendar up and proceed in regular order for half an hour or an hour each morning we shall make more progress, and the bill will be reached.

The PRESIDENT *pro tempore*. That there may be no misunderstanding, the Chair will read the first paragraph of Rule VIII:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock.

Under that rule it is obviously in the power of any Senator to move and of a majority of the Senate to proceed to the consideration of any measure upon the Calendar.

Mr. BUTLER. I have no doubt about that, and never have had any doubt about it.

Mr. RIDDLEBERGER. Will the President pardon me for saying, with the consent of the Senator from South Carolina, that one objection obstructs that motion to proceed to the consideration, and then it requires a motion after that to proceed notwithstanding the objection, and I have not had an opportunity this morning to object.

The PRESIDENT *pro tempore*. The Chair thinks that the suggestion of the Senator from Virginia is not sustained by the rule. The Chair would hold that if the Senate were to proceed to the consideration of the Calendar under Rule VIII, then the cases in order would each be subject to objection and to debate for five minutes, and once by each Senator. The Chair is clearly of opinion that a majority of the Senate has a right at any time, by its vote, to dispense with the provisions of Rule VIII entirely during the period that elapses between the completion of morning business and 2 o'clock.

Mr. RIDDLEBERGER. There is no difference between the Chair and myself except that a majority of the Senate has not yet the power the Chair has ascribed to it. I only ask that up to 2 o'clock we shall have the right to decide here as a Senate whether we can consider morning business. If that is so, one objection passes over any business until 2 o'clock. There is nothing that can interfere with the order of morning business according to my understanding, and the Chair himself has decided that up to 2 o'clock he will receive morning business.

Now, what is the use of my offering a resolution here that can only be considered in the morning hour, if during the morning hour it can not be considered? I have two resolutions pending here, and I need not say I believe that the Government of the United States is interested in those resolutions, and they have a right to be considered in this session up to 2 o'clock; and, on a single objection to any intervening business, it becomes the duty of the President of this body to put the question whether the Senate agrees to take it up or not. I say it is the duty of the Chair, of the President, to say whether the Senate agrees to such a motion; and when he shall announce what his judgment is, then it is my right and my privilege to ask the Senate whether it agrees with the judgment of the President of the body, and I have not been allowed that privilege, and I intend to insist until it is accorded to me, so that this body shall not be in the power of one man but shall proceed according to the judgment of men who come here claiming to be Senators elected by the legislative bodies of their States.

I have asked that resolutions which ought to be considered in the

morning hour shall be considered. They are here, but their consideration is obstructed by a Calendar which concerns nobody but Senators. I insist on the rule which seems not to control the President of the body, and I ask that the morning hour be devoted to morning business up to 2 o'clock; and if I object to any proposition made here to interfere with it, I can appeal to the Senate in open session and before 2 o'clock to vote on my resolutions. I may find Senators enough to justify me in asking for a yea and nay vote. It seems to me that if we proceed regularly, according to the rules, we shall then have the largest liberty to debate any question, any proposition that may come up. Now we seem to be a Senate that is presided over and with no rules except those which suggest themselves to the President *pro tempore* of the body.

Mr. BUTLER. May I not appeal to the honorable Senator from Virginia to give way until this business shall be disposed of? I really am not conscious of what the question is before the Senate to which he is speaking. I do know that there are several matters of very grave public importance on the Calendar that ought to be considered by the Senate, and I trust the Senator will realize the reasonableness of my request and allow us to proceed with the business of the Senate.

Mr. RIDDLEBERGER. I do not appreciate that interruption. I do not yield the floor.

The PRESIDENT *pro tempore*. The Senator from Virginia declines to be interrupted. He will proceed.

Mr. HOAR. What is the pending question?

Mr. BUTLER. May I inquire what the question is before the Senate that the Senator is discussing?

The PRESIDENT *pro tempore*. The request made by the Senator from Colorado [Mr. TELLER] that the Senate proceed to the consideration of a bill, the title of which has been read.

Mr. BUTLER. I understood the Senator from Colorado was quite willing to withdraw that request, for the present at least.

Mr. RIDDLEBERGER. Mr. President, how is it?

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. RIDDLEBERGER. When interrupted by other Senators I was informed that I was entitled to the floor. I am not objecting to the bill proposed by the Senator from Colorado; I am not objecting to any proposition that is made by the Senator from South Carolina; I am objecting to the arbitrary ruling that prevents me from getting before the Senate resolutions that are to be considered in the morning hour up to 2 o'clock. I was here when the morning hour was held to extend only to 1 o'clock, and then resolutions were allowed to be considered. I ask now again to be considered as only objecting, for the reason that I want to bring before the Senate and to a vote of the Senate a proposition to consider the British treaty in open session, and no one man's ruling shall deprive me of that right; but a majority of the Senate can. Two-thirds are required to ratify a treaty, but it only requires one man to assert the right of bringing before the people of the country the consideration of it. I have asked that morning-hour business be brought up here; I have asked that the Senate rule shall be read; I have asked that the intelligent Presiding Officer shall read it. I hold, Mr. President, that you are less intelligent than the Chair has usually been in not complying with my request. I withdraw it, if it is necessary, now.

I ask now, Mr. President, an appeal, if it be a decision of the Chair. I did not understand the Chair to say that it was anything more than a mere opinion of the rule; but if the Chair will just say that it is his decision that we shall not proceed to the consideration of morning-hour business at this time, then I will take an appeal from that decision and get a vote of the Senate out of executive session. Do I understand the Chair to have decided that we may proceed to the consideration of any business outside of the morning hour if there is a single objection?

The PRESIDENT *pro tempore*. When the Senator from Virginia yields the floor, the Chair will put the question upon the motion submitted by the Senator from Colorado.

Mr. RIDDLEBERGER. I am not inclined to yield, Mr. President.

Mr. HOAR. Is the motion of the Senator from Colorado debatable?

The PRESIDENT *pro tempore*. It is not.

Mr. RIDDLEBERGER. I am not debating that. I am debating the decision of the Chair, if I can understand whether it was a decision or not.

Mr. HARRIS. Will the Senator from Virginia allow me to make a single suggestion to him?

Mr. RIDDLEBERGER. In executive session; yes, sir. [Laughter in the galleries.]

Mr. HARRIS. Under the rules—

The PRESIDENT *pro tempore*. The Senator from Tennessee will suspend one moment.

Mr. RIDDLEBERGER. I decline to yield to anything like a statement or proposition unless it is in executive session. [Laughter in the galleries.]

The PRESIDENT *pro tempore*. The Chair suggests to the spectators in the Chamber and in the galleries that the rules expressly forbid expressions of approbation or disapprobation, and the Chair is confident that a suggestion of this rule of the Senate will prevent any repetition

of disorder in the Chamber. The Senator from Tennessee will proceed.

Mr. HARRIS. I simply desired to ask the Senator if he would allow me to suggest a single fact to him.

Mr. RIDDLEBERGER. Only in executive session.

Mr. HARRIS. Do I understand the Senator, then, as declining to allow a suggestion?

Mr. RIDDLEBERGER. Exactly.

Mr. HARRIS. This is a legislative session, and I understand the Senator as declining.

Mr. RIDDLEBERGER. Yes, sir. Mr. President, the distinction is that in order to get a motion before the Senate, composed of seventy-six men, the consent of the Chair seems to be necessary.

I am now entirely willing to submit to the ruling of the Senate if they will just allow me the privilege of having a vote on the proposition standing before it as to whether Rule XXXVII shall be changed. It seems to me that that is a reasonable request, and it is all that I do request, but the time is always consumed up to the end of the morning hour in debates on bills that if one objection obtains must go over.

I was told, Mr. President, that one objection would carry my resolution over for one day. It has been now several days, and from the time it was objected to until this day we have heard arguments which, if given to the people of this country, would have convinced them as to its propriety.

Mr. HARRIS. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Tennessee will state his point of order.

Mr. HARRIS. The motion of the Senator from Colorado is not debatable under the rules.

The PRESIDENT *pro tempore*. The Chair so holds. The point of order having been raised, the Chair decides that under the rules the Senator from Virginia is not entitled to proceed further.

Mr. RIDDLEBERGER. I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Senator from Virginia will take his seat. Will the Senate agree to the motion submitted by the Senator from Colorado?

Mr. BUTLER. I understood my friend from Colorado consented to give way in order that I might call up a bill.

Mr. TELLER. I give way that the Senator from South Carolina may make his motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina is recognized by the Chair.

PORTER ACADEMY IN CHARLESTON.

Mr. BUTLER. I ask the Senate to proceed to the consideration of Order of Business 21, being Senate bill No. 158.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 158) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill.

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

COLORADO SCHOOL LANDS.

Mr. TELLER. I now move to take up Order of Business 108, being Senate bill No. 423.

The motion was agreed to; and the bill (S. 423) to enable the State of Colorado to select indemnity school lands, was considered as in Committee of the Whole.

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

The first amendment was, in section 1, line 7, after the word "vacant," to insert the word "agricultural;" in the same line, after the word "lands," to strike out "are" and insert "can;" in line 8, after the word "not," to insert "be," and in line 10, after the word "lands," to strike out "and in subdivisions of 40 acres or more;" so as to make the section read:

That all selections of land as school indemnity in the State of Colorado may be made in quantities equal to the loss of school lands or deficiency therein, and anywhere in the land district in which the bases of selection are situated: *Provided*, That if non-mineral vacant agricultural lands can not be obtained for such indemnity in the district in which the bases are situated, the selections may be made in any land district in the State containing such lands.

The amendments were agreed to.

The next amendment was, in section 3, line 2, after the word "sections," to insert the words "whether surveyed or unsurveyed;" so as to read:

SEC. 3. That said State shall be allowed to select lands in lieu of the sixteenth and thirty-sixth sections whether surveyed or unsurveyed, in patented private land claims and the Ute Indian reservations within said State of Colorado, comprehended in an act entitled "An act to accept and ratify the agreement submitted by the confederate bands of Ute Indians in Colorado, for the sale of their reservation in the said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

The amendment was agreed to.

The next amendment was, in section 4, line 4, after the word "the," to insert the words "patented private land claims and the," and in line 10, after the word "and," to insert the words "shall be made;" so as to make the section read:

SEC. 4. That it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within the patented private land claims and the late Ute Indian reservation in the State of Colorado, and thereupon the State shall be entitled to select indemnity lands to the extent of two sections for each of said townships, for school purposes, in any land districts in the State: *Provided*, That said selections shall not be made within the boundaries of said reservation and shall be made in subdivisions of not less than 160 acres.

The amendment was agreed to.

The next amendment was, in section 5, line 5, after the word "entirely," to insert the words "of such smallest subdivisions;" in line 7, after the word "for," to strike out "the entire section" and insert "such legal;" so as to read:

SEC. 5. That upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered 16 or 36 in Colorado is mineral land, and that the United States was not divested of its title thereto in its entirety of such smallest subdivisions by the grant to the State for schools, the State shall be allowed to select indemnity for such legal subdivision under the act entitled "An act to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and for other purposes," approved April 2, 1884, and thereupon the subdivisions mentioned, or such portions of them as remain after segregation of the mineral lands or claims, shall be treated as other public lands of the United States.

The amendment was agreed to.

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

Mr. CALL. I should like to know if I understand this bill correctly to allow the selection from unsurveyed public lands.

Mr. TELLER. No; this bill may be said to be simply an administration bill for the office. It gives no new land to the State of Colorado. It enables the State to select the school lands that it is entitled to within the old Ute reservation without waiting till that reservation shall be surveyed, because the area of the reservation is well known and the number of acres due is fully determined by the Department without waiting for the survey. That is all.

Mr. CALL. But is the land now open to entry?

Mr. TELLER. Open to entry, but no school lands can be taken there. They must be taken outside.

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

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of Senate bill 1346, Order of Business 237.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1346) to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. JONES, of Arkansas. There are some amendments reported from the committee.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Indian Affairs will be acted upon in their order.

The first amendment was, in section 1, line 9, after the word "point," to strike out "to be selected by said company;" in line 10, after the words "boundary line," to strike out "between" and insert "at;" in line 11, after the word "Cliff," to strike out "and the mouth of Island Bayou," and after the word "Arkansas," at the end of line 15, to insert—

also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company in Tobucksey County, Choctaw Nation.

So as to make the section read:

That the Choctaw Coal and Railway Company, a corporation created under and by virtue of the laws of the State of Minnesota, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on Red River (the southern boundary line), at the bluff known as Rocky Cliff, in the Indian Territory, and running thence by the most feasible and practicable route through the said Indian Territory to a point on the east boundary line, immediately contiguous to the west boundary line of Polk or Sevier Counties, in the State of Arkansas; also, a branch line of railway to be constructed from the most suitable point on said main line for obtaining a feasible and practicable route in a northwesterly direction to the leased coal veins of said Choctaw Coal and Railway Company, in Tobucksey County, Choctaw Nation; with the right to construct, use, and maintain such tracks, turnouts, branches, and sidings and extensions as said company may deem it in their interest to construct along and upon the right of way and depot grounds herein provided for.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the words "main line," to insert "and branch;" so as to read:

SEC. 2. That said corporation is authorized to take and use for all purposes of railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory for said main line and branch of the Choctaw Coal and Railway Company.

The amendment was agreed to.

The next amendment was, in section 5, line 23, after the word

"tribe," to insert "shall be in lieu of the compensation that said nation or tribe;" so as to read:

Provided further, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision.

The amendment was agreed to.

The next amendment was, in section 5, line 31, after the word "force," to strike out "among the different" and insert "between the United States and said;" so as to read:

The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force, between the United States and said nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands.

The amendment was agreed to.

The next amendment was, in section 9, line 3, after the word "act," to insert "and complete the same within said Territory within one year thereafter;" so as to make the clause read:

SEC. 9. That said railroad company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, and complete the same within said Territory within one year thereafter, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

Mr. JONES, of Arkansas. I move to insert in the proposed amendment, before the word "same," in line 3, the words "main line of the;" so as to read, "complete the main line of the same." This is a motion to amend the committee amendment.

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

The CHIEF CLERK. It is proposed to amend the amendment by inserting, before the word "same," in line 3, the words "main line of the."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

LESLIE BASSETT.

Mr. WILSON, of Iowa. I ask unanimous consent that the Senate proceed to the consideration of Order of Business 128, being the bill (S. 968) for the relief of Leslie Bassett.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be before the Senate as in Committee of the Whole.

Mr. RIDDLEBERGER. I will object until the Chair announces that the morning hour has closed.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

Mr. RIDDLEBERGER. I object until the Chair announces that the business of the morning hour has closed.

The PRESIDENT *pro tempore*. Let the reading of the bill proceed.

Mr. RIDDLEBERGER. Then after that—

Mr. WILSON, of Iowa. The morning hour is not up yet.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Leslie Bassett, late postmaster at Richland, Iowa, \$58.69, in full compensation for amount forwarded by him to designated depository in payment of balance due the United States for the third quarter of the year 1883, and which said amount, being inclosed in a registered letter, was stolen from the mail while in course of transmittal.

The PRESIDENT *pro tempore*. If there be no amendment, as in Committee of the Whole, the bill will be reported to the Senate.

Mr. EDMUNDS. Is there a report?

Mr. WILSON, of Iowa. There is a report, a brief report, stating the facts.

The PRESIDENT *pro tempore*. The report will be read.

The SECRETARY. Report 833—

Mr. EDMUNDS. Perhaps the Senator from Iowa can state the case more briefly than it is stated in the report.

Mr. WILSON, of Iowa. The report is very brief.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

Mr. EDMUNDS. I ask that this little matter may be disposed of. It will not take a minute.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the unfinished business be informally laid aside for the purpose of continuing the consideration of the pending bill.

Mr. BLAIR. Reserving the right to object, if there is debate.

Mr. EDMUNDS. Oh, yes; there will be no debate.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Vermont.

Mr. EDMUNDS. Now, I ask the Senator for Iowa to state the substance of the report.

Mr. WILSON, of Iowa. The person for whose relief this bill has

been drawn was a postmaster at Richland, Keokuk County, Iowa. Under the regulations of the Department, he was required to deposit his balance with the postmaster at Des Moines, Iowa. In pursuance of the requirements of the Department he put the amount of money in a registered package, placed it in the mail, and on its way to Des Moines it was stolen at one of the intermediate post-offices. He had complied in every respect with the regulations of the Department. The Committee on Post-Offices and Post-Roads reported a similar bill favorably during the last Congress, and the bill passed the Senate without any objection.

Mr. EDMUNDS. I think it is a fair case.

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

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 1648) providing for the holding of the United States courts in the city of Newark, N. J.;

A bill (H. R. 3263) to amend sections 5365 and 5366 of the Revised Statutes of the United States;

A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"

A bill (H. R. 4470) to regulate the jurisdiction of the United States district judges, and of the courts over which they preside, in the State of Alabama;

A bill (H. R. 6558) regulating the emolument returns of civil officers of the United States; and

A bill (H. R. 5931) to amend the internal-revenue laws, and for other purposes.

The bill (H. R. 6439) authorizing the appointment of eleven division superintendents of railway mail service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion was read twice by its title, and referred to the Committee on Naval Affairs.

COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. PALMER. I am directed by the Committee on Agriculture and Forestry to ask that the committee have leave to sit during the sessions of the Senate for the rest of the week.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Michigan asks unanimous consent that the Committee on Agriculture and Forestry have leave to sit during the sessions of the Senate for the remainder of the week.

Mr. HARRIS. There will be no objection to that.

The PRESIDING OFFICER. If there be no objection, that will be the order.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) to aid in the establishment and temporary support of common schools, the pending question being on the amendment proposed by Mr. PLUMB.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] is entitled to the floor.

Mr. BLAIR. Before the Senator from Florida proceeds I desire to say that so far as I can judge of the condition of the debate upon this question the bill may be disposed of by the Senate to-day, certainly if the session should be slightly prolonged, and in any event I shall ask the Senate to dispose of the bill to-morrow. I hope, however, it may be concluded to-night. I think it may be.

Mr. CALL. Mr. President, the bill now before the Senate proposes to give national aid to the States for general education upon the condition that the money shall be applied to that purpose. It has been assailed with ability and eloquence by Senators on this side of the Chamber. If the evils which they have seen in the bill should be made manifest by argument, even now, although I have twice voted for the bill, I should abandon it and give my vote against it.

But with regard to the authority which they have cited for their opinion of its unconstitutionality, the authority of Mr. Jefferson and of Mr. Madison and of the early fathers of the Republic was given at a time when the Constitution had first been put into effect. One hundred years nearly have passed since those interpretations of the Constitution were made, and it is to be remarked that every one of those interpretations has been overridden by the practice of the Government and with the acquiescence of the people. Not only that, but those great statesmen themselves proposed by an amendment of the Constitution to vest in the Government of the United States the power to aid the States, not to interfere with their sovereign authority and power.

The principle of aid to the States by the National Government in the execution of their sovereign powers in the very respect of education as well as internal improvements was admitted by those great statesmen to be a necessity for the future progress of this people and this Government. It was advocated by them first, and most conspicuously by Mr. Jefferson, whose works I hold in my hand and which I will not detain the Senate by reading. Time and again he declared that the power of the appropriation of money to the purposes of internal improvement

and of education, with the consent of the States, should by an amendment of the Constitution be given to the Federal Government.

The Senator from Missouri [Mr. VEST], with that glamour which his eloquence throws over a subject, said in his address to the Senate that this bill, if properly entitled, should be called a monument to Alexander Hamilton as well as a bill to encourage mendicancy. If that be true, the first stone in that monument was placed by the hands of Thomas Jefferson, who himself declared that the power of appropriating money by the General Government to aid the cause of education was a most important and necessary power to be conferred upon the Government. What, then, shall be said of Mr. Jefferson's authority as against this bill? I desire to read a single sentence to show the appreciation which Mr. Jefferson had of the necessity of national aid to education. Said Mr. Jefferson to Governor Tyler, on the 26th of May, 1810, as will be found in the fifth volume of his works:

I have, indeed, two great measures at heart, without which no republic can maintain itself in strength: (1) that of general education, to enable every man to judge for himself what will secure or endanger his freedom.

This is only one of a great many declarations of Mr. Jefferson to the effect that the cause of education and of national aid to education in universities and seminaries was an object inseparable from the public good and the future progress and prosperity of this country. General Washington, in his first annual message, says, speaking to Congress:

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. Whether this desirable object will be best promoted by affording aid to seminaries already established, or by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

He renews this recommendation to Congress in his second annual message. To the same effect Mr. Madison said:

While it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I * * * will call your attention to the advantages of superadding to the means of education provided by the several States a seminary of learning instituted by the National Legislature within the limits of their exclusive jurisdiction.

Again in his seventh annual message Mr. Madison makes the same recommendation, and again in his eighth message; and then Mr. Adams follows.

Mr. President, what is there in the principle of national aid to the States in the execution of their sovereign powers as a principle—is there anything hurtful to the States? It has been said here to be a hydra-headed dragon, but the fact is that in the Constitution of the country the provision is contained that the National Government shall aid the States when called upon by the States in the execution of their sovereign power over their own people. The legislative power of a State can not be touched, because there can be no division of legislative sovereignty, but the Constitution expressly provides that there should be national aid to the States in the enforcement and execution of their laws, providing it be done only by the request and the consent of the States.

In what respect does this differ, and with what pretense of argument or reason can the learned Senators who have discussed this subject and alarmed the country in regard to it, undertake to say that the principle of national aid to the States, with their consent, can in any way interfere with the sovereign powers reserved to them? Have we forgotten the fact that the public domain of the United States, consisting of more than a thousand million acres of land, bought with the public money, with the tax money of the United States, to the extent of upwards of \$300,000,000, has been appropriated from the very inception of the acquisition of that territory to the cause of education to the extent of nearly \$100,000,000, and that every State has been the beneficiary?

With what reason can this measure be opposed in the face of this appropriation of nearly a hundred million dollars of the tax-money of the people of the United States to the cause of education given to the States for the last fifty years? If the Senator from Missouri applies his principle here, he must vote to restore to the United States the millions of dollars which have been appropriated by Congress to them for the purposes of education. How can he distinguish between the tax-money applied to education by the purchase of the public land and its donation, and the tax-money applied directly?

If you choose to extend the argument further, as the public lands are indebted upon an account in the Treasury of \$300,000,000 and more of tax-money, shall it be said that this money, the result of taxes imposed upon the country, expended on the public lands, converted into money and paid to the States, that because the Treasury replaces this fund and appropriates it, it is no longer the proceeds of taxes? Must it be the same identical dollar that is paid for the land and paid out again? To-day this is money, the proceeds of the public lands. It is tax-money, for it represents \$300,000,000 of taxes invested in public lands; and more than a hundred million dollars of the proceeds of the sales of public lands, which represents tax-money, has been paid into the Treasury of the United States. So there is no foundation for that distinction.

But what more than that? If the Senator from Missouri applies the principles of the Constitution as he interprets it, that no appropriation can be made except under the enumerated objects of appropriation in

the Constitution (derived from its express powers) the Senators from Texas and Missouri can not sit upon this floor. Mr. Jefferson, in the early days of the Republic, appropriated the public money, as he himself declared, without authority in the Constitution, under the sanction of Congress, to the purchase of the Territory of Louisiana. We have gone on making such appropriations. We have bought Alaska; we have paid a money consideration for the concessions of portions of the Mexican Republic as the result of war. Under these principles of interpretation of the Constitution all these purchases are manifestly void, if, as my learned friend the Senator from Maryland says, there is no place for necessity in the doctrines of the Constitution, and that we can not, because a law is necessary, depart from its powers. These illustrations will serve to show that there is no foundation for that argument.

The Senator from Missouri says that he will never give another vote in this Chamber in violation of those principles of interpretation which he has declared originated with Mr. Jefferson, but which Mr. Jefferson himself abandoned. The Senator from Missouri knows full well that Mr. Jefferson and Mr. Madison declared that every dollar of money appropriated by Congress to internal improvements was appropriated in violation of the Constitution, because there was no enumerated power to do it. Yet the Senator from Missouri votes every session, and will vote at this session, for the appropriation of money to the improvement of the Mississippi River, and no more strenuous advocate for that appropriation of money can be found upon this floor than himself.

The power to appropriate money for internal improvements far exceeds the power claimed in this bill. It is a power which invades the States without their consent, as was pointed out by Mr. Jefferson and Mr. Madison. It is the exercise of a direct power upon the people, while that proposed here is a power of appropriating money to aid the States with their consent, to be expended in their discretion for the promotion of general education among their people.

The difficulty with my friends who have opposed this bill so earnestly is not that there is no warrant for it in the Constitution. We have established that proposition by the experience of a hundred years, by the acquiescence in the purchase of Louisiana, by the further payment of the tax-money of this country for the purchase of large portions of Mexican territory ceded to us, and by the annexation of the State of Texas, which was without authority, under the enumerated powers of the Constitution. We still cling, and I shall always cling, to Mr. Jefferson's great principle of interpretation, that the sovereign powers of the State shall not be touched with the hand of Federal power; but we have the practice and experience of this country for a hundred years and half a hundred million dollars appropriated by the National Government in aid of education in the States in the form of public land; and yet after this long experience we are told that it has to be abandoned.

Well, what more than that? The Senator from Maryland [Mr. WILSON], who made an eloquent and forcible speech, will vote at this very session of Congress, in violation of every principle of constitutional interpretation which he has urged upon us, for the appropriation of money to the construction of a canal which is now projected, and which his colleague has frequently introduced here with very great urgency. Not only that, but all Senators will vote for the appropriation of 5 per cent. in money out of the Treasury of the United States to the States, upon condition, restraining their sovereign power and discretion, that it shall be appropriated to certain specified purposes, either of education or internal improvement.

The bill known as the Blair bill, whatever credit the distinguished Senator from New Hampshire may have for it, is nothing more than the same principle and the same public policy recommended by Washington, by Madison, by Jefferson, as to its provisions and its effect upon general education, except that they proposed it should be done by an amendment to the Constitution. The bill is nothing more than, and can not be distinguished by any argument from, the 5 per cent. and the 2 and 3 per cent. bills for the proceeds of the sales of the public lands paid into the Treasury of the United States, made a part of the public money, and paid out again from time to time as they may accrue. It is national aid to the States, national aid to the States in money, national aid to the States upon condition, national aid to the States upon condition of education or internal improvements.

The difficulty with my friends is that they have not only placed themselves back to the first days of the Constitution in their interpretation of it; they not only ignore the hundred years of practical application of the powers of the Constitution to the necessities of the country and its progress, but they place themselves back to a time before this age of industrial power, of industrial success, made a new and a changed world. They ignore the necessities which now demand new conditions and new treatment of the great mass of the people and of the economies upon which their very existence depends. They seem to consider in their arguments here that there is nothing in these modern days to do but to sustain great armies and expend vast sums of money for the resistance of organized force.

My learned friends who have argued this question are willing to expend an indefinite amount of tax-money for the maintenance of an army and a navy. They ignore the fact that the great industrial necessities of the day are such that a greater power than organized armies

attacks the life of the State and of the people; that want, disease, and famine are evils to be guarded against; that everywhere education is the great organized power even of the armies, even of destruction; but that the great object of this age is the preservation of human life, the development of human faculties, the improvement of mankind. This it was that made Thomas Jefferson the great apostle of liberty in the hearts of the people of this country, and this it is, and not distinctions of a high or a low tariff, but his sympathies with the great masses which made him and the Democratic party which he founded so near and dear to the hearts of the people. It is the principle of human sympathy, of human progress, of institutions which give power to the people as a mass, not mere technical and arbitrary declarations of constitutional interpretations which he abandoned in practice as the Chief Magistrate of the Republic.

It is true we have a great system of government, the corner stone of which is the power of the States, the sovereignty of the States in those respects in which power is reserved to them, and the sovereignty of the National Government only in those respects which have been conceded to it. But among these powers it has been found, as Mr. Monroe so wisely declared, a practical necessity that the power of aiding the States, with their consent, by the appropriation of the public money, whether it be of lands or of tax-money, has been found to be not only a necessity but a most beneficent principle of government. Why, then, should it cease to-day? Why, then, shall that which has never before created an invasion of the sovereignty of the States be held now to be a source of great danger? Why shall it be conceived that this great American people will not rise in indignation and rebuke any Secretary of the Interior or any administration that will propose to fetter the sovereign power of a State to direct the education of its own people?

Mr. President, I have no apprehensions upon that subject. I have no fears that this people will permit a great centralized government to assume the control of their domestic relations and prescribe an iron rule for the habits and the lives and the thoughts of the people of the States. There is too great a distrust among the people of this country of any interference by a centralized power with their own control and regulation of their own domestic affairs. They do not want and will not allow any power to be vested in a majority of Congress elected perhaps from one section of the Republic to say when they shall be married and when they shall cease to be married, or to regulate and control the relation of parent and child, or the employer and the employé.

I am in favor of the passage of this bill, not only because it has the sanction of the universal practice of this Government for a hundred years; not only because it has the sanction of the advice and the example of every one of the Presidents, for that logic is too shadowy and too uncertain which undertakes to show that Madison, Washington, Adams, Jefferson, and all those great statesmen should have declared that general education of the people of the States was a necessity for the future progress and welfare of this Government and people, and a proper object of national aid, but that it must be confined to the appropriation of money derived from the sales of public lands. It is equally important, whether it be sustained or not sustained, whether it be tax-money or land-money that shall be appropriated to aid the States in its accomplishment.

My friend from Tennessee [Mr. HARRIS] finds authority in the enumerated powers of the Constitution to vote for appropriations to stop the progress of disease. He considers that to be commerce and regulating commerce, I suppose; but I can see no foundation for an argument of that sort either in substance or in technical correctness. The fathers, whose interpretation upon this subject we are required to take, declared that the power to regulate commerce contained no provisions of the kind.

Mr. HARRIS. Will the Senator from Florida yield to me for a moment?

Mr. CALL. Certainly.

Mr. HARRIS. I beg to say to him what I have had occasion to say on more occasions than one upon this floor, that all I have ever asked in any bill I have offered or supported has been that Congress shall so regulate commerce with foreign nations and among the several States as to strip it of contagion. If the Senator can find ground to base a doubt upon as to Congress possessing that power, I should be glad for him to suggest it. That is all I have ever favored.

Mr. CALL. I have not the slightest doubt of the power of Congress, but I have very great doubt and, I may say, I have almost a certain knowledge that the foundation upon which the Senator places it is one of sand, and can not stand.

Mr. HARRIS. I beg, before the Senator proceeds, if he will allow me, to say that if Congress has not the power to make the appropriations to which he has referred, and which I have voted for, under the authority to regulate commerce with foreign nations and among the several States, it has no such power, and he can not find a clause in the Constitution from which such power can be derived.

Mr. CALL. That is the fault of the Senator's argument. That is the interpretation which was sought to be put, but where did Mr. Jefferson find the clause in the Constitution which authorized him to purchase Louisiana? Will the Senator answer me that question? The power to appropriate money, not interfering with the sovereignty of the

States, to aid them in the execution of the laws for the prevention of the spread of contagion, rests alone upon the power to raise money by taxes, excises, and imposts, and to appropriate it. However you may argue as to the purposes for which it was intended, that is a power conferred upon Congress, and a power the exercise of which rests in them and them alone. Justify as you may, condemn as you may, the exercise of that power, the Constitution vests the power in the people and their representatives, and Mr. Jefferson invoked it, saying, "It was never intended; there is no enumeration here by which I can purchase Louisiana; but the public necessity requires it, and you have the power, and I justify myself before the people for its exercise. You may do it either by an amendment of the Constitution or otherwise."

The power to make appropriations for the prevention of the introduction of disease into this country is doubtless an expedient and a just power. It may be held, as Mr. Jefferson said, that the power to establish post-offices and post-roads was to include everything. He said it did not properly include the power to make a new road; that Congress has power to establish a post-road where one had already been declared, but where no road existed, where no highway had been marked out by State authority, it had no power to establish it. That was manifestly in the legal interpretation and by the common consent of the country a construction too narrow. Now Congress not only establishes roads which had not been designated, makes the roads, but has even made great railroads for the purposes of mail facilities and military transportation as a necessity.

I take it that the great principle of this Government is the sovereignty of the States as a matter of power over the subjects which are reserved to them, and the sovereignty of the National Government as a matter of power over those which are confided to it; that there can be no collision, and one can not touch the other; but that outside of that it is the very force and life of the Constitution that the National Government shall give aid to the States where it does not interfere with the exercise of their sovereignty; and that wherever the States consent to the use of money, accepting a donation to be used in their discretion, such an appropriation is not only authorized by the Constitution, but is in conformity with its very spirit and life and purpose.

But, Mr. President, let us go further. We are informed in this great organic law that to provide for the common defense is an object for which taxes shall be imposed. That is said to be a blanket clause. Suppose we admit the construction that it is intended to provide for the common defense and the general welfare according to the enumerated powers and not outside of them, the general welfare of the States and the National Government under the enumerated powers comprehends the whole subject under the latitudinous construction which you give to the regulation of commerce and the establishment of post-offices and post-roads. There is no practical distinction. My friend from Tennessee can find the power to stop contagion, internal and external, under the power to regulate commerce.

Mr. HARRIS. If the Senator will allow me, his friend from Tennessee can find power to regulate commerce so as to strip it of contagion.

Mr. CALL. I will use my friend's language, but that does not vary the proposition a particle. The Senator from Tennessee can find power to regulate commerce so as to strip it of contagion, foreign and domestic, but there is no enumeration in the Constitution of stripping commerce of contagion.

Mr. HARRIS. There is power to regulate commerce, and I propose to regulate it.

Mr. CALL. Contagion is not commerce, and never was. Small-pox and cholera are not commerce.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. One moment. The debate will proceed more in order if the Senator will wait until he is recognized.

Mr. HARRIS. I will wait until the Chair has ascertained from the Senator from Florida whether he consents to be interrupted or not.

Mr. CALL. Oh, yes; I consent.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. CALL. Certainly I yield.

Mr. HARRIS. I simply desired to say that I hoped my friend would not quibble upon words. All that I have ever favored, as I have heretofore explained, in respect of the matter to which he refers, is that in regulating commerce it shall be so regulated as to strip it of contagion. That is all I care to say.

Mr. CALL. If my friend can demonstrate that small-pox, or cholera, or infection of any kind is commerce, then under the constitutional provision to regulate commerce, if you are going to limit it to its enumerated power, of course you can regulate it, commerce being contagion, and commerce being small-pox and infection.

Mr. HARRIS. Will the Senator allow me to ask him—

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. Certainly.

Mr. HARRIS. I ask the Senator if contagion can not be carried from one country to another, and from one State to another by all the instrumentalities of commerce?

Mr. CALL. There is no doubt of that.

Mr. HARRIS. Can it not be carried by a person?

Mr. CALL. Oh, yes.

Mr. HARRIS. Can it not be carried by a bale of goods?

Mr. CALL. Oh, yes.

Mr. HARRIS. Can it not be carried by almost every article that is transported on the thoroughfares over which commerce passes?

Mr. CALL. Yes; there is no doubt of that.

Mr. HARRIS. It is that commerce which the bills I have advocated have proposed to regulate, and to regulate in the interest of the sanitation and good health of this country.

Mr. CALL. They are all good bills, but the argument is not good. The distinction is unreal. Commerce, as I said before, though accompanied by contagion and accompanied by people and accompanied by ships and vessels, is not the thing itself. Regulating contagion and infection is not regulating commerce. Primarily, it may be connected with it, and connected with it consequentially, but it is not the thing itself, and if you are going to establish the principle of enumeration and strict interpretation, then the police powers of the State would have admitted and established and recognized jurisdiction over the subject, and would be the only power to which you could look.

It was held by the eminent statesmen whose opinions have been urged with so much eloquence, so much grace, and so much force by my friend from Delaware [Mr. GRAY], my friend from Missouri [Mr. VEST], the Senator from Maryland [Mr. WILSON], and the Senators from Texas—it was held by all the great statesmen in the beginning, except Alexander Hamilton, that there was no power in the Government to regulate commerce by establishing works of internal improvement. Said Mr. Jefferson in the work before me, "Light-houses by custom and sanction may be regarded as within the constitutional power, but not piers in the Delaware River." So strict was the interpretation of the language in that school of statesmen, whom I acknowledge to be the greatest statesmen that perhaps the centuries have produced, that Thomas Jefferson, with his wide sympathy for mankind everywhere, with his devotion to everything that elevated humanity, with his belief and his great agency in vesting power in the people as a body and without limitation, and Madison, his successor, and all recognized the necessity of this power in the Government, and held that it should be supplied by a constitutional amendment; but as to its necessity there was not one dissenting opinion.

Mr. Madison held upon the subject of the tariff, in the opinion which I have before me at length, that the power to levy imposts carried with it the power to levy even a prohibitory duty, not for the purpose of raising revenue, but for the purpose of preventing revenue, not its direct purpose, but with that effect for another purpose; but that there was no power to give bounties; and yet under that system bounties of hundreds and thousands of millions of dollars are paid under that construction of the Constitution.

While a follower of Thomas Jefferson, I am not among those who do not concede to his great rival, Alexander Hamilton, wonderful powers and the most pure devotion to the public good. The difference between him and Mr. Jefferson was then as it is now between our Republican friends and the Democratic people. He sought the happiness of the people through a government of privilege, through a government of property distinctions, while Thomas Jefferson relied upon the sentiment, the good sense, and the sympathy of the whole body of the people.

Mr. HOAR. The Senator from Florida will allow me to observe, in connection with what he is saying, that whatever criticism may be made on any of the desires of Alexander Hamilton before the constitutional convention met, or before it agreed upon its plan, it is to him and to no other man that the adoption of the present Constitution of the United States is due. If you subtract from the forces which were in favor of the adoption of the Constitution by the nine States which by their ratification put it in force the opinions and the arguments of Alexander Hamilton, the Constitution would never have gone into effect; and that is a thing which can be said of no other man whatever.

Mr. CALL. That is a question to which there are two sides. I freely concede the very great influence Mr. Hamilton had in the adoption of the Constitution. I am not among those who disparage his wonderful merits or the purity of his patriotism; but it will not be forgotten that Mr. Madison, and Mr. Jefferson, although he was in France at the time of its formation, were both factors, and important factors, and what particular degree of influence they had can not well now be estimated, except that from that time thereafter they came to represent the great body of feeling and opinion and thought and sympathy of the American people.

I advocate the passage of this bill and have no fear. The bill is sufficiently Democratic, and it is sustained by Democratic precedents from the beginning of Mr. Jefferson's first year until now. The principle of national aid to the States, to be used in their discretion, creates no fears with me. I see in it the Constitution of the country, itself made for the purpose of giving national aid to the States in the exercise of their sovereign powers, with an express provision that, as to the executive branch of their government, the enforcement of the laws which in their sovereign discretion is confided to them, the Government of the United States should be bound upon their request to aid them in the preservation of the public peace and the execution of their laws.

Mr. HARRIS. Will the Senator from Florida allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. CALL. Certainly.

Mr. HARRIS. Perhaps it may be my fault—I have not heard all the remarks of the Senator—but I should be glad to know from what clause of the Constitution he derives the power to levy and collect taxes and appropriate money to the objects and purposes of this bill.

Mr. CALL. I derive it from this proposition: You do not deny that the Constitution gives Congress the power to appropriate public money, do you?

Mr. HARRIS. To any of the legitimate purposes confided to Congress by the Constitution, I do not. To any other purposes I utterly deny the power.

Mr. CALL. Will the Senator from Tennessee tell me who are the judges of the legitimate powers confided to Congress by the Constitution?

Mr. HARRIS. The Senator from Florida either has the power delegated to Congress by some clause of the Constitution, or he has not; and it would be a little more direct and a little more in accordance with frank dealing to name the clause that grants the power to Congress to levy and collect these moneys and appropriate them to the objects of the bill than the by-play the Senator seems inclined to resort to.

Mr. CALL. The by-play of my friend from Tennessee can not make my suggestion by-play. The question is whether the by-play is not with him. I ask the Senator from Tennessee to tell me the clause of the Constitution under which he finds the power to vote money for internal improvements.

Mr. HARRIS. The Senator adopts a method in this discussion somewhat peculiar, it is said, to New England. I do not know whether it is or not, but instead of answering a question so plain that no human being can misunderstand it, he asks another wholly foreign to the subject.

Mr. CALL. That does not answer my question.

Mr. HARRIS. Nor have you answered mine, which was asked first.

Mr. CALL. Now I will answer it.

Mr. HARRIS. But I may say that it would be a little difficult for the Senator to find where I have voted for the internal improvements to which he refers.

Mr. CALL. I thought I had already answered the Senator's question in the course of my remarks. Different schools of opinion arose in this country immediately after the Revolutionary war and the adoption of the Constitution. One of those schools of opinion held that this clause of the Constitution, "The 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" was limited to the specially enumerated powers thereafter contained in the Constitution. Another school held that it was not so limited; that Congress had a discretion not only by virtue of the fact that the power as power was given to them; that power is one thing, and discretion another. Another school held that the power to appropriate money being given to the representatives of the people and the States, the discretion of necessity was with them to exercise this power, and that they were not confined by the mere technical declaration and language of the enumerated powers.

They held that they were the depositaries of power to be exercised for the common defense and the general welfare of the country. Mr. Jefferson denied that interpretation; Mr. Madison denied that interpretation. They could find no power to regulate commerce by the construction of piers in rivers, the cleaning out of channels, the construction of canals. They could find no power to create avenues of commerce by internal improvements. They could find no power to appropriate money to purchase foreign territory.

Mr. REAGAN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. CALL. I do.

Mr. REAGAN. I call the Senator's attention to the fact that Mr. Madison not only approved but signed bills appropriating money for the improvement of rivers and harbors.

Mr. CALL. Undoubtedly so; and it was the first tribute paid by Mr. Jefferson and Mr. Madison to the theory of interpretation which Mr. Monroe affirmed to be the only reasonable and possible one to prevent a violation of the Constitution. Mr. Calhoun came here with all his views of strict construction. His view was read the other day by the Senator from Alabama [Mr. PUGH], and, without reading it at length, I will read an extract for the benefit of my friend from Tennessee, who has been always the humble and the profoundly able defender of Mr. Calhoun and his doctrines, and ask of him now to come with us in support of the principle of national aid to the States.

We do not care much about this little matter of school-books of one kind or another. We have no fears that any Secretary of the Interior or any President will dare to defy the great constitutional principle of interpretation that the States alone have power over the education of their children; but it is national aid. Now, let us see what Mr. Cal-

houn said about the doctrine of regulating commerce by preventing infection. He said:

The first power delegated to Congress is comprised in these words: "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; but all duties, imposts, and excises shall be uniform throughout the United States." First, the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power may be applied—namely, to pay the debts, provide for the defense, and promote the general welfare; and last, the rule for laying the taxes is prescribed—to wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words, "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

If such were in fact the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare," were intended for this summary, they should have headed the list of our powers, and it should have been stated, that to effect these general objects the following specific powers were granted.

Forced, however, as such a construction was, I might admit it, and urge that the words do constitute a part of the enumerated powers. The Constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads, but it seems to me that the word "establish" comprehends something more.

But suppose the Constitution to be silent—

Said Mr. Calhoun, and I call the attention of my friend from Tennessee, Mr. Calhoun's follower, the follower of a great, and bright, and shining light in learning and in statesmanship, to this language—

But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. Our laws are full of instances of money appropriated without any reference to the enumerated powers.

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

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. Certainly I yield.

Mr. REAGAN. I call the Senator's attention to the fact that the commentators upon the Constitution of the United States, from Mr. Justice Story down, and all the decisions of the Supreme Court of the United States that bear on the subject distinctly negative the proposition laid down there as coming from Mr. Calhoun, and affirm that the "general-welfare" clause is not a delegation of power.

Mr. CALL. Well, Mr. President, let us pass from that. If they do so declare, they declare it in the face of the universal practice of this Government to the contrary, and of the votes of every Senator here, because neither can the Supreme Court nor the commentators upon the Constitution make a difference, nor is it in the power of human intellect to make a difference, where none exists. The vote for the 5 per cent. proceeds of sales of public lands, after it has been put into the Treasury of the United States, and become a part of the public money which every Senator here votes for in every appropriation bill, or at least consents to its continuance, is in every respect, without the difference of a shade or a hair, the principle of aid to the States from the Treasury of the United States, and aid for education.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. CALL. Certainly.

Mr. GEORGE. The Senator from Texas asserted that his proposition had been established by decisions of the Supreme Court of the United States, and I understood his proposition to be that the Supreme Court of the United States had settled that in the taxing clause of the Constitution, which has been read by the Senator from Florida, to lay and collect taxes, to pay the debts, provide for the common defense and general welfare of the United States, the words "to provide for the common defense and general welfare" did not convey to Congress a substantive and independent power. That is true, but that is not the proposition involved in this bill. The proposition is that those words give to Congress the power to appropriate money to the common defense and general welfare, but that Congress is not confined in determining what the general welfare is to the subsequently enumerated powers in the Constitution.

That is the proposition on which we who support this bill stand, and I affirm that no decision of the Supreme Court of the United States can be found which denies that proposition or limits it in any respect whatever. On the contrary, as stated by the Senator from Florida, the uniform construction of that clause of the Constitution from a very early period down to the present time is that whilst Congress can not legislate so as to acquire jurisdiction over a matter under those words, it may legislate by appropriating money to objects outside of the enumerated clauses of the Constitution.

That is the proposition upon which we stand, and not upon the propo-

sition discarded not only by the Supreme Court but by all constitutional lawyers and constitutional writers, that the words "to provide for the general welfare" convey to Congress the right to invade the sovereignty of the States as to any particular matter reserved to them under the Constitution and assume jurisdiction over them.

The power to appropriate without the power of jurisdiction is a firmly settled principle in the constitutional jurisprudence of this country. It received the sanction of Mr. Calhoun in the language which the Senator from Florida has read. It received the sanction of Mr. Monroe, and it receives the sanction of Congress at every session by the appropriation of money out of the Treasury of the United States to purposes conceded to be outside of the jurisdiction of Congress.

Where is your Agricultural Department to-day? Where is your authority under the Constitution of the United States to establish an Agricultural Department? Where is your jurisdiction over agriculture? Where is your authority to employ men to make a geological survey of the States of this Union? Where is your authority to have books published and employ men to write them, as to the ethnology of this country? Where is your authority to do a thousand things which we do here every day? Look at your last appropriation bill, and you will find it chock full of appropriations giving money to purposes outside of the enumerated powers in the Constitution, all done under the construction of the Constitution read by the Senator from Florida, sanctioned by Mr. Calhoun, and by the uniform practice of this country from the beginning down to the present time.

Mr. REAGAN. Will the Senator from Florida allow me to reply to the Senator from Mississippi?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. CALL. Certainly.

Mr. REAGAN. I always listen with very profound interest to any views of Mr. Calhoun. No one admires his character more than myself, but I do not think it a friendly act to his memory to quote that part of his writings in his early career, in face of the utterances of the later and better matured part of his life. I do not know that he ever distinctly repudiated the language and the construction of that clause of the Constitution contained in that paper, but his whole after life was a general repudiation of that doctrine.

But that is not what I rose to say. I wish to quote the language of Mr. Justice Story in commenting upon this particular paragraph of the Constitution. Mr. Justice Story said, in section 906 of his Commentaries on the Constitution:

The Constitution was, from its origin, contemplated to be the frame of a national government, of special and enumerated powers, and not of general and unlimited powers.

He says further, in the same paragraph, that—

If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense and general welfare. Under such circumstances the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarrass and confuse, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

And in section 907 of the same work he said:

For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

If we are to be asked by the Senator from Mississippi to interpret the Constitution by the acts of Congress, I desire to say that that is one thing. If we are to judge our powers by the Constitution, that is another thing. I do not set up the acts of Congress as a standard for judgment as to the interpretation of the Constitution, for we all know that in many instances, drawn perhaps by our ideas of necessity, by our sympathies, or by some unusual cause, we have passed acts not strictly authorized by the Constitution; but this great act proposed, invading the States and taking the control of their schools, is one so paramount, so important, that we ought to hesitate and not invoke past violations of the Constitution as a reason for this great violation of it.

Mr. GEORGE. The Senator from Texas has read a scrap from Judge Story—

Mr. REAGAN. If the Senator will allow me, I will say what he knows: that the Supreme Court in all its decisions bearing on the question has affirmed that doctrine.

Mr. GEORGE. The Senator from Texas reads from Judge Story to prove a proposition which nobody denies. I admit that to be law, and, so far as I know, no man on this side of the Chamber disputes it. We all agree, as Judge Story announces, that under these words in the taxing clause of the Constitution no substantive and independent power was granted to Congress. But if the Senator in studying Judge Story had gone a little further and learned all that Judge Story said upon that subject, he would have found that whilst Judge Story announces the doctrine as the Senator has read it, Judge Story ex-

pressly says that it is no impeachment of that doctrine, but in strict conformity to it, to hold as Mr. Monroe held and as Mr. Calhoun held, that the power of appropriating money vested by the taxing clause of the Constitution in Congress was outside of the enumerated powers. If the Senator denies that proposition as having the sanction of Judge Story, while I have not the book here, I will undertake to prove it, and to show that Judge Story distinctly and unequivocally announces the doctrine that the power to appropriate money is not confined to the powers enumerated in the Constitution.

Mr. REAGAN. I have not known of such a doctrine propounded by Judge Story.

Mr. GEORGE. Well, sir, I will bring it here and show it to you.

Mr. CALL. I do not think the doctrine of the Senator from Texas has a right to consideration here, because he will vote at this session and has voted every year in denial of it, and every other man who has been in Congress has done so. He votes for internal improvements, and he knows that the great statesmen, Madison and Calhoun, denied entirely the power as it is now exercised; and he knows as a man of reason that as compared to the power to make an appropriation, to invade the domain of a State, take possession of its rivers, construct roads without the consent of the State, as Mr. Calhoun, Mr. Madison, and all those statesmen pointed out, is essentially different from the power in this bill, which gives the money to the States upon condition of their acceptance of it. No man of reason can deny those propositions. You invade every day, under powers which your own interpretation of the Constitution and your own principles declare do not exist, the sovereign power of the State, while this bill does not do it and does not propose to do it, but asks the consent of the States.

Mr. REAGAN. If the Senator will allow me, there is a very broad distinction between the purposes of this bill and the appropriations for the improvement of rivers and harbors.

Mr. CALL. There is no doubt about that.

Mr. REAGAN. That is done under the clause of the Constitution which authorizes Congress to regulate commerce among the States and with foreign nations. Besides that there is no clause of the Constitution which covers education in the States. The maritime jurisdiction covers the navigable waters within the States, which goes in connection with the power to regulate commerce to make up the authority which justifies the wise policy of appropriations for the improvement of rivers and harbors.

Mr. BUTLER. May I ask the Senator from Texas right there if Congress has not absolute jurisdiction over all navigable streams?

Mr. REAGAN. Yes, sir; the maritime power extends to all.

Mr. BUTLER. And no other?

Mr. CALL. Mr. President—

Mr. GEORGE. Will the Senator from South Carolina state when that doctrine was recognized to be correct?

Mr. BUTLER. I can state it satisfactorily to the Senator.

The PRESIDING OFFICER. Only one Senator can occupy the floor at a time. The Senator from Florida is entitled to the floor, and it can not be taken from him without his consent. Will the Senator from Florida yield to the Senator from South Carolina?

Mr. CALL. I prefer to conclude my remarks. Let us take these learned critics of the Constitution on their own ground. My friend from Texas has been the apostle and the advocate of a bill which has had its origin in the Congress of the United States at his hands, a bill to regulate interstate commerce over railroads and not canals, not rivers, not natural highways. Where do you get the power to invade a State, not upon a navigable river, but upon a railroad or a dirt road?

Mr. REAGAN. The power comes from the clause of the Constitution which empowers Congress to regulate commerce among the States and with foreign nations, not to regulate the railroads, but to regulate commerce, not within a State, for that belongs to each State, but only to regulate the commerce which passes from State to State and from and to foreign countries.

Mr. CALL. I insist that that is not correct. The educational bill does not touch a State as an exercise of power. It does not purport to be an interference with the State. It says it is not. It says the State is to agree to its operation. It says the State is to accept the donation, and without its consent it can not be affected. It is an aid to the State to exercise its power, while the Senator finds, under the shadowy construction which Mr. Calhoun and Mr. Madison and Mr. Jefferson repudiated entirely under the power to regulate commerce, the right to enter the sovereign domain of the State and legislate as power, which this bill does not do. It proposes to regulate commerce by prescribing as an exercise of Federal power the rules that shall govern and limit contracts for transportation, not in places of maritime jurisdiction, but on the highways and roads of a State.

But, Mr. President, I want to say something more. If the power to regulate commerce covers contagion and infection, why does it not cover education? Are not ideas commerce communicable? Is not thought and its development a matter of commerce? And if you can get in these shadowy and insubstantial definitions the power to regulate commerce by the exercise of sovereign power within and over the contracts in a State, then why can we not apply it to education? If you are going to stretch the enumerated powers to include everything you

want, why not include education? That is not the statesmanly view which Mr. Calhoun took and which he never withdrew. It is not the view which the necessities of this country and the daily practice of every Senator here, including my friend from Tennessee, require them to pursue and adopt.

This is too great a Constitution to rest upon such shadowy ideas. The common defense of the country does not mean alone organized bodies of men armed to suppress force. It means that which assails the common body anywhere and everywhere; but it does not mean, as my friend from Tennessee and my friend from Texas say, only the enumerated powers; it does not mean to invade with crushing power the sovereignty of the States over the subjects reserved to them; but it means to aid them consistently with the principle of national sovereignty over national subjects and State sovereignty over State subjects.

Mr. HARRIS. Will the Senator allow me to ask him if I understand him to say that a majority of the two Houses of Congress have the power under the Constitution to levy and collect taxes and appropriate the money so levied and collected to any object which, in the opinion of a majority of the two Houses, would be promotive of the general welfare or beneficial to the country?

Mr. CALL. I deny that all the Congresses and all the Senates in the world have a right to appropriate a cent of money to any purpose which they merely think is necessary for the common defense; but I think they have the sole power committed by the Constitution of appropriating money, and that the obligation upon them is to appropriate it consistently with the sovereignty of the States in such manner as will provide for the common defense against any great public evil and for the general welfare.

Mr. HARRIS. To any object?

Mr. CALL. To any object which is necessary to prevent the body-politic from being destroyed, to any object that is necessary for the common defense. I repudiate the shadowy and insubstantial proposition that the enumerated power to regulate commerce means the power to create ships, to dig rivers, to build railroads, to buy machinery, and to carry on the commerce of the country, which your proposition involves as well as the power to prevent contagion.

Mr. HARRIS. I was not inquiring as to what the Senator from Florida repudiates—that happens to be a subject of indifference to me—but I did desire to know whether he believes that a majority of the two Houses of Congress possess the power under the Constitution to levy and collect taxes from the people and appropriate the money to any object which they may hold to be beneficial to the public or promotive of the general welfare.

Mr. CALL. Oh, no, they must not only hold it, but they have the power to appropriate the money. Who has the power but Congress? Do you not acknowledge that? Who has the power?

Mr. HARRIS. Does the Senator assert that they have the power to appropriate the money to any object which they believe, or which they may decide to be, promotive of the general welfare?

Mr. CALL. Will the Senator tell me who can decide if they can not? Who is above Congress? These ideas belong to a past age. Of course Congress are bound to exercise all their powers for the public welfare, for the common benefit, and their action is void when they touch the power of the States and their sovereignty; they fall shattered to the ground when they touch the sovereignty of the States. But outside of that, the people alone have the power, and the Congress is its depository, as said by Mr. Jefferson, subject to responsibility in elections from the people for the exercise of their duty. This is an old contest. But I find here the action on the 2, 3, and 5 per cent. of the net proceeds of the sales of the public lands appropriated to these different States, Alabama and others, amounting to \$7,336,000. Will Senators, statesmen, undertake to say to the country what Mr. Jefferson never said, Mr. Madison never said, what Mr. Calhoun never said, that these seven and one-third million dollars were wisely appropriated to aid the States in the exercise of their power of education because it came from land, that because it came from land the Constitution of the country said it was good, whereas if it had come from taxes it would have been bad? We have not such an unreasonable Constitution. We have not such unstatesmanly views of public policy. We have a Constitution which says that the National Government shall be sovereign for its purposes, that it shall be created to aid the States in the exercise of their sovereignty; and here are \$7,000,000 of money, the proceeds of property bought with taxes, given to the States for national aid to the States for education. And yet, unconscious of that fact, for which the Senator from Texas votes, we are met with this objection!

I ask the Senator from Texas how he holds his seat here to-day? If the principles of constitutional interpretation which he announces here are true, he is no Senator here. There is no power in the Constitution in its enumerated powers to acquire foreign territory. The right of treaty-making never could be extended to change the very autonomy of a country and its written constitution and power. It is by virtue alone of the sovereign powers conferred upon the Congress of the United States outside of its enumerated powers. The power to declare war does not require the annexation of foreign territory; the power to make treaties does not require or necessarily include the power to annex Great Britain, or France, or South America. You can not frame it

that way any more than you can strain the language of the power to regulate commerce, to build wagons to carry on commerce, or to build a railroad.

Mr. REAGAN. Will the Senator allow me a word?

Mr. CALL. Certainly.

Mr. REAGAN. We have a Supreme Court, which is the final interpreter of the construction of the laws and the Constitution. Are its accepted judgments law? If so, the Senator will remember that in several cases the Supreme Court has decided and held that under the treaty-making power we could acquire territory.

Mr. CALL. Oh, no.

Mr. REAGAN. I put myself behind those decisions of the court as to my right and as to the right of the Senator from Florida to a seat in this body.

Mr. CALL. I hold that the power of the Government to buy territory from other countries is complete without reference to the specific enumeration of powers. I hold, with Mr. Calhoun, that if the Constitution was entirely silent on the question of appropriating public money, Congress would have the right to do it. There is no other power to do it. But I do not know that the Supreme Court of the United States, through a mandamus, can require the Senator from Texas to say that he shall vote a certain sum of money for a certain purpose. I do not hold that the Supreme Court can interpret the Constitution *proprio vigore* and enforce it on the conscience and judgment of Senators and Representatives of the people. I hold them to be sovereign in this country, and the Supreme Court, as an independent and co-ordinate tribunal, has no power over them, either advisory or otherwise, except as their judgments may address themselves to the reasonable conviction and intelligence of the body. We hold the power, not they, of continuing them and of removing them, and it were well that this body were wider awake to the responsibility they owe to the people for the preservation of a pure and a learned judiciary.

Mr. REAGAN. The Senator will allow me to say that I did not mean to suggest that we were bound in our judgment by the judgment of the Supreme Court, but I believe the decision of the Supreme Court on a great question like that is persuasive and entitled to consideration.

Mr. CALL. It seems to me that everybody would know that that was a strained construction of the Constitution. The treaty-making power does not contemplate the necessity of the annexation of any one or of all foreign countries. It contemplates the regulation of our relations with foreign countries, but it does not contemplate, and could not be made to contemplate, the absorption and incorporation of foreign countries in our form of government. It is not intended for such a purpose, and one hundred Supreme Courts could not make it so. It is a sovereign power of government, and was never held to be a treaty-making power, though treaties were the ordinary methods by which it was accomplished.

But let us pass on. Mr. Jefferson, whose opinions we value so much, used the following words, which I commend to gentlemen, in the fourth volume and three hundred and eighteenth page of his Correspondence, in his letter to Dr. Priestley:

The Gothic idea that we are to look backwards instead of forwards for the improvement of the human mind, and to recur to the annals of our ancestors for what is most perfect in government, in religion, and in learning, is worthy of those bigots in religion and government by whom it has been recommended and whose purposes it would answer.

I do not apply that term to my learned friends here—they are not bigots, they are enlightened and forcible statesmen—but I do commend the principle. The world advances, and what stands is the imperishable principle of local government, State sovereignty over State subjects, and national sovereignty over national subjects, each one aiding the Government without interfering—that is the great sovereign principle of our institutions which is destined to have its hold upon the world.

Mr. GRAY. May I ask the Senator, as he has referred to the opinion of Mr. Jefferson, to hear another opinion which is very pertinent to the matter he is now discussing? Mr. Jefferson said in a celebrated letter, which has been already read to the Senate:

Whereas our tenet ever was, and, indeed, it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated, and that—

This is what I ask the Senator to particularly mark—and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action.

That seems to me, so far as the opinion of Mr. Jefferson is concerned, to meet the precise point taken by those who oppose the passage of this bill, and I think that in that phrase the Constitution could never have meant that Congress should raise money for purposes which the enumeration did not place under their action.

Mr. CALL. No doubt we agree as to that. You stand where Mr. Jefferson stood the first day there was a Constitution, and not where he stood when he purchased Louisiana. That was his opinion, that was his interpretation, and how did he carry it out? By exercising a power which he admitted upon his own principles of interpretation could not be exercised.

Mr. GRAY. Pardon me one moment. The language I have just read was used by Mr. Jefferson within four or five years of the close of his life.

Mr. CALL. I understand that also; but I say his principles of interpretation of the Constitution originated with the struggle with Alexander Hamilton in the first days after the adoption of the Constitution, and I say that the comment on this interpretation that its own founder made was the purchase of Louisiana in direct repudiation and denial of it, for there can be no question of the proposition that if the Constitution prevailed there was no power to do it. If there was no power to do it as a matter of law and constitutional power, it was and remains to-day utterly void. It could not be accomplished otherwise than by some exercise of legitimate power, either acquiesced in or otherwise. Be that as it may, Mr. Jefferson himself laid the first monument in the foundation of that contrary interpretation when he said, "We are bound now to violate these principles of interpretation and purchase the Territory of Louisiana."

But I want to allude to an act to promote the education of the blind, approved March 3, 1879. I do not know how my friend from Texas voted on that.

Be it enacted, etc., That the sum of \$250,000 out of money—

Tax-moneys, the money of the people, as my friend from Texas would say—

out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at 4 per cent., of the issue of July, 1870, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

SEC. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semi-annually, to the trustees of the American Printing House for the Blind, located in Louisville, Ky., and chartered in 1833 by the Legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semi-annual interest upon the said bonds, upon the following conditions.

Let us see what the vote was on that bill.

Bailey, Bayard, Butler—

I am surprised—

Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke—

I am again surprised—

Mr. BUTLER. I can plead the statute of limitations on that vote.

Mr. CALL—

Conover, Davis of Illinois, Davis of West Virginia, Dorsey, Eustis—

I am not surprised at that—

Ferry, Garland, Gordon, Grover, Hamlin, Harris—

HARRIS, of Tennessee! [Laughter]—

Howe, Kellogg, McMillan, Maxey, Mitchell, Oglesby, Paddock, Patterson, Plumb, Ransom, Rollins, Sargent, Shields, Spencer, Teller, Whyte, Windom.

I find I have read the wrong list. The Senator from South Carolina

[Mr. BUTLER] did not vote on the bill.

And then came the nays—yeas 35, nays 24.

Mr. BUTLER. What is the provision of that law, may I ask my friend?

Mr. CALL. I have already read it. I will read the list again.

YEAS—Messrs. Anthony, Bailey, Beck, Elaine, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke, Dennis, Dorsey, Eustis, Ferry, Garland, Gordon, Grover, Harris, Howe, Jones of Florida, Jones of Nevada, Kellogg, Lamar, McCreery, McMillan, McPherson, Matthews, Maxey, Mitchell, Morgan, Oglesby, Patterson, Plumb, Rollins, Saunders, Shields, Teller, Wadleigh, Whyte.

NAYS—Messrs. Davis of Illinois, Davis of West Virginia, Edmunds, Hereford, Kirkwood, McDonald, Merrimon—7.

Mr. BLAIR. The Senator will allow me to say that the yeas and nays were not taken in the House of Representatives on that bill, but the vote there stood, yeas 124 and noes 23. I do not know how the Senator from Texas voted, but he was part of the majority of the House at that time.

Mr. CALL. The bill is a bill donating so much money—\$250,000—as a perpetual fund to the education of the blind of the State of Kentucky.

Mr. BUTLER. Now, Mr. President, my friend will permit me to read—

Mr. CALL. For a printing-house for the blind.

Mr. BUTLER. Let me read the preamble.

Mr. CALL. The Senator will not read anything different from that. I will read it.

Mr. BUTLER. The preamble there puts a different phase on it.

Whereas the trustees, superintendents, and teachers of the various State and public institutions for the instruction of the blind, representing the interests of over 30,000 blind persons in the United States, have united in a petition to Congress to take into consideration the needs of the blind in the United States; and

Whereas the Association of the American Instructors of the Blind, at their session in Philadelphia, in August, 1876, representing twenty-six State and public institutions for the instruction of the blind, have set forth in a series of resolutions that the especial needs of the blind are embossed books and tangible apparatus, and have recommended that if any aid should be given by Congress it would most efficiently come through increasing the means of the American printing house for the blind, located in Louisville, Ky., etc.

Showing clearly that it was a national institution. That money was

not thrust into all the States as this bill proposes to do; it was confined to a single institution, national in its character; and if I were put upon my *voir dire*, I would say that that was a straining of the Constitution somewhat, though I voted for it. I have voted for many other things that were not strictly according to the Constitution in my judgment.

Mr. BLAIR. An examination of the record will show that this is a measure introduced and pressed by the honorable Senator from Kentucky [Mr. BECK], who is not now in his seat. I think the whole act had better be inserted in the RECORD. The appropriation was made from public money; it was accepted by the State, and the Senator from Kentucky made a provision that the State and the corporation both should accept it before the money should be expended. With that understanding the Senator from Massachusetts [Mr. HOAR] voted for the bill. It was an appropriation of public money.

Mr. EUSTIS. I want to ask the Senator from South Carolina a question. I understood the Senator from South Carolina to state that a law for which he voted was unconstitutional. I should like to ask him whether at the time he voted for it he considered it unconstitutional?

Mr. BUTLER. Well, Mr. President, I regret very much to say that I did not give it that investigation which I ought to have given it, and I am quite sure that if I had I should have voted against it.

Mr. CALL. I understand that the Senator from South Carolina introduced a bill very much the same as this at one time.

Mr. BUTLER. Yes; but the moment after I introduced it I began to investigate it, and I withdrew it.

Mr. CALL. And I understand furthermore that the Legislatures of South Carolina and Florida favored it.

Mr. BUTLER. On that subject there might be a difference in point of time. Six or seven years ago the Legislature of South Carolina might have done so, but I am quite satisfied that they would not now.

Mr. CALL. I have in my hand the bill introduced by Mr. Calhoun in 1839 to donate the public lands within the limits of the United States to the several States on certain conditions therein mentioned, and he goes on, in a speech made later on that subject, to say that these public lands would amount to over \$100,000,000. They cost \$323,000,000. He proposed to give over one thousand million acres of public land to the States upon conditions limiting their sovereignty in disposing of them. What was that? Here is this statute to educate the blind—to donate money for that purpose. It is not an invasion of any power of the sovereignty of the State of Kentucky. That sovereignty stands unimpaired if every blind child was educated with money donated and accepted from the hands of the National Government—no, not only unimpaired, but strengthened and built up to the extent that her people are improved.

But I think these Senators have gone back to the very first days of the Constitution after its adoption and to the old ideas which then prevailed—right ideas they were in part, but not perfect, as Mr. Jefferson himself pointed out, to be tested by time and adapted to the great principles of local self-government, State sovereignty and national sovereignty.

But what do we propose to do? I have alluded to the fact that we live in a new age; that this is not the age of war; that we are rapidly approaching that period in human affairs when other policies are to take the place and other dangers to be encountered—other policies than those of organizing for the suppression of antagonistic forces of one government against another. I hold in my hand a very interesting article in the Popular Science Monthly, from a man worthy of great respect and confidence, which I will not detain the Senate to read at length, but which I wish to call attention to as illustrating the public policy which demands this appropriation. It is an article upon "The Economic Disturbances since 1873," contingent on the war expenditures. My friends here are willing to vote any amount for war and for the equipment of navies. Let us see how that comports with the present economic condition of the country. Mr. Wells, in this article, states—

That the men in actual service at the present time in the armies and navies of Europe are in excess of 4,000,000, and that it undoubtedly requires the product of one operative or peasant labor to sustain one soldier. The present aggregate annual direct war expenditure of the world is probably in excess of a thousand million dollars. We express this expenditure in terms of money, but it really means work performed; not that abundance of useful and desirable things may be increased, but decreased; not that human toil and suffering may be lightened, but augmented.

Now, Mr. President, that is not the policy of this bill; that is not the policy which the future of all governments must pursue. But we find that there have been economical disturbances of great portent in the future and demanding other and different policies on the part of governments and of States—evils which are more menacing than the march of hostile armies, than the sacking of capitals, than the outrages perpetrated upon men and women, because they assail the entire body politic and all the people, starvation, diminished employment, imperfect distribution, economic disturbances bringing with them my friend's formidable opponent that he wages war upon, infectious disease, epidemic disease. We find these are the great evils originating among the people themselves.

Now, we find a very intelligent calculation here. We find, this writer says, that there are four great causes which are bringing want and suf-

fering and the absence of employment to the people, and yet beneficent causes themselves:

First, the occupation and utilization of new and immense areas of cheap and fertile wheat-growing land in the United States, Canada (Manitoba), Australia, and the Argentine Republic. Second, the invention and application of machinery for facilitating and cheapening the production and harvesting of crops, and which on the wheat-fields of Dakota (as before pointed out) have made the labor of every agriculturist equivalent to the annual production of 5,500 bushels of wheat. Third, the extension of the system of transportation on land through the railroad, and on sea through the steam-ship, in default of which the appropriation of new land and the invention and application of new agricultural machinery would have availed but little. Fourth, the discovery of Bessemer, and the invention of the compound (steam-ship) engine, without which transportation could not have cheapened to the degree necessary to effect the present extent of distribution. Now, from the conjoined result of all these different agencies has come a reduction in the world's price of wheat to an extent sufficient to make its growing unprofitable on lands taken at high rents and under unfavorable climatic conditions; and legislation is powerless to make it otherwise.

In short, the whole secret of the depression of trade has been owing to these great changes in the economic condition of the world. Now, let me read from Mr. T. H. Huxley's work on "The Advance of Science in the Last Half Century:"

The middle of the eighteenth century is illustrated by a host of great names in science—English, French, German, and Italian—especially in the fields of chemistry, geology, and biology; but this deepening and broadening of natural knowledge produced next to no immediate practical benefits. Even if, at this time, Francis Bacon could have returned to the scene of his greatness and of his littleness, he must have regarded the philosophic world which praised and disregarded his precepts with great disfavor. If ghosts are consistent, he would have said, "These people are all wasting their time just as Gilbert and Kepler, and Galileo, and my worthy physician Harvey did in my day. Where are the fruits of the restoration of science which I promised? This accumulation of bare knowledge is all very well, but *cui bono*? Not one of these people is doing what I told him specially to do, and seeking that secret of the cause of forms which will enable men to deal at will with matter, and superinduce new natures upon the old foundations."

But, a little later, that growth of knowledge beyond imaginable utilitarian ends, which is the condition precedent of its practical utility, began to produce some effect upon practical life; and the operation of that part of nature we call human upon the rest began to create, not new natures, in Bacon's sense, but a new nature, the existence of which is dependent upon men's efforts, which is subservient to their wants, and which would disappear if man's shaping and guiding hand were withdrawn. Every mechanical artifice, every chemically pure substance employed in manufacture, every abnormally fertile race of plants, or rapidly growing and fattening breed of animals, is a part of the new nature created by science. Without it, the most densely populated regions of modern Europe and America must retain their primitive, sparsely inhabited, agricultural or pastoral condition; it is the foundation of our wealth and the condition of our safety from submergence by another flood of barbarous hordes; it is the bond which unites into a solid political whole regions larger than any empire of antiquity; it secures us from the recurrence of the pestilence and famines of former times; it is the source of endless comforts and conveniences, which are not mere luxuries, but conduce to physical and moral well-being. During the last fifty years, this new birth of time, this new nature begotten by science upon fact, has pressed itself daily and hourly upon our attention, and has worked miracles which have modified the whole fashion of our lives.

I will not read further from this eloquent tribute. Suffice it to say that upon applied science alone the safety of society depends to-day. The power of maintaining this economic system, as is stated by this writer, depends upon the advance of education. Without it the laborer is without compensation; without it unskilled labor can not subsist under our present economic laws and conditions, and a vast amount of unemployed, starving, reckless people are left in the body of the state without any power whatever to take care or provide for themselves. Our Commissioner of Labor estimated a million of unemployed people in his report of 1886.

Wealth and Progress, by Gunton, a book which commends itself to the consideration of every thoughtful man, says:

By common consent the industrial question has become the problem of the hour. There never was a time when the demands of the labor question were so urgent nor when the failure to adequately meet those demands by a scientific solution involved so much danger to the well-being and progress of society as it does to-day.

With this increase in wages have come increased mobility, larger social opportunities, and consequently a more highly developed and more sensitive character.

Again, as a necessary part of this industrial differentiation and social progress, he ceased to be a ward of his master's household and became simply a seller of service. By this change he gradually became a fractional part of a highly complex system of industry, in which he is an inseparable and almost automatic portion of a vast machine, apart from which he is practically useless as a producer.

Consequently, when the factory stops, or he is discharged, from whatever cause, he is utterly helpless to procure means for a living, because as an isolated laborer he has lost the power to employ himself. When that point is reached, which the prevalence of enforced idleness shows is painfully frequent, the laborer of to-day is not only more helpless, but he is more dangerous to society than were the laborers of the thirteenth century.

This book proceeds to show the difference between the unskilled and the skilled laborer, the educated labor of the country, the difference economically, the difference in point of order, the difference in point of sobriety, the difference in the economical production and distribution of the country.

In India, with wages at 60 to 70 cents a week, the capital invested in production is only about \$35 per head of the population. In Russia, with wages at \$3.60 per week, it is \$190 per capita. In Austria, Italy, Spain, and Portugal, with wages at \$3.76, it is about \$350 per capita. In Germany, with wages at \$3.84, it is \$540 per capita. In France, with wages at about \$5, the capital invested is about \$1,010 per capita, and in England, with wages at \$7.74 per week, it is \$1,300 per capita. Accordingly, in England 78.16 per cent. of the products are made by steam, as against 10 per cent. in Russia, 29 per cent. in Austria, 34 per cent. in Italy, Portugal, and Scandinavia, and 36 per cent. in all continental countries. And in England and America 44 per cent. of the product is made by hand labor,

as against 23.19 per cent. in Spain, 33.67 per cent. in Italy, and 42.37 per cent. in Portugal.

That is the condition of the United States. With the economic policies of the world making uneducated labor incapable of support, with machinery doing nearly the whole amount of human labor which human labor was formerly devoted to, cheapening production and at the same time depriving men of employment, you have to meet the problem of educating the laborer and all the people. You have to adopt Thomas Jefferson's policy, not in the literal interpretation of the enumerated powers, but with that great widespread sympathy with mankind which directed his policy toward their elevation, their education, and their improvement that demanded an amendment of the Constitution if necessary to enable it to be done.

Therefore, Mr. President, I regard education as these hundreds of millions of dollars appropriated nominally from the proceeds of public land sales have always shown the American people regarded it, as the highest object to which the public money can be judiciously applied. I should have preferred in this bill that every dollar of this money was devoted to industrial education, to preparing men and women for the employments of life; but I have not been able to have my way in regard to it, and I am willing, as the first step towards aiding the States, even if the distribution be, as it is unquestionably, somewhat unfair as between one State and another, giving to those States that have already had the largest donations of the public land large amounts of money—I am willing, as the first step towards encountering this great evil, to devote an appropriation of the public money, whether it be from land sales or tax proceeds now in the Treasury, to the States to aid the States in the exercise of their sovereign power of educating and promoting the education of their people, not to invade them, but to aid them with their consent.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. HARRIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Several SENATORS. Vote! Vote!

Mr. BLAIR. I hope the motion will not prevail.

Mr. HARRIS. Is the motion debatable?

The PRESIDING OFFICER. The motion is not debatable. The Chair will receive a message from the House of Representatives.

Mr. HARRIS. I yield for that, of course.

MESSAGE FROM THE HOUSE.

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

A bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases;

A bill (H. R. 2056) for the relief of Joel J. Goss; and

Joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents.

The message also announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives providing for the printing of the report of the Commissioner of Education for the years 1886 and 1887.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) to aid in the establishment and temporary support of common schools.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Before the motion is put I will say that I should like to prefer a request to the Senate to fix a time when the final vote on the passage of this bill may be taken, and I ask unanimous consent that the debate be closed and the vote be taken on the bill and amendments to-morrow afternoon at 4 o'clock.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the vote be taken on the passage of the bill now under consideration to-morrow afternoon at 4 o'clock. Is there objection?

Mr. PLUMB. I shall have to object to that, although I should be very glad to have some day fixed a little further in the future. I expected before the debate closed to have something to say about it, but some statistics which I have sent for are not now at hand, although they are liable to come any day. I do not care to detain the Senate, but I think if the Senator will suggest some day early next week it will accommodate a number of Senators who I know intend to speak on this bill, and I do not believe, in view of the time already occupied and the manner in which the debate has gone on, that the Senate is going to be tolerant of any disposition to crowd it to an early issue; that is to say, within a day or two.

Mr. PLATT. It ought to be got through with before long.

Mr. PLUMB. I should be glad to name some day when we can take hold of it and dispose of it. I am as desirous of that as the Senator from New Hampshire can be; but let it be with due regard for the convenience of those who are liable to be caught up by this short turn.

Mr. BLAIR. I dislike to do anything to catch up my friend at any

very short turn. He has been quite free in his comments on the delay in the decision of this bill in open Senate and otherwise, and I did not really expect from him a request for such protracted delay. I should like to have him designate a time which will suit his convenience to close the debate on this question and take the final vote. Friday perhaps, at 2 o'clock, would do.

Mr. PLUMB. Friday would not be a very good day, because of the fact that the Senate is very likely to adjourn over Saturday, and we might get into the subject of an amendment of this bill on Friday and have to postpone it until Monday. If the Senator will say next Tuesday—

Mr. STEWART. Tuesday at 3 o'clock.

Mr. PLUMB. Tuesday at 3 o'clock will entirely satisfy me. If I have criticised the Senator for his delay in pressing the bill to a vote, either on the floor of the Senate or elsewhere, I do not know it.

Mr. BLAIR. I will say in regard to that matter that I have certainly so understood him, but I have personally occupied less time in the discussion of this bill in the weeks that it has been pending than was occupied by the Senators from Connecticut and Oregon yesterday and the day before. I have pressed it as fast as I could, and I shall be very glad if now the convenience of those who oppose the bill does not require a longer postponement than Tuesday at 3 o'clock, and that they would agree to a vote at that time.

Mr. PLUMB. Tuesday was suggested; and it will answer my convenience, although an earlier day might answer that purpose; but a Senator, who desires to speak on this question about the time of the final vote, has said to me that he would not be here on Tuesday, and that Wednesday would be satisfactory to him. I think that will meet the approbation of all, perhaps.

Mr. BLAIR. I will ask consent—

Mr. RIDDLEBERGER. The Senator will allow me to interrupt him for one moment?

Mr. BLAIR. Certainly.

Mr. RIDDLEBERGER. I wish to know who the Senator is who wants this bill postponed that he may be present to speak on the final vote? Who has given that information to the Senator from Kansas?

Mr. BLAIR. I have no means of knowing.

Mr. RIDDLEBERGER. I should like to know who he is that wants this bill delayed in that way.

Mr. BLAIR. I ask unanimous consent that the final vote may be taken next Tuesday at 3 o'clock.

Several SENATORS. Say Wednesday.

Mr. BLAIR. It seems to me that it is analogous to trifling to ask another week's delay in the discussion of this bill. To-day is Wednesday; I ask unanimous consent of the Senate that the final vote upon this bill and amendments may be taken at 3 o'clock next Tuesday.

Mr. PLATT and others. Agreed.

Mr. PLUMB. I feel under constraint to object; and take the chances of what may come from that. I wish to say simply this by way of appeal to the good nature of the Senator from New Hampshire, if he has not lost it all in his accommodation heretofore, as he has allowed the bill to go over from time to time on account of just courtesy to meet the convenience of persons who wanted other bills passed, and others who wanted to speak on particular subjects, now, that there is some convenience involved on the part of certain Senators here, I do not think he ought to crowd the question when there is only twenty-four hours' difference between him and apparent unanimous consent to setting a time for disposing of the question.

Mr. BLAIR. The Senator from Kansas does not ask any such delay beyond Tuesday for his own convenience, and I trust he will not assume to make demands in behalf of others. If any one else desires a postponement longer, I should expect, of course, those other Senators to object or manifest a desire for postponement.

The PRESIDENT *pro tempore*. The request for consent has not been formally submitted by the Chair. The remarks of the Senator from Kansas seem to render that unnecessary. If, however, the Senator from New Hampshire desires, the Chair will formally submit the proposition.

The Senator from New Hampshire asks unanimous consent that on Tuesday next, at 3 o'clock in the afternoon, the vote may be taken on the bill and the pending amendments, and debate thereon cease. Is there objection?

Mr. HAWLEY. I ask for information; will the bill be the regular order every day until then?

Mr. BLAIR. I suppose it must be so. If Senators desire delay, it must be for the purpose of debate.

Mr. HAWLEY. I ask the question simply because I shall be out of town on Monday, and I wish to speak on the bill, which I will do on Thursday or Friday.

Mr. BLAIR. Very well.

Mr. COKE. I object to the agreement proposed.

The PRESIDENT *pro tempore*. The Senator from Texas objects.

Mr. GEORGE. Mr. President, a few moments ago—

Mr. HOAR. I hope the Senator from New Hampshire will ask unanimous consent for Wednesday.

Mr. GEORGE. I shall be through in a short time.

Mr. HARRIS. I hope we shall not enter into any further debate, pending the motion for an executive session.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Tennessee to yield.

Mr. HARRIS. I yielded to receiving a message from the House of Representatives, and I was not inclined to interrupt the request of the Senator from New Hampshire for unanimous consent; but I certainly am not willing to open the field of debate in respect to the matter.

The PRESIDENT *pro tempore*. The Senator from Tennessee has moved that the Senate do now proceed to the consideration of executive business.

Mr. GEORGE. I only want to put on record a citation from Mr. Justice Story, to which I referred a little while ago.

Mr. HOAR. Will the Senator from Tennessee allow the request to be put for unanimous consent on Wednesday?

Mr. HARRIS. I will not object to any request. I will not object to suspending the motion for any request for unanimous consent that the Senator from New Hampshire may make.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks the Senator from Tennessee to yield, to enable him to put on record a citation.

Mr. HARRIS. I will yield to the Senator from Mississippi for that purpose, too.

Mr. BLAIR. I will further avail myself of the courtesy of the Senator from Tennessee to ask unanimous consent that the debate close upon this bill and amendments at 3 o'clock on Wednesday next.

Several SENATORS. That is right.

The PRESIDENT *pro tempore*. The Senator from Mississippi has been recognized with the consent of the Senator from Tennessee.

Mr. GEORGE. I shall be very short. There was a difference between the Senator from Texas [Mr. REAGAN] and myself as to what Judge Story's opinion was as to the constitutional power of appropriating money out of the Treasury to objects not within the enumerated powers of the Constitution. I read from Judge Story:

The other question is, whether Congress has any power to appropriate money, raised by taxation or otherwise, for any other purposes than those pointed out in the enumerated powers, which follow the clause respecting taxation. It is said: "raised by taxation or otherwise," for there may be, and in fact are, other sources of revenue by which money may and does come into the Treasury of the United States otherwise than by taxation, as, for instance, by fines, penalties, and forfeitures, by sales of the public lands, and interest and dividends on bank stock, by captures and prize in times of war, and by other incidental profits and emoluments growing out of governmental transactions and prerogatives. But for all the common purposes of argument the question may be treated as one growing out of levies by taxation.

That is section 975 of Story on the Constitution. Section 977 reads as follows:

The argument in favor of the power—

The one which I have just read—

The argument in favor of the power is derived, in the first place, from the language of the clause conferring the power (which it is admitted in its literal terms covers it); secondly, from the nature of the power, which renders it in the highest degree expedient, if not indispensable, for the due operations of the National Government; thirdly, from the early, constant, and decided maintenance of it by the Government and its functionaries, as well as by many of our ablest statesmen, from the very commencement of the Constitution. So that it has the language and intent of the text and the practice of the Government to sustain it against an artificial doctrine set up on the other side.

Mr. BLAIR. I ask unanimous consent that the debate on the pending bill and amendments may close next Wednesday, at 3 o'clock in the afternoon, and that the vote then be taken.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that debate on the pending bill may close on Wednesday next, at 3 o'clock in the afternoon, and that thereafter the vote may be taken on the bill and amendments. Is there objection?

Mr. MORGAN. I should like to inquire as to the interpretation of that order, if it should be made. Suppose debate is found to be exhausted before 3 o'clock on Wednesday of the next week, would not a vote be in order on this bill between this hour and that?

The PRESIDENT *pro tempore*. The Chair can not decide that hypothetical question.

Mr. MORGAN. I desire to know it because I have an engagement that will keep me out of the Senate. If it is understood that the vote will be taken at 3 o'clock on next Wednesday, I shall arrange to be here then.

The PRESIDENT *pro tempore*. The Chair would suppose that a fair interpretation of such an agreement would be that the vote should be taken at that time or before in case the Senate should be ready to act before.

Mr. MORGAN. I would object to it in that form unless it is understood that the vote can not be taken before 3 o'clock on Wednesday next.

Mr. PLUMB. I do not think there will be any danger of a vote being reached before that time, and I did understand myself that it was the intention to fix a time, and that it should not be taken before then. I can assure the Senator from Alabama that if we postpone it till then he may run the risk of being absent until that time.

The PRESIDENT *pro tempore*. Is there objection?

Mr. RIDDLEBERGER. I do not intend to detain the Senate, but I

object to having no end. If we are going to proceed at 3 o'clock next Wednesday to vote, it is perfectly understood that the Senate is acting by general agreement, and we are going to proceed until we pass or reject the bill. I want the Senator from Alabama to understand that is my agreement, for when I make an agreement I mean it. That is the agreement with the Senator from New Hampshire.

Mr. BLAIR. That is the way I understand it, that we proceed to take the vote on the amendments and the bill at 3 o'clock next Wednesday.

The PRESIDENT *pro tempore*. And not until that time?

Mr. BLAIR. And not until that time.

The PRESIDENT *pro tempore*. That, then, is the understanding of the Senate, that on Wednesday next, at 3 o'clock in the afternoon, debate on the bill shall cease, and the vote shall then be taken on the bill and the pending amendments, and that the vote shall not be taken until that time. Is there objection to that agreement or understanding? [A pause.] The Chair hears none.

Mr. CULLOM. I ask leave to submit a resolution for reference to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. It will be received, if there be no objection. The agreement as to the school bill is as stated by the Chair. The resolution offered by the Senator from Illinois [Mr. CULLOM] will be read.

INTERSTATE COMMERCE COMMITTEE.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Interstate Commerce be, and they are hereby, authorized to employ a stenographer to report the hearings before them relative to proposed amendments of the interstate-commerce law, and to have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I should like in connection with the matter just passed away to say without insisting upon it that I should like perhaps ten minutes to close the debate prior to 3 o'clock next Wednesday. I will take my chances on that.

HOUSE BILLS REFERRED.

The bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 2056) for the relief of Joel J. Goss was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. HARRIS. The question is on my motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. RIDDLEBERGER. I wish to understand from the Senator from Tennessee what his purpose is. I have a resolution on the Calendar, offered by myself in the morning hour, to change Rule XXXVII.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. RIDDLEBERGER. He has not risen, sir. There was a resolution introduced by me in the morning hour looking to such a change in Rule XXXVII as that we can consider the English treaty in open session. I ask now that that resolution be taken up, which is morning business.

The PRESIDENT *pro tempore*. The Senator from Tennessee has moved that the Senate proceed to the consideration of executive business.

Mr. RIDDLEBERGER. I beg pardon.

Mr. HARRIS. If we can come to a vote without discussion upon the resolution of the Senator from Virginia, I am willing to withdraw the motion for an executive session until we can decide that question. I am willing to yield if we can do that without debate, but if we are going to drift into debate about it I shall insist upon my motion.

Mr. HOAR. Allow me to suggest to the Senator from Tennessee that that will be in his own power all the time, because he will have the right to make the motion at any time.

Mr. HARRIS. Except that if I withdraw it and the Senator from Massachusetts should take the floor to make a two hours' speech, I would hardly have the authority to take him off the floor to make the motion.

Mr. HOAR. I take it the Senator from Tennessee never heard me make a two hours' speech.

Mr. HARRIS. I take it for granted the Senator from Massachusetts is not going to make a two minutes' speech on this question, but I took the liberty of using his name to illustrate the idea.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee insist on his motion to proceed to the consideration of executive business?

Mr. HARRIS. I do, unless we can unanimously consent to vote on the resolution of the Senator from Virginia without debate.

Mr. RIDDLEBERGER. I will not make any agreement of that sort. If I have got to make an agreement at all it will be as a Senator here, and if there is a proposition to go into executive session I do not understand it. I will make no condition with any Senator on that resolution or on that treaty, as you may call it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee. [Putting the question.] The ayes appear to have it.

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

The yeas and nays were ordered and taken.

Mr. CHACE. I desire to announce that I am paired with the Senator from Georgia [Mr. COLQUITT]. Not knowing how he would vote I present I refrain from voting.

Mr. KENNA. The Senator from Maryland [Mr. GORMAN] is absent on business, and I understand he is paired, but I can not say with whom.

Mr. WALTHALL. The Senator from Alabama [Mr. PUGH] is absent on account of sickness. My colleague [Mr. GEORGE] is necessarily absent temporarily.

Mr. EDMUNDS. I am paired with the Senator from Alabama [Mr. PUGH] generally, but I understand from some of his friends that he would vote "yea" if he were here.

Mr. WALTHALL. I understood he was paired with the Senator from Vermont on political questions.

Mr. EDMUNDS. I am paired generally, on any question where I am informed that he would vote one way and I the other. If I am at liberty to vote, as his friends think I am, I will vote "yea."

Mr. GRAY. The Senator from North Carolina [Mr. VANCE] is absent from the city, and requested me to announce his pair with the Senator from Michigan [Mr. PALMER].

Mr. BUTLER. I ought to have announced the fact that I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], who, I understand, is absent on account of sickness.

Mr. CULLOM. There is no need of pairing with him.

Mr. BUTLER. There is no need of pairing with him on this question; so I shall allow my vote to stand.

The result was announced—yeas 43, nays 9; as follows:

YEAS—43.

Aldrich,	Davis,	Harris,	Quay,
Allison,	Dawes,	Hawley,	Reagan,
Bate,	Dolph,	Ingalls,	Riddleberger,
Beck,	Edmunds,	Jones of Arkansas,	Saulsbury,
Berry,	Eustis,	Kenna,	Stewart,
Butler,	Faulkner,	McPherson,	Turpie,
Chandler,	Frye,	Morgan,	Vest,
Cockrell,	Gibson,	Palmer,	Walthall,
Coke,	Gray,	Pasco,	Wilson of Iowa,
Cullom,	Hale,	Payne,	Wilson of Md.
Daniel,	Hampton,	Plumb,	

NAYS—9.

Blair,	Platt,	Spooner,	Teller,
Hoar,	Sawyer,	Stockbridge,	Voorhees.
Mitchell,			

ABSENT—24.

Blackburn,	Chace,	Hearst,	Pugh,
Blodgett,	Colquitt,	Hiscock,	Ransom,
Bowen,	Evarts,	Jones of Nevada,	Sabin,
Brown,	Farwell,	Manderson,	Sherman,
Call,	George,	Morrill,	Stanford,
Cameron,	Gorman,	Paddock,	Vance.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 9, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 8, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. BREWER. I think the Journal shows that the bill I reported back yesterday from the Committee on the District of Columbia as a substitute for the House bill 1184 was reported back without amendment. If that be so, that is not correct. I reported a substitute.

The SPEAKER. And the original bill was laid upon the table, as the Chair remembers.

Mr. BREWER. If it is shown in the Journal that it was placed on the Private Calendar, it is incorrect.

The SPEAKER. What is the nature of the bill?

Mr. BREWER. It is a bill to construct a bridge in the District of Columbia.

The SPEAKER. That should not go on the Private Calendar. The Chair is informed the Journal shows the bill went to the House Calendar. The Chair will inspect the Journal, and if it be in any respect incorrect he will have it corrected.

The Journal was then approved.

IMPROVEMENT OF HARBORS IN CALIFORNIA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report respecting the purchase of a dredge for use in the improvement of harbors in California; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ROCKPORT AND CAMDEN HARBOR, MAINE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of examination and survey of Rockport and Camden Harbor, Maine; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MILITIA FORCE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting a report of the operations of the Bureau of Animal Industry for the year 1887; also transmitting a statement of expenditures and list of employés in that bureau from July 1, 1886, to November 30, 1887; which was referred to the Committee on Agriculture, and ordered to be printed.

CHARLES A. M'DANIEL VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Charles A. McDaniel against the United States; which was referred to the Committee on War Claims.

SENATE RESOLUTION REFERRED.

The SPEAKER also laid before the House the joint resolution (S. R. 17) to print additional copies of the United States map of the edition of 1886 prepared by the Commissioner of Public Lands; which was read a first and second time, and referred to the Committee on Printing.

The SPEAKER also laid before the House a Senate concurrent resolution for printing the report of the National Academy of Sciences for the year 1887; which was referred to the Committee on Printing.

FORT BROWN INVESTIGATION.

The SPEAKER also laid before the House a request of the subcommittee of the Committee on Military Affairs having in charge the Fort Brown investigation to sit during the session of the House. There being no objection, the request was granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. MCCOMAS, for ten days, on account of continued illness.
To Mr. GOFF, for five days, on account of important business.
To Mr. TOWNSEND, for the remainder of this week, on account of important business.
To Mr. STEWART, of Georgia, for one week, on account of sickness in his family.

PETITION OF FURNITURE MANUFACTURERS.

Mr. FORD. I have here a memorial from manufacturers engaged in a very important industry. It is signed by 140 furniture manufacturers of fourteen different States, representing an invested capital of over \$16,000,000, and employing nearly 24,000 men, asking that the tariff on French plate-glass be reduced from 150 per cent. to 30 per cent., and that coal, burlaps, German looking-glass plates, sponges, etc., be placed on the free-list. I ask unanimous consent to have the body of the memorial printed without the names in the RECORD, and that the petition be referred to the Committee on Ways and Means.

There being no objection, it was so ordered.

The petition is as follows:

To the honorable Senate and House of Representatives of the United States:

The undersigned furniture manufacturers believe that the time has arrived when the inequalities of the tariff should be corrected and the surplus in the national Treasury reduced.

Therefore we respectfully petition your honorable body that the following articles be placed upon the free-list, namely: Burlaps, silvered mirrors, known in the trade as German looking-glass plates, coal, sponges. We would further respectfully request that the tariff on unsilvered plate-glass above 24x30 inches be reduced to not exceed 30 per cent. ad valorem.

There were imported into the United States last year \$3,756,795.40 worth of burlaps, paying a tax of \$1,176,706.42, the same being 31.32 per cent. This article never was and can not be profitably made in this country, owing to climate and other influences, and then there is no industry in the United States protected by this tax.

There were imported into the United States \$1,633,656.86 worth of silvered mirrors, known in the trade as German looking-glass plates, upon which a tax