

the date of death of such pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner."

And the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
A. P. GORMAN,
Managers on the part of the Senate.
M. A. FORAN,
EDWARD J. GAY,
JOHN D. LONG,
Managers on the part of the House.

The report was concurred in.

CARD INDEX RECORD OF VOLUNTEER REGIMENT.

Mr. COCKRELL. I ask for the adoption of an order. I will explain that this is a muster card index record of the One hundred and sixty-second New York Regiment, which has been submitted to the Senate in obedience to a resolution, and under the general order to print there will be 1,500 copies printed. There is no necessity for printing 1,500 copies, and I simply ask a modification of the order so as to print 600 copies of it, and place them in charge of the Secretary of the Senate in order that Senators can see them and realize what they are. I hope the order will be agreed to, which will save the printing of 900 useless documents.

The order was considered by unanimous consent, and agreed to, as follows:

Ordered, That the order heretofore made for printing the letter of the Secretary of War, dated February 15, 1889, transmitting the index of the One hundred and sixty-second New York Volunteer Infantry, be rescinded, and in lieu thereof that there be printed for the use of the Senate 600 copies of the same, to be delivered to the Secretary of the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Attorney-General, transmitting the report required by the act of March 3, 1887, of judgments and decrees which have been rendered; which was referred to the Committee on Appropriations, and ordered to be printed.

CONGRESSIONAL ELECTIONS.

Mr. HARRIS. I suppose my motion now comes up.

Mr. HOAR. I should like to inquire of the Senator from Virginia, who has occupied the floor for some four or five hours, whether the motion to adjourn or go into executive session grows out of the fact that he does not desire to proceed further to-night?

Mr. DANIEL. Mr. President, if it would be any accommodation to the Senate I could speak for an hour or so longer this evening, but I beg leave to inform my friend from Massachusetts that I expect to make a very long and prosy speech.

Mr. HOAR. That is the only statement the Senator can make that I should withhold my belief from.

Mr. VOORHEES. Allow me to observe that the Senator from Virginia has spoken four hours, almost the entire afternoon, and by the rules of courtesy that obtain in the body we ought to adjourn on his account if on no other. It is now nearly 6 o'clock, and we ought to adjourn for other reasons.

Mr. HOAR. Perhaps the Senator will allow me to get the answer to my question. I desire to be informed whether the motion to adjourn or to go into executive session rests upon the ground that the Senator from Virginia desires it?

Mr. HARRIS. The Senator from Virginia yielded to me. I asked him to yield in order that I might move that the Senate proceed to the consideration of executive business, of which, as the Senator from Massachusetts knows as well as I know, there is a very large amount not yet considered or disposed of by the Senate.

Mr. HOAR. Now, if I may be permitted a word, if the motion is put upon the ground that the Senator from Tennessee or any other Senator thinks we ought to be spending the time of the Senate in executive business instead of listening to the Senator from Virginia, I shall vote one way. If the motion is put upon the usual ground, to which the Senator from Indiana has alluded, that the Senator from Virginia has spoken so long that he feels fatigued and does not desire to go on further to-night, I shall vote another way. I should like to know which is the case.

Mr. HARRIS. The Senator will allow me. If a motion shall be made to adjourn upon the ground that the Senator from Virginia does not care to proceed further this evening, then the Senator from Massachusetts can take into consideration that question. Now, the question is, shall we proceed to the consideration of executive business?

Mr. TELLER. That is not the question.

Mr. HARRIS. It will be as soon as I can make the motion, and I now make it.

Mr. HOAR. Understanding from the Senator from Indiana [Mr. VOORHEES], who sits close to the Senator from Virginia, that he thinks the Senator from Virginia ought not to be asked to proceed longer to-night, he having spoken several hours, I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, February 25, 1889, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 23, 1889.

The House met at 10 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I ask unanimous consent to make a statement.

There was no objection.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, on the 12th day of October last, on one of the Fridays when private business was being considered, I was recognized under some arrangement under which bills were being considered by unanimous consent, and I then called up a bill in which one of my constituents is deeply interested (H. R. 506). The bill and report were both read, but the consideration of the bill was then objected to on account of the lateness of the hour, or on account of some objection which did not relate to the merits of the bill, and an adjournment was soon thereafter made. This is the only time that my name was ever reached under any arrangement on special bill day. I do not refer, of course, to special pension nights. As my name is toward the end of the alphabetical list, it is seldom reached under any of these arrangements for the passage of special acts. The bill to which I refer, which was partly considered, only seeks to refer a matter to the Court of Claims, to which there can be no possible objection, and as my name will not likely be reached under this call, and as I have not heretofore availed myself of the passage of any bills by unanimous consent, I ask unanimous consent to consider this bill at this time.

The SPEAKER. The order made yesterday prohibits the Chair from entertaining a request for unanimous consent except during the call of the names in alphabetical order; but the Chair will suggest to the gentleman from Ohio that he will probably find no difficulty in getting some other member whose name is higher on the list to call up the matter.

Mr. JOSEPH D. TAYLOR. My name is near the end, and has never yet been reached under any arrangement that has been made.

The SPEAKER. The Chair has no doubt that the gentleman will succeed in attaining his object by acting upon the suggestion just made. If not, the Chair will endeavor to secure it for him in some way; but under the order made yesterday the Chair is prohibited from entertaining his request at this time.

ARIZONA, WYOMING, AND IDAHO.

Mr. STRUBLE. Mr. Speaker, I desire to make a request. I discovered yesterday for the first time that the chairman of the Committee on Territories has reported in favor of the admission of the Territories of Arizona, Wyoming, and Idaho, and has also made a separate report in favor of the admission of New Mexico. I was not aware until yesterday that these reports had been made, and I now ask unanimous consent that the minority of the committee may have leave to file their views, to be printed with those reports.

The SPEAKER. There is nothing in the order prohibiting the Chair from entertaining that request, and the gentleman will have the leave that he desires if there be no objection.

There was no objection, and it was so ordered.

SEMINOLE LANDS, INDIAN TERRITORY.

The SPEAKER laid before the House the following message from the President:

To the Congress of the United States:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the Government of the United States of their rights to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 21, 1889.

Mr. NELSON. Mr. Speaker, I ask unanimous consent that that message be retained on the Speaker's table until the chairman of the Committee on Indian Affairs, the gentleman from Arkansas [Mr. PEEL], arrives.

The SPEAKER. In the absence of objection, that will be done.

LEAVE TO PRINT.

Mr. CUTCHEON, by unanimous consent, obtained leave to print remarks in the RECORD on the bill to pension Mrs. Irene Rucker Sheridan.

Mr. McCLAMMY, by unanimous consent, obtained leave to print remarks in relation to the repeal of the tax on unmanufactured tobacco.

ORDER OF BUSINESS.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I desire to inquire whether or not, under the special order made yesterday, it is proper to lay before the House executive documents or anything else in this hour.

The SPEAKER. The Chair thinks so.

Mr. ROGERS. Will Senate bills be laid before the House in this hour?

The SPEAKER. The order expressly provides that requests for unanimous consent to consider Senate bills which may be laid before the House by the Chair shall be entertained.

Mr. ROGERS. I construed the order otherwise.

The SPEAKER. The Clerk will read the order.

The Clerk read as follows:

Resolved, That on and after to-day the House sessions shall begin at 10 a. m., and after the reading of the Journal up to 11 a. m. the names of members shall be called in their alphabetical order for the consideration of matters by unanimous consent; and it shall not be in order for the Speaker to entertain a request for unanimous consent at any other time except to concur or non-concur in Senate amendments to House bills, or to consider Senate bills when presented to the House by the Speaker.

Mr. ROGERS. I am perfectly willing that the rule shall be construed as suggested by the Chair, but I was under the impression that the provision to which the Chair calls attention might apply to Senate bills laid before the House at another time.

The SPEAKER. It has reference, of course, to the rule which requires the Chair to lay Senate bills before the House. Under this order the Chair will now proceed until 11 o'clock to call the names of members alphabetically for request for unanimous consent.

Mr. BLAND. Mr. Speaker, I stated yesterday that I thought it was an unseemly and unjust proceeding to set aside one hour daily for private bills when there was a contested-election case undisposed of, and I now move that the House take a recess for half an hour.

Several MEMBERS. Regular order.

The SPEAKER. The Chair will state that this order is not confined to private bills, but applies to all bills. The Chair desires also to state in this connection, before putting the question upon the motion of the gentleman from Missouri [Mr. BLAND], that, as the order omits to make any provision for the Delegates from the Territories, the Chair has taken the liberty of inserting the names of the Delegates in the list in their proper places alphabetically, and they will be retained there, if there be no objection.

Several MEMBERS. That is right.

There was no objection, and it was so ordered.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BLAND], that the House take a recess until half past 10 o'clock.

Mr. GEAR. Mr. Speaker, is that motion in order pending the execution of the special order of the House?

The SPEAKER. The Chair thinks so.

The question was taken on the motion of Mr. BLAND, and there were—ayes 6, noes 59.

Mr. BLAND. No quorum.

Mr. ANDERSON, of Kansas. I move a call of the House.

The question was taken on the motion of Mr. ANDERSON, of Kansas, and a call of the House was ordered—ayes 36, noes 17.

The SPEAKER. The Clerk will call the roll.

Mr. LONG. Mr. Speaker, I move to reconsider the vote by which a call of the House was ordered.

The question was taken on the motion to reconsider, and it was adopted—ayes 63, noes 12.

The SPEAKER. The motion to reconsider is agreed to, and the question now is on the motion to order a call of the House.

The motion was rejected.

The SPEAKER. The question now is on the motion made by the gentleman from Missouri [Mr. BLAND] that the House take a recess for thirty minutes. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Kansas [Mr. ANDERSON].

The House divided; and the tellers reported—ayes 74, noes 1.

Mr. SAYERS (at 10.30 o'clock). Mr. Speaker, I desire to ask unanimous consent that the business for this hour be dispensed with and that we proceed to the consideration of appropriation bills.

Mr. BUCHANAN. I object. If the sacrifice is to be made let us have all the ceremonies.

The tellers resumed their places and continued the count.

Mr. BUCHANAN. Mr. Speaker, I just now remember that there is another special order for to-day at 2 o'clock, the eulogies on the late Representative Burnes, which will consume the day, and I therefore withdraw my objection.

Several MEMBERS. I object.

Mr. BURROWS. Mr. Speaker, is it in order to ask unanimous consent?

The SPEAKER. It is in order to ask unanimous consent when the gentleman's name is reached.

Mr. BURROWS. But not on any other proposition?

The SPEAKER. It is not in order, as the Chair construes the order of the House, to ask unanimous consent to consider bills otherwise than as provided in the order. The Chair thinks that the order must be construed in view of its full contents, and that it does not preclude requests for unanimous consent or leave for the minority of a commit-

tee to present its views, for leave to print remarks in the RECORD, for leave of absence, or other matters of that sort, but only regulates requests for the consideration of bills.

Mr. BURROWS. I want to ask unanimous consent to modify the order made yesterday.

The SPEAKER. The Chair thinks that would be in order.

Mr. BURROWS. It is perfectly apparent that this hour will be good for nothing. Members whose names appear at the end of the list or well down will not attend at 10 o'clock, knowing that they will not be called, and the consequence will be that we shall always be without a quorum. Therefore, I ask unanimous consent that the order be so modified that it shall read as follows:

That on and after to-day the House sessions shall begin at 10 o'clock a. m.

Mr. BLAND. I object.

Mr. BURROWS. It is perfectly clear that we can not do any business under this order in this hour, and it is so framed that we can not ask unanimous consent in any other hour. [Laughter.]

The tellers continued the count for some time, without making any final report.

The SPEAKER (at 11 o'clock a. m.). The time assigned by order of the House for entertaining requests for unanimous consent has expired. Does the gentleman from Missouri [Mr. BLAND] withdraw the motion for a recess?

Mr. BLAND. I withdraw it for the present.

ORDER OF BUSINESS.

Mr. SAYERS. I ask unanimous consent that the morning hour be dispensed with, and that committees have the privilege of filing their reports at the Clerk's desk—

The SPEAKER. Including the views of minorities of committees?

Mr. SAYERS. Yes, sir.

The SPEAKER. The gentleman from Texas asks unanimous consent to dispense with the morning hour for the presentation of reports, and that all gentlemen having reports to make from committees be allowed to present them at the Clerk's desk for reference under the direction of the Speaker; and that minorities of committees have the usual leave to file their views. Is there objection? The Chair hears none.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

SALMON FISHERIES OF ALASKA.

Mr. DUNN, from the Committee on Merchant Marine and Fisheries, reported a bill (H. R. 12637) to provide for the protection of the salmon fisheries of Alaska; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. ALLEN, of Mississippi, from the Committee on Indian Affairs, reported back favorably the bill (S. 1697) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, for the purpose of constructing a railway, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONDEMNED CANNON.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 799) to donate condemned cast-iron cannon to the Soldiers' Monument Association of Waterville, Me.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6120) granting cannon to General Lander Post, of Lynn, Mass.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2107) granting condemned cannon and cannon-balls for monumental purposes to John A. Platter Post No. 82, Grand Army of the Republic, Indiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3588) granting a condemned cannon and carriage to Abernethy Post No. 48, Grand Army of the Republic, West Union, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 3515) to donate condemned cast-iron cannon and cannon-shot to the St. Boniface Union Soldiers and Sailors' Memorial Association, of Lake View, Ill.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MAISH also, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were laid upon the table:

A bill (H. R. 2212) granting a condemned cannon to the Grand Army post at Montezuma, Iowa;

A bill (H. R. 2143) donating four condemned cannon to the Sol. Meredith Grand Army Post of Richmond, Ind.;

A bill (H. R. 2252) granting condemned cannon, carriage, and cannon-balls to U. S. Grant Post, Kansas;

A bill (H. R. 9426) authorizing the Secretary of War to deliver to the town of Methuen, Mass., one condemned gun-carriage and cannon, to be used for monumental purposes;

A bill (H. R. 7908) donating condemned cannon to a committee of veteran soldiers at Boxford, Mass.;

A bill (H. R. 800) to donate condemned cast-iron cannon to the Soldiers' Monument Association, of Monroe, Me.;

A bill (H. R. 3533) donating four condemned cannon to Sol. Meredith Post, Grand Army of the Republic, at Richmond, Ind.;

A bill (H. R. 801) to donate condemned cast-iron cannon to Thomas H. Marshall Post, No. 41, of the Grand Army of the Republic, of Belfast, Me.;

A bill (H. R. 2755) directing the Secretary of War to deliver four gun-carriages to Cadot Post, Grand Army of the Republic, of Gallipolis, Ohio;

A bill (H. R. 5113) granting condemned ordnance to James H. Ewing Post, Grand Army of the Republic, of Maxwell, Iowa;

A bill (H. R. 5720) granting a condemned cannon and carriage to Opedyke Post, No. 322, Department of Iowa, Grand Army of the Republic;

A bill (H. R. 6739) making a donation to the Kansas Veteran Association of two condemned brass cannon and two hundred stand of small-arms and equipments;

A bill (H. R. 6738) authorizing the Secretary of War to deliver to the Plainville Post, No. 293, of the Grand Army of the Republic, at Plainville, Kans., six condemned cannon for monumental purposes;

A bill (H. R. 7711) to donate condemned cannon to the Grand Army Post at Ellsworth, Me.;

A bill (H. R. 3590) donating condemned ordnance for monumental purposes to Grand Army of the Republic posts of Dallas County, Iowa;

A bill (H. R. 5718) to donate condemned muskets and equipments to Nahum Mitchell Post, Grand Army of the Republic, Maine; and

A bill (H. R. 398) granting cannon to Abraham Lincoln Post, of Charlestown, Mass.

Mr. STEELE, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were laid upon the table:

A bill (H. R. 316) to authorize the Secretary of War to remove the charge of desertion from the record of Edward Lee Smith;

A bill (H. R. 543) to relieve John Lyon from the charge of desertion;

A bill (H. R. 9586) to amend the military record of Samuel S. Troy;

A bill (H. R. 9702) for the relief of Maxwell McCallin;

A bill (H. R. 10142) removing the charge of desertion against Charles Sweet;

A bill (H. R. 10288) removing the charge of desertion against Rufus M. Kinser, of Company B, Twenty-first Kentucky Volunteers;

A bill (H. R. 10331) to remove the charge of desertion against Horace E. Ball;

A bill (H. R. 10354) for the relief of Daniel F. Gann;

A bill (H. R. 10385) for the relief of H. C. Jett;

A bill (H. R. 10403) for the relief of Peter Trusel;

A bill (H. R. 10478) for the relief of William M. Anderson;

A bill (H. R. 10531) for the relief John M. Congdon;

A bill (H. R. 10630) to remove the charge of desertion from the military record of Miller Denaway;

A bill (H. R. 10650) removing the charge of desertion from the military record of Mathew Totten;

A bill (H. R. 10654) to remove the charge of desertion against Royal S. White;

A bill (H. R. 10693) to remove the charge of desertion from the military record of William Sexton;

A bill (H. R. 10697) for the relief of Elizabeth G. Mitchell;

A bill (H. R. 10718) to remove the charge of desertion from the military record of George H. Rogers;

A bill (H. R. 10724) to remove the charge of desertion from Bluford Knight, deceased;

A bill (H. R. 10788) for the relief of John Pittman;

A bill (H. R. 10808) for the relief of James W. Byrd;

A bill (H. R. 10821) to correct the military record of George McKinney, jr.;

A bill (H. R. 10834) to correct the military record of Benny Atkins;

A bill (H. R. 10835) to correct the military record of Webster R. Atkins;

A bill (H. R. 10875) for the relief of John H. Stearns;

A bill (H. R. 10955) for the relief of Polly Brown;

A bill (H. R. 10996) for the relief of Luke Stinnitt;

A bill (H. R. 11002) to remove the charge of desertion from the military record of Eli Haines;

A bill (H. R. 11069) for the relief of William A. Flinn, charged with desertion from the volunteer service;

A bill (H. R. 11079) to remove charge of desertion from the record of Jacob F. Ruff;

A bill (H. R. 11163) for the relief of James H. Gould;

A bill (H. R. 11185) for the relief of Thomas E. Mullaly;

A bill (H. R. 11287) for the relief of Roger Cunningham;

A bill (H. R. 11298) for the relief of Francis Burch;

A bill (H. R. 11489) for the relief of Lyman E. Stanley;

A bill (H. R. 11583) for the relief of George Farnwalt;

A bill (H. R. 11666) for the relief of William T. Moore;

A bill (H. R. 11667) for the relief of John Boyle;

A bill (H. R. 11784) for the relief of William Tyre;

A bill (H. R. 11856) for the relief of John A. Barton;

A bill (H. R. 11863) for the relief of Isaac Scisco;

A bill (H. R. 11925) for the relief of Thomas H. B. Phillips;

A bill (H. R. 11989) for the relief of Henry W. Edwards;

A bill (H. R. 12000) for the relief of Peter Keenan;

A bill (H. R. 12021) for the relief of De Witt Eastman;

A bill (H. R. 12402) for the relief of Francis M. Leach;

A bill (H. R. 11234) for the relief of Charles Potter;

A bill (H. R. 11595) for the relief of William McClain;

A bill (H. R. 11237) to remove the charge of desertion against James W. Armor;

A bill (H. R. 11410) to remove the charge of desertion against John W. Stewart, of Jersey City, N. J.;

A bill (H. R. 11539) to remove the charge of desertion from the name of Samuel C. Vance;

A bill (H. R. 11319) to remove the charge of desertion from the military record of Michael Carroll;

A bill (H. R. 11320) to remove the charge of desertion from the military record of Harris Hanshal;

A bill (H. R. 12415) to remove record of desertion from the military record of George W. Edwards;

A bill (H. R. 10786) to remove the charge of desertion against Isaac Samuels;

A bill (H. R. 11791) to remove the charge of desertion against Henry Miller;

A bill (H. R. 11839) to remove the charge of desertion from the record of William A. Luckey;

A bill (H. R. 11948) to remove the charge of desertion against John W. Stuart;

A bill (H. R. 12191) to remove the charge of desertion against William Rafferty;

A bill (H. R. 11296) for the relief of John McLaughlin from the charge of desertion;

A bill (H. R. 11940) removing the charge of desertion against Alexander C. Arnold;

A bill (H. R. 11830) to clear the military record of George S. Coyle;

A bill (H. R. 11759) to correct the military record of Hosea Stone;

A bill (H. R. 11585) to remove the charge of desertion against Thomas Calahan; and

A bill (H. R. 11535) to correct the military record of Allen L. Ball.

Mr. STEELE also, from the Committee on Military Affairs, reported back adversely bills of the Senate of the following titles; which were laid upon the table:

A bill (S. 586) for the relief of Asher W. Foster;

A bill (S. 1063) for the relief of the heirs or legal representative of Robert J. Bangness, deceased;

A bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis;

A bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn;

A bill (S. 506) to remove the charge of desertion against Thomas Conroy, deceased; and

A bill (S. 3139) to remove the charge of desertion from the record of William H. Fenton.

JOHN W. COMBS.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2363) for the relief of John W. Combs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRODUCTION OF PRECIOUS METALS.

Mr. RICHARDSON presented the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring therein), That the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1888 be printed, and that 9,000 extra copies be printed, 4,000 copies for use of the House, 2,000 copies for use of the Senate, and 3,000 copies for use of the Director of the Mint.

AGREEMENT WITH MUSCOGEE (OR CREEK) NATION OF INDIANS.

Mr. PEEL. I am directed by the Committee on Indian Affairs to report back with a favorable recommendation the bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation

of Indians, in the Indian Territory, and for other purposes. On this bill the committee was granted leave to report at any time. I ask unanimous consent that the consideration of the bill in the Committee of the Whole on the state of the Union be dispensed with, and that it be considered in the House as in Committee of the Whole.

The bill was read, as follows:

Whereas it is provided by section 8 of the act of March 3, 1885, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," that the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress; and

Whereas William F. Vilas, Secretary of the Interior, by and under the direction of the President of the United States, on the part of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation, did, on the 19th day of January, A. D. 1889, enter into and conclude articles of cession and agreement, which said cession and agreement is in words as follows:

Articles of cession and agreement made and concluded at the city of Washington on the 19th day of January, in the year of our Lord 1889, by and between the United States of America, represented by William F. Vilas, Secretary of the Interior, by and under direction of the President of the United States, and the Muscogee (or Creek) Nation of Indians, represented by Pleasant Porter, David M. Hodge, and Esparhecher, delegates and representatives thereto duly authorized and empowered by the principal chief and national council of the said Muscogee (or Creek) Nation.

Whereas by a treaty of cession made and concluded by and between the said parties on the 14th day of June, 1866, the said Muscogee (or Creek) Nation, in compliance with the desire of the United States to locate other Indians and freedmen thereon, ceded and conveyed to the United States, to be sold to and used as homes for such other civilized Indians as the United States might choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south, which should be surveyed as provided in the eighth article of the said treaty; the eastern half of the lands of the said Muscogee (or Creek) Nation to be retained by them as a home; and

Whereas but a portion of said lands so ceded for such use has been sold to Indians or assigned to their use, and the United States now desire that all of said ceded lands may be entirely freed from any limitation in respect to the use and enjoyment thereof, and all claims of the said Muscogee (or Creek) Nation to such lands may be surrendered and extinguished, as well as all other claims of whatsoever nature to any territory except the aforesaid eastern half of their domain:

Now, therefore, these articles of cession and agreement, by and between the said contracting parties, witness:

I. The said Muscogee (or Creek) Nation, in consideration of the sum of money hereinafter mentioned, hereby absolutely cedes and grants to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation lying west of the division line surveyed and established under the said treaty of 1866, and also grants and releases to the United States all and every claim, estate, right, or interest of any and every description in or to any and all land and territory whatever, except so much of the said former domain of the said Muscogee (or Creek) Nation as lies east of the said line of division, surveyed and established as aforesaid, and is now held and occupied as the home of said nation.

II. In consideration whereof, and of the covenant herein otherwise contained, the United States agree to pay to the said Muscogee (or Creek) Nation the sum of \$2,280,857.10, whereof \$280,857.10 shall be paid to the national treasurer of said Muscogee (or Creek) Nation, or to such other person as shall be duly authorized to receive the same, at such times and in such sums after the due ratification of this agreement (as hereinafter provided) as shall be directed and required by the national council of said nation, and the remaining sum of \$2,000,000 shall be set apart and remain in the Treasury of the United States to the credit of the said nation, and shall bear interest at the rate of 5 per cent. per annum from and after the 1st day of July, 1889, to be paid to the treasurer of said nation, and to be judiciously applied under the direction of the legislative council thereof, to the support of their government, the maintenance of schools and educational establishments, and such other objects as may be designed to promote the welfare and happiness of the people of the said Muscogee (or Creek) Nation, subject to the discretionary direction of the Congress of the United States: *Provided*, That the Congress of the United States may at any time pay over to the said Muscogee (or Creek) Nation the whole, or, from time to time, any part of said principal sum, or of any principal sum belonging to said nation held in the Treasury of the United States, and thereupon terminate the obligation of the United States in respect thereto and in respect to any further interest upon so much of said principal as shall be so paid and discharged.

III. It is stipulated and agreed that henceforth especial effort shall be made by the Creek Nation to promote the education of the youth thereof and extend their useful knowledge and skill in the arts of civilization; and the said nation agrees that it will devote not less than \$50,000, annually, of its income, derived hereunder, to the establishment and maintenance of schools and other means calculated to advance the end; and of this annual sum at least \$10,000 shall be applied to the education of orphan children of said nation.

IV. These articles of cession and agreement shall be of no force or obligation upon either party until they shall be ratified and confirmed, first, by act of the national council of said Muscogee (or Creek) Nation, and secondly, by the Congress of the United States, nor unless such ratification shall be on both sides made and completed before the 1st day of July, A. D. 1889.

V. No treaty or agreement heretofore made and now subsisting is hereby affected, except so far as the provisions hereof supersede and control the same.

In testimony whereof we, the said William F. Vilas, Secretary of the Interior, on the part of the United States, and the said Pleasant Porter, David M. Hodge, and Esparhecher, delegates of the Muscogee (or Creek) Nation, have hereunto set our hands and seals, at the place and on the day first above written, in duplicate.

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

In presence of—

JOHN P. HUME.

ROBERT V. BELT.

Whereas the Muscogee (or Creek) Nation of Indians has accepted, ratified,

WILLIAM F. VILAS,

Secretary of the Interior.

PLEASANT PORTER,

DAVID M. HODGE,

ESPARHECHER, his x mark.

and confirmed said articles of cession and agreement by act of its national council, approved by the principal chief of said nation on January 31, A. D. 1889, wherein it is provided that the grant and cession of land and territory therein made shall take effect when the same shall be ratified and confirmed by the Congress of the United States of America: Therefore,

Be it enacted, etc., That said articles of cession and agreement are hereby accepted, ratified, and confirmed.

Sec. 2. That the lands acquired by the United States under said agreement shall be a part of the public domain, but they shall only be disposed of in accordance with the laws regulating homestead entries, and to the persons qualified to make such homestead entries, not exceeding 160 acres to one qualified claimant. And the provisions of section 2301 of the Revised Statutes of the United States shall not apply to any lands acquired under said agreement. Any person who may enter upon any part of said lands in said agreement mentioned prior to the time that the same are opened to settlement by act of Congress shall not be permitted to occupy or to make entry of such lands or lay any claim thereto.

Sec. 3. That for the purpose of carrying out the terms of said articles of cession and agreement the sum of \$2,280,857.10 is hereby appropriated.

Sec. 4. That the Secretary of the Treasury is hereby authorized and directed to pay, out of the appropriation hereby made, the sum of \$280,857.10, to the national treasurer of said Muscogee (or Creek) Nation, or to such persons as shall be duly authorized to receive the same, at such time and in such sums as shall be directed and required by the national council of said nation, and the Secretary of the Treasury is hereby further authorized and directed to place the remaining sum of \$2,000,000 in the Treasury of the United States to the credit of said Muscogee (or Creek) Nation of Indians, to be held for, and as provided in said articles of cession and agreement, and to bear interest at the rate of 5 per cent. per annum, from and after the 1st day of July, A. D. 1889; said interest to be paid to the treasurer of said nation annually.

Mr. PETERS (during the reading of the bill). I desire to offer an amendment to section 3.

The SPEAKER. The reading of the bill will first be concluded.

The Clerk concluded the reading of the bill.

There being no objection, the House proceeded to the consideration of the bill.

Mr. PEEL. I ask for the previous question.

Mr. BUCHANAN. Will the gentleman from Arkansas [Mr. PEEL] yield for a question?

Mr. PEEL. Certainly.

Mr. BUCHANAN. Is this the instance in which an agreement was put on file in the office of the Secretary of the Interior by which these people agreed to pay in the event of the passage of this bill a percentage upon the amount to a former governor of the State of Kansas, that agreement having been approved by Secretary Lamar; and if so, is that agreement still on file uncanceled?

Mr. PEEL. I will state to the gentleman from New Jersey that the agreement to which he refers was surrendered long since; and I have a statement of the Secretary of the Interior to that effect. In fact I was present when the surrender was made.

Mr. BUCHANAN. I can not hear the gentleman.

Mr. PEEL. I say that the agreement has been surrendered; that I was present when it was surrendered; and I have here a statement of the Secretary of the Interior that it has been surrendered. The gentleman from Illinois [Mr. PAYSON] also has a statement to the same effect.

Mr. PETERS. I had desired to offer an amendment requiring that 40 acres of each 160 be broken and plowed, so as to make this bill conform to the amendment which was placed on the Oklahoma bill; but I understand that the offering of such an amendment at this time would perhaps jeopardize the passage of the bill, and that there will be opportunity on a subsequent bill for the presentation of an amendment which will cover all these cases. Therefore I will not insist on the amendment at this time.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. If there be no objection, the preamble will be agreed to.

There was no objection.

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

The latter motion was agreed to.

CENSUS.

Mr. COX. I rise to a question of privilege. Leave was given to the Select Committee on the Eleventh Census to report back at any time the amendments of the Senate to House bill No. 1659, providing for taking the eleventh and subsequent censuses. The committee recommend concurrence in the Senate amendments. I ask that the report be read.

The Clerk read as follows:

The Select Committee on the Eleventh Census to which was referred the House bill No. 1659 with Senate amendments (with leave to report at any time) beg to report:

That most of the Senate amendments are verbal and technical, and are intended to perfect the text of the bill. They should be concurred in.

The principal amendments refer to the schedule of inquiries in the seventeenth section, and consist of—

First. An addition to the special schedule as to soldiers and sailors and their surviving widows, etc. This subject was intended by the House to be referred to the Senate whose Census Committee was preparing and receiving data, so as to furnish good reasons for the additional inquiry as to "organizations and length of service."

Second. Another Senate amendment provides that the population schedule shall include an inquiry as to the number of negroes, mulattoes, quadroons, and octoroons. This seems to be an inexpensive inquiry, to be accomplished by a check-mark in the schedule, and is desired by scientists.

Third. As to another and principal amendment of the Senate, to "ascertain the recorded indebtedness of private corporations and individuals," your com-

mittee ask concurrence, notwithstanding it involves considerable expense. Col. Carroll D. Wright's letter is referred to and made a part hereof. It vindicates this inquiry.

The other amendments are vindicated in the paper marked "A," being a series of communications printed by the Senate to explain the amendments proposed by that body.

Mr. COX. I ask the previous question on concurring in the amendments of the Senate.

The previous question was ordered.

Mr. COX. I ask unanimous consent that the communications, etc., accompanying this bill as returned from the Senate be printed in the RECORD.

There being no objection, it was ordered accordingly.

The documents are as follows:

COMMUNICATIONS RECEIVED BY COMMITTEE ON THE CENSUS,
UNITED STATES SENATE.

SUGGESTIONS RELATIVE TO CHANGES MADE IN HOUSE BILL FROM ACT OF MARCH 3, 1879.

DEPARTMENT OF LABOR, Washington, D. C., July 26, 1888.

DEAR SIR: In accordance with our interview of yesterday, I have the honor to submit herewith certain points and suggestions relative to House bill 1659, being a bill to provide for taking the eleventh and subsequent censuses. These points relate mainly to the changes which have been made in this bill as from the act of March 3, 1879, and for convenience' sake I will take the pending bill by sections, remarking in a general way that, so far as principles are concerned, the bill is substantially the act of 1879, the changes embodied being those indicated by experience in taking the Tenth Census.

Sections 1 and 2 need no remark.

Section 3. The first change from the act of 1879 is in making the salary of the Superintendent \$6,000 per annum, instead of \$5,000. Any one conversant with the labors of census-taking will at once see the necessity of making this change. This section also provides for an organization, whereas the act of 1879 provided for only a partial organization. The pending bill provides for ten chiefs of division, a disbursing clerk, and two stenographers, at \$2,000 each per year. With the exception of the disbursing clerk, all these officers were actually employed in the Tenth Census, but they had to be created out of the list of experts, etc., and as a rule at a much larger expense than that incurred by the bill. The organization provided in House bill 1659 seems to be absolutely essential for the perfect working of the Census Office. This section also provides for minor employees—watchmen, messengers, etc.—in order that there shall be no question in regard to the compensation of such, or any opportunity for a double interpretation of the provisions of the bill. I would suggest, however, that the salary of the disbursing clerk be made \$2,500, instead of \$2,000, as the work of disbursing \$6,000,000, or whatever the census may cost, is something enormous compared with the salary provided in the bill.

Section 4 provides for supervisors, the maximum number being 175, instead of 150 as in 1880. The increase of population demands this increase of supervisors.

Section 5 relates to the duties of supervisors, and makes no material change from the old law.

Section 6 concerns the compensation of supervisors. In the law of 1879 each supervisor was paid the fixed sum of \$500, without regard to the size of his enumeration district. This worked very unjustly, and caused a great deal of complaint and many attempts on the part of Congress to harmonize or readjust the compensation already paid. It was found, however, fraught with so many difficulties that nothing was ever done about it. This section provides that each supervisor shall receive a fixed sum of \$125, without regard to the size of his district, and in addition thereto, in thickly settled districts, \$1 for each thousand or majority fraction of a thousand of the population enumerated, and in sparsely settled districts, \$1.40 for each thousand, etc. Under the act of 1879 the 150 supervisors, receiving \$500 each, cost \$75,000. Under this section the compensation of 175 supervisors would amount to about \$100,000, as follows:

One hundred and seventy-five supervisors, at \$125 each, fixed.....	\$21,875
One hundred supervisors, to cover 40,000,000 people, at \$1 per thousand..	40,000
Seventy-five supervisors, to cover 20,000,000 people, at \$1.40 per thousand	28,000
Odd majorities and contingencies.....	10,125
Total.....	100,000

Practically an increase in the expense of salaries of supervisors of \$25,000; no more than would naturally be expected through the increase of population.

Section 7, practically the law of 1879.

Section 8, practically the law of 1879.

Section 9, practically the law of 1879.

Section 10, practically the law of 1879.

Section 11 relates to the compensation of enumerators. So far as the enumeration of the population is concerned there is no change in this bill from the act of 1879, but some of the ambiguities of that act are removed, so that there can be no misinterpretation, as occurred in 1880, as to the compensation of enumerators; but in regard to farms and manufacturing establishments there is a change. By the act of 1879 the compensation was 10 cents for enumerating each farm, and 15 cents for enumerating each establishment of productive industry. This bill adds 5 cents to each of these, making it 15 cents for each farm, and 20 cents for each establishment of productive industry. This increase seems to be an absolute necessity. In 1880 experience taught that the compensation was too small in regard to farms and manufacturing establishments. No particular complaint was made in regard to the compensation for enumerating population. In Massachusetts, the largest supervisor's district in the country, having 903 enumeration districts, after the whole number of enumerators had been appointed and accepted their appointments, there was more than one hundred resignations when they learned the compensation, and great trouble arose accordingly. The same was true in many other supervising districts. It seems to be quite impossible to make even a fair day's pay at enumerating farms at 10 cents and manufacturing establishments at 15 cents. Any one conversant with census-taking knows that the enumerator must do the principal part of the work in such cases. The increased expense to the whole census under this increased compensation for farms and manufacturing establishments is as follows:

There were, in 1880, 4,008,907 farms. The cost of enumeration, at 10 cents, was \$400,890. Should there be 5,000,000 farms, which is a very large estimate, consolidation, rather than disintegration, being the rule, the expense in 1890, at 15 cents, would be \$750,000, while for manufacturing the figures are as follows: In 1880 there were 233,852 manufacturing establishments. To enumerate these, at 15 cents (the compensation in 1880), cost \$350,777. On the estimate of 255,000 establishments in 1890, at 20 cents each, the cost would be \$51,000. I am fully convinced that these increased rates would bring greater accuracy and more thorough completeness in the farm and manufacturing statistics than it was possible to secure under the rates of 1880. The enumeration of farms individually, as in

all past Federal censuses, was not satisfactory, and the dissatisfaction arises, in my opinion, almost entirely from the lack of compensation to the enumerator for making a thorough report of each farm and each manufacturing establishment.

Section 12 makes no change.

Section 13 makes no change, except to bring into actual legal relations the fines and penalties.

Section 14 does the same for the fines therein treated.

Section 15 only perfects the question of fines.

Section 16 is practically the same as the law of 1879, except that it perfects the matter of action.

Section 17 avoids the more distinct enumeration of inquiries, and leaves the Secretary of the Interior full discretion over the schedules. This is a very wise provision, it seems to me, because if the act undertook to specify, as it did in 1879, exactly what should be contained in each and every schedule, much trouble would arise and expense be incurred that might be avoided through the preparations, which should be made prior to the actual enumeration. This section also contains a special provision never introduced in a Federal census before for securing facts relative to survivors of the war of the rebellion, and that is, all soldiers that may be living at the time of the enumeration. This, as provided for in the section, adds but little to the expense of the census. All that is necessary is to insert one column in the schedule, very narrow at that, in which the letters "A," "N," or "M," signifying "Army," "Navy," or "Marine," would be inserted after the name of each person who survived the war. If it should be desirable to add the duration of services, all that would be necessary would be to add figures representing months after the initial letters "A," "N," and "M," as, for instance, if a man served two and a half years, "30" would be written after the letter "A," if he served in the Army. This might be well to add to the bill, in which case, in line 15, page 13, add the words "and length of service."

I would also earnestly urge upon your committee the propriety of reinstating an amendment made by the House committee, but which was rejected by the House, relating to the recorded indebtedness of the people. I would suggest the following amendment to cover this point: After the word "census," in line 31, page 14, of the bill as it passed the House, add the words—

"He shall also at the time of the general enumeration herein provided for or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people in such localities in the various States as shall be fairly representative of general conditions in this respect, and make report thereon to Congress."

The wording of this amendment is a little different from that reported by the House committee, the change being in order to limit the work to representative localities. This amendment is in accordance with the last section of a letter which I wrote in response to an inquiry from Mr. Cox. This letter is printed on pages 6709 and 6710 of the CONGRESSIONAL RECORD, No. 168. A still further amendment should then be made in the bill; on page 14, line 36, after the word "public," add the words "and private."

Section 18 is practically the same as the law of 1879; but should the amendment just suggested, relating to the recorded indebtedness of the people, be made, there should be an amendment after the words "special agents," in line 18, page 15, as follows: Add the words "to collect the statistics of and relating to indebtedness, as provided in the foregoing section, and."

Section 19 is substantially the same as the act of 1879.

Section 20 fixes the cost of the census at \$6,000,000. The cost of the Tenth Census, including printing, was \$5,862,750.24, or, exclusive of printing, about \$5,000,000. This was for, in round numbers, 50,000,000 people. The expense per capita was about 9½ cents. If we have, in 1890, 62,000,000 people, the expense would be \$5,890,000. If we have 64,000,000, as it is estimated by some we shall have, at 9½ cents per capita the cost of the Eleventh Census would be \$6,080,000. It is, therefore, unsafe to fix a sum less than \$6,000,000. The experience in several censuses teaches that 9½ cents is as small a per capita expense as can be compatible with efficient service. To carry on the census on the same basis as that of 1880, the census of 1890 would cost in the vicinity of \$7,000,000; but the limitation in section 17 of the volumes which shall be published in connection with the census avoids much of the expense of the Tenth Census.

Section 21 was a provision in the act of 1879.

Section 22 was a provision in the act of 1879.

Section 23 makes a change in this respect: By the act of 1879 enumerators were obliged to make a duplicate of the names, with age, sex, and color, of all persons enumerated within their territory, and deposit the same with the clerk of the county court. This was simply an additional expense, without a particle of benefit. There was no value in this duplicate whatever. In order to be valuable the duplicate should be furnished to the municipal authorities, and should include birthplace, as well as age, sex, and color. This section 23, therefore, provides for the making of a copy of the names, with age, sex, birthplace, and color, of all persons enumerated in the territory of an enumerator, to be supplied to the municipal government, for which that municipal government, should it request the copy, shall pay at the rate of 25 cents for each 100 names. In 1880 the price was 10 cents per 100 names, and would hardly, in many instances, pay the expense of the visitation to the county court-house required in the act. This section, if carried out, will result in great benefit, the copies being of infinite value in many instances.

Section 24 simply provides for the incidental expenses of the census, the language in section 24 being absolutely essential for the auditing of accounts.

Section 25 is simply the ordinary section making proper repeals.

A general change in this bill over that of 1879 is that under the latter act provision was made for States taking intercensal censuses on the mean of the Federal census. This old provision can hardly be well carried out. The States of Colorado, Florida, and Nebraska, and the Territories of Dakota and New Mexico took advantage of the old provisions; but so far as all estimates or calculations can be made, no great benefit was derived from it, and it is utterly impossible physically to carry out the provisions of the act of 1879 to any satisfactory conclusion. The provision does not, therefore, appear in House bill 1659.

It may be well for you to have before you the dates relating to the legislation for the census of 1880. The first bill, which was practically drawn by Mr. Garfield, was introduced May 20, 1878. It did not pass, however, until March 3, 1879, a date altogether too late for ample preparation for the census. A bill making amendments to the main act, and vital ones, necessary, actually, to the taking of the census, did not pass until April 20, 1880, a month and ten days prior to the actual enumeration, while the bill making appropriations for taking the census, so far as the main expense was concerned, was not approved until June 16, 1880, more than two weeks after the actual enumeration began. I respectfully submit that this state of affairs, so far as legislation is concerned, had much to do with the delay in taking the census of 1880. If ample time be given for preparation—and two years is none too long a time—the census can move smoothly and harmoniously and the office be relieved from the snowed-under conditions which followed the work of 1880. I therefore most respectfully urge upon you and your committee the necessity of promptly passing a bill relating to the Eleventh Census.

If I am in any way be of further service to you, please command me.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT.

HON. EUGENE HALE,
Chairman of Committee on the Census, United States Senate.

SUGGESTIONS RELATING TO AMENDMENTS TO HOUSE BILL 1659.

DEPARTMENT OF LABOR, Washington, D. C., December 29, 1888.

MY DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 27th instant.

So far as any amendments to the pending census bill (H. R. 1659), as reported in the Senate July 14, 1888, are concerned, I believe I have nothing to suggest in addition to the matters to which I called your attention in my communication of July 26. There are some points, however, which it seems to me it might be well to thoroughly canvass; but these matters relate more particularly to the administration of the Census Office than to legislation, except in a negative way. Pardon me, therefore, if I take up three or four points to which I have brought considerable thought.

Statistics of recorded indebtedness.—First, let me urge the committee to consider most carefully, and favorably, too, the proposition to collect statistics relating to the recorded indebtedness of the people. The amendment of the House committee, which was rejected by the House, provided for the appropriation of \$250,000, in addition to the general appropriation for the census, for collecting such statistics. Since the action of the House the results of practical experience in the direction named have been secured. The Michigan bureau of labor and industrial statistics has carried out a successful investigation and published the results relating to the mortgage indebtedness of farms, but I am not able to state at what expense this investigation was made. In Illinois, however, under the direction of the efficient secretary of the bureau of labor statistics, Col. John S. Lord, a very complete investigation has been made and the results now partially given to the public. From correspondence with Colonel Lord relative to the expense of collecting the statistics of indebtedness, I am satisfied that with the \$250,000, should the Senate see fit to insert the amendment in the form which I suggested in my letter of July 26, the indebtedness of the whole people, as recorded in all the States, can be secured on a basis which will approximately show the actual debt condition for this class; that is, mortgages upon real property; and the amount named would also enable the Superintendent of the Census to collect a large amount of information relative to other forms of recorded indebtedness, like judgments, chattel mortgages, etc. I think I can assure the committee, therefore, that for the amount named, \$250,000, Congress can secure the full results sought.

Statistics of surviving soldiers.—House bill 1659 provides that the next census shall comprehend information as to survivors of the Army and Navy and Marine Corps of the United States in the war of the rebellion, and the widows of soldiers, sailors, or marines. The suggestion is made that the service of all such survivors be included in the schedule, that is, that such inquiries be incorporated as will show the company and regiment in which the survivors served, and also the length of time. This would be exceedingly important information, but it is information that adds very greatly to the cost of enumeration. The simplest statement as to the names and number of survivors and of the widows of soldiers, sailors, and marines would not materially add to the cost of enumeration, because the names of all parties are taken in the census without regard to information relating to the persons involved. To ascertain, then, whether a man is a survivor of the war simply requires a check-mark in a proper column in the schedule; so, if the person be a widow of a soldier, sailor, or marine, the information can be easily obtained and readily inserted.

It should be remembered that the enumerator, in a large number of cases, sees some of the women of the family, from whom he gets his information, and so long as the inquiries can be answered by yes or no or by a positive statement like the answers to "age," "birthplace," "occupation," the answer being practically yes or no, no great difficulty is encountered; but when a record has to be referred to, or a matter has to be considered and comparative data examined, the enumerator can not succeed in securing information in a very large majority of cases. If such inquiries, involving search of records and consultation with other parties before the information sought for can be given, are required, the enumerator should be allowed compensation equivalent to the time taken. Two cents per capita, with such information in the schedule, would result in a failure of the census. The only way in which such information could be secured with integrity would be to adjust a special rate of compensation for every person involved in the special inquiry. I call your attention to this because of the practical difficulties in census-taking as compared with the sentiment which calls for information that can only be secured by more or less research; that is to say, information which belongs in the category of enumeration means that information which can be secured by a direct answer, positive and short. All other information belongs to special investigation. When the features of a special investigation are united with those of an enumeration the compensation of the enumerator should be adjusted accordingly or failure is sure to follow.

Statistics relating to the negro race.—Comprehensive information relating to the negro race is absolutely demanded by the present condition of affairs. There is no difficulty in ascertaining the statistics relating to mulattoes, quadroons, and octoroons which are obtained for all other classes of population. The schedule used in previous censuses calls for the number of each race, but so far as negroes are concerned, it is limited to black, white, and mulattoes. To secure the information relative to quadroons and octoroons would simply require another check-mark on the schedule, and this information would not result in any appreciable increase in the expense of the census. These remarks apply equally as well to half-breeds of different races, should it be desired to secure the number of such. The very greatest care should be exercised in the Eleventh Census to secure accurate information—as full as possible with the limitations of an enumeration—regarding the negro race. So many questions are arising that can only be answered by statistical information that this becomes a necessity. Whether the mulattoes, quadroons, and octoroons are disappearing and the race becoming more purely negro, is a question which can not be settled by observation. It must be settled by statistics, and the sooner such statistics are collected the better.

The census of 1890 can be the starting-point for a series of comparisons through subsequent decades. The ordinary statistics of the census will show, of course, whether the negroes are concentrating in certain localities or not, but in all these matters there needs to be no specific legislation, as the securing of the information is simply a matter of administration, and no Superintendent who has the best interests of his country at heart would neglect to provide the proper means for securing information upon such points. The census already secures the statistics of births and deaths for the census year, and the death-rate and birth-rate among pure whites, among negroes, and all the segregations can be ascertained through the processes of tabulation.

Wages, earnings, employment, etc.—You have very kindly sent me a copy of a memorial, which you presented December 17, 1888, of distinguished persons, who pray that in taking the Eleventh Census preparations may be made for a thorough examination of the condition of the industries of the country, of the employment and idleness of the people, of the tenures and amounts of the holdings of the lands of the nation by individuals, etc. Other memorialists will urge, I presume, that the census also take cognizance of the earnings and expenses of the people.

The schedules relating to the production of manufactures and of all productions exhibit, of course, the general condition of the industries of the country; but what is sought by the suggestions under consideration is to insert in the population schedule—that is, schedule No. 1 of the census—inquiries which shall develop the facts relating to the employment and the idleness of the people,

their earnings and expenses, and kindred matters. In the census of 1880 the law required that this schedule should contain an inquiry as to whether the people were employed or unemployed, and if unemployed, during what portion of the year. This inquiry was incorporated in schedule No. 1 of the Tenth Census. So far as I know the attempt to secure the information called for was a failure, and no facts have ever been tabulated. In the census of 1885 for the Commonwealth of Massachusetts a like inquiry was incorporated, and the attempt to secure the information was fully successful. The difficulty in the matter lies in the feature of census-taking already alluded to relative to surviving soldiers, that the enumerator, in a large majority of cases, does not see the parties concerned. The addition of this one question adds a good deal to the labor of the enumerator.

I am satisfied that success could be secured if the enumerator could be induced to spend time enough, but with the large number of inquiries on schedule No. 1 concerning each individual of the population, he could not secure very complete information under this special question relating to the unemployed with his compensation left at 2 cents per capita, and it would be almost impossible for him, at any reasonable compensation, to secure the earnings and expenses of the people, because to secure such information the wife or daughter or other female member of the family, would be obliged to adjourn the interview until the information could be secured from the head of the family, and even then, as experience amply shows, it is almost impossible to secure the information as to earnings and expenses. The only way, in all the investigations, which have been made in this country for the past twenty years, that expenses and earnings could be secured was by special investigation, taking a long time with each individual, and oftentimes by securing bills of expenses, from which items could be obtained. Simple as it may seem, it is one of the most difficult features of statistical inquiry. It was attempted in my own State in 1875, and with only partial success, so far as census methods were concerned. To place an inquiry relating to earnings and expenses in schedule No. 1 would be to handicap the census in the start to such an extent as almost to insure failure. If any inquiry relating to the industrial condition of the people is to be inserted in schedule No. 1, it should be limited to the question as to employment, and even in this case some concession in the way of compensation should be made, if success is to be secured.

A census involving ramified information can be taken, and with success, if money enough is provided with which to carry it out, but to provide arbitrarily for the total expense of a census, and then to double the labor involved, is a process which will surely secure a failure in any census undertaking. The people demand extensive information at the present day, and properly, it seems to me, but this information, to be accurate and of any value whatever, should be practically complete in its elements, and to secure this completeness requires immense labor on the part of the parties to whom the task is committed. The enumerator is apt to be forgotten, and when his compensation is established at a per capita rate, it seems to be overlooked that every additional inquiry is made at the expense of the enumerator and not of the Government. Two cents per capita, with the inquiries already involved in schedule No. 1, is poor enough pay, and it is very difficult—and I speak from practical experience—to secure a good class of enumerators at this compensation. If, therefore, the duty is doubled, or even an increase of 10 per cent. in the duty involved, the possibility of securing faithful enumerators is decreased just so much.

The enumerator has the hardest time in census work, and it is only just that if his duties are to be increased 10 or 50 per cent. he should not be required to contribute this increase out of his poor pay, but that his compensation should be increased *pro tanto*. I remember in the census of 1880 that after having secured and appointed over 900 enumerators in the district which I had the honor to supervise, more than 100 promptly resigned on receiving their instructions; that is, as soon as they became aware of the immense amount of detail involved in their work, they declined to serve for the compensation provided.

Referring to your letter of the 27th and to your suggestion at its close, allow me to say that if there is anything in my experience which can be made available in adjusting the practical bearing of questions which may be suggested by experts in various relations to the requirements of actual enumeration, or in any direction, I shall be most happy to serve you.

Very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner.

HON. EUGENE HALE,
Chairman Committee on the Eleventh Census,
United States Senate.

AN INDUSTRIAL CENSUS THE GREAT NECESSITY.

The general election just closed having resulted in a national verdict in favor of protection, and the restoration of the Republican party to power after four years of Democratic administration, the old party of freedom is again placed in the position that calls for the exercise of the greatest wisdom in the protection of the free labor and industries of the people, and the promotion of national prosperity.

Though the Democratic party utterly failed in all its efforts to change the policy that had been pursued by Republican administrations during an unbroken period of twenty-four years (being the longest continuous term of any industrial policy under our Government), the developments under that policy challenge the scrutiny of the thoughtful and investigation by Government.

More than a hundred years ago Adam Smith, the father of modern economic science, declared that—

"It was not by gold, nor by silver, but by labor, that all the wealth of the world was originally created."

The fundamental condition of man's existence, as fixed by the Creator, is that he shall, all the days of his life, eat bread in the sweat of his face. And upon the tables of stone, graven by the finger of the Almighty, stands the command to labor as the first commandment concerning the material life. Hence it appears to be clear that a full knowledge of the conditions of the labor of the people is of the utmost importance.

In all ages of the world, as man has advanced from the savage to the civilized condition, labor has coincidentally grown into practical recognition as the great factor in the production and development of all that gives man subsistence, comfort, wealth, and power.

And in the political discussion just closed the principle was broadly and sharply declared "that the question of labor underlies the whole subject; that it was in fact the entire question" then before the American people; but there was not the least attempt made to learn the actual condition of labor—whether the labor of the country was employed or idle, whether it was in prosperity or adversity, or dead or alive.

The great effort appeared to be to show that labor in our country was apparently better paid, in dollars and cents, than in Europe or Asia—to prove which endless comparisons were made. In doing this the condition and wages of those who were employed at exceptional rates, under the protection of trades unions and labor organizations, were taken for the time of their actual employment only—taking no account of the loss of time, whether of weeks or months, in which no labor was done or wages paid—and comparing the wages thus obtained with the wages paid to slaves and paupers of other lands. Such comparisons are worse than useless. They show nothing of the real condition of our workers—whether it be prosperous or miserable—only that a portion of the

working men and women in the United States are less miserable than Asiatic and European workers in similar employments, and leaving the impression upon the general mind that nothing more can be desired.

The wages paid in foreign lands—whether high or low, or more or less than are paid in our own country—do not affect the welfare of our people except as they are brought into competition with them. A hungry man in the United States is not made less hungry by learning that in England there are workmen much nearer the point of starvation. No man's condition is made better by the discovery that multitudes in other lands are perishing for want of the bare necessities of life.

It is the actual condition of our own people that we have to do with, irrespective of the condition of all others. It is the want of reliable official data of this matter, and its related interests, that makes any satisfactory determination of the labor problem so difficult; that divides the people on protection, and that lies at the root of all the industrial disturbances that agitate the country.

It was a keen appreciation of the necessities of the situation, ten years ago, that impelled me to prepare a memorial to Congress, praying that honorable body to make provision in the census bill, then under consideration, for an examination into the condition of the people, whether they are employed or unemployed, and of the amount of their employment or idleness. The memorial was presented to the Senate by the late honorable Senator David Davis, of Illinois, on the 28th of February, 1879. In presenting it the Senator said in part:

"These memorialists represent that multitudes of our people, popularly estimated by millions, are unemployed, and that this state of things demoralizes all our industrial interests, and calls upon Congress to ascertain the cause of the evil and its remedy."

"They do not believe, nor do I, that the problem can be solved by any theory based on data not known to be reliable. What they want is authoritative information obtained by the Government to inform the people of their real condition, and on which to predicate wise legislation. Such information can be taken as a safe basis for reasoning on this important subject, and without it there can be no correct reasoning at all."

"This memorial, I am informed, has three thousand one hundred and ninety-two names attached to it, representing sixteen States, from Massachusetts to Texas. * * * Then follows a long list of some of the best names in Massachusetts. Among these are the governor, lieutenant-governor, secretary of state, treasurer, auditor, chief of the labor bureau, secretary of State charities, the mayors of Boston, Cambridge, Lynn, Lawrence, and Salem; ex-Governor Gaston, Judge Abbott, and Wendell Phillips; Professor Pierce, of Harvard College, and its librarian; the editors of all the daily and religious press of Boston, eminent clergymen of the city, the collector of the port, and representatives of more than one hundred of the mercantile, manufacturing, and commercial houses of Boston.

"It also bears the names of Smith Ely, the late mayor of New York, and George William Curtis, of that city; Mr. Corcoran and other distinguished citizens of Washington; the mayors of Baltimore, Philadelphia, Wilmington, Trenton, and business firms throughout the country. It is also signed by a large number of citizens, mechanics, and laboring men. Mr. Moody, in handing it to me for presentation in the Senate, happily observed that it was the joint prayer of culture, wealth, and labor.

"Whatever differences of opinion there may be, Mr. President, as to the cause of our labor difficulties, it is quite evident that the way out of them can not be found without the statistical information asked for, and that the requests contained in the petition are reasonable and entitled to the careful consideration of Congress. And I am happy to say that the Special Committee on the Census have taken action on some of the subjects embraced in the memorial."

Senator HOAR, of Massachusetts, also commended the objects of the memorialists in strong language, saying, as he closed his short address:

"I trust the honorable Senator from Illinois will be successful in getting the favorable attention of the Senate to a proposition which has failed to receive it heretofore."

The "action taken by the Special Committee on the Census," referred to by Senator Davis, was the incorporation into the seventh section of the census bill of a provision requiring that schedule No. 1 shall contain inquiries as to each person enumerated, "whether employed or unemployed, and if unemployed, during what portion of the year." The bill so amended became the law under which the census was taken; but the provision requiring the industrial enumeration was wholly disregarded in the Census Office, the schedule not being prepared with the requisite inquiries, and the reports of the office, so far as can be discovered, in no place giving the reason for the failure of the enumeration or referring to the matter in any way. When inquiries were made in the Census Office in 1884 for reports upon this matter, the officers in charge stated that no reports had been or would be made, and that it never was the intention of the Census Office to do so.

Thus a special law of Congress and the General Government was treated with contempt and altogether disregarded by the officials of a minor though important office. The memorialists, who were respectfully listened to and their prayer granted without a dissenting voice in either House, and approved by the President, were contemptuously denied what the Government had unanimously conceded, and the people were practically informed that their condition should not be inquired into and made known if the Census Office could prevent it.

The result is that the multitudes of unemployed tramps found in every city, town, and hamlet of our country, and upon every road, street, and by-way of the land, have never been enumerated. No attempt has been made to reach even an approximation of their number, and the census utterly fails to give any idea of the real number of our population or condition of the people.

Yet, notwithstanding the evident determination in the Census Office to exclude from the census returns all data bearing upon this all-important matter, page 703 of Population discloses the fact that 3,837,112 persons were occupied in manufactures and mining (being the industries that pay the highest wages and give the most constant employment), whilst pages 3 and 5 of Manufactures disclose the two additional facts that the total wages paid in those industries amounted to \$947,953,795, and that the average number actually occupied amounted to only 2,732,595 persons.

With these facts before us we quickly discover that there was then an actual average idleness in those industries of more than 1,104,000 persons, "embracing, as they do, artisans of every class out of employment, temporarily disabled, or for some other reason not included in the actual return of any establishment," and that the average wages paid in those industries were 80 cents a day.

These disclosures reveal conditions that one would think were abundant reason for putting all the ingenuity of Government upon inquiry. But in place of inquiry, in the recent popular discussions it was fallaciously claimed by leading Republican journals that the average wages in those employments were nearly three times 80 cents a day for the whole number.

But for the thirteen and one-half millions engaged in other occupations there is not a particle of evidence as to their condition, but the false assumption of constant employment for all is everywhere apparent, notwithstanding the statement of there being "hundreds of thousands of persons out of health or out of employment."

Why is it that the people are denied a full knowledge of the simple facts in these most vital matters?

The census reports give 3,323,876 persons as being employed as agricultural laborers. The Republican papers in the late Presidential canvass everywhere assumed that these laborers were in constant employment and received an average of \$16 a month. But my investigations compel the belief that their time of

employment falls a long way inside of six months out of the twelve and their average wages far below \$16 a month, or \$96 per annum. And so the assumption runs through all industries. As a useful authority in these matters—an authority that may be relied on in an investigation of these great problems—the census reports, as they stand, are worse than useless.

Idleness and distress are everywhere. Hundreds and thousands of cotton and woolen mills, of iron and steel furnaces and rolling-mills, and producing establishments of silk, leather, rubber, of furniture and wooden ware, and every other industry, both great and small, that give employment to man, are standing idle, eaten by moth and rust and decaying for want of use, whilst the hundreds of thousands who not long since there found ample employment and remunerative wages are now idle, tramping, begging, or stealing the means of life.

The number of idle in the city of New York alone can not at any time fall below 100,000, and the mortality of destitution in that city, caused by these conditions, exceeds 25,000 per annum.

Surgeon John S. Billings, in his report on the mortality and vital statistics of the United States, Census Reports, 1880, Vol. II, p. 19, says that—

"The agencies to which great differences in mortality between different localities are chiefly due are: (1) Poverty; (2) age distribution of the living population; (3) density of population; (4) race; (5) meteorological conditions; (6) epidemics."

Yet notwithstanding that poverty stands at the head of the causes of "great differences in mortality between different localities," it is nowhere by him considered in any of its relations, whilst all the minor and secondary causes are fully treated. In no other place can I find it even mentioned.

Why should the census of the United States fail to give the data here wanting to enable one to determine the comparative and absolute influence of both poverty and plenty upon human life? Authentic information on this point outweighs all other considerations.

The industrial evils found in the city of New York exist, to a perilous extent, in every city and town in our country, and it is from the industrial evils of society that all other evils are recruited.

If we go to the farms of the country we find great numbers, believed to be fully one-half of those known as small farms, mortgaged beyond hope of redemption, and their reputed owners afflicted by all the miseries accompanying hopeless debt, and within fifteen years after the close of the war more than one million of tenant farms were developed where, within the past ten years, are being enacted the tragedies of evictions and misery that have so long cursed Ireland.

But the evictions in our towns and cities far exceed in number those of the country. In New York City alone, during the year 1886, more than twenty thousand families were compelled to leave their homes, mainly because of the lack of work, sickness, and death, many of whom had their little and miserable belongings set out upon the street, not counting the two thousand who saw they had to go and left without force. Who can fathom the depths of misery, wretchedness, and desolation wrapped in this terrible record?

Do not these conditions cry aloud for investigation, and with a voice filled with menace? Yet they have been wholly the growth of the last quarter of a century and under Republican administrations, beginning with 1863, when the people of the North had just come out of the war, as Secretary McCulloch truly said, out of debt, and commenced a new era of industrial activity.

If the reasons for investigation had not one-tenth the magnitude here shown, they would still challenge the closest examination of the party under which they had developed.

The Republican party has won a great victory in the Presidential campaign just closed, solely because of the hope in the minds of the people that the difficulties and distresses of our industrial situation would be removed and the labor of the country be restored to the condition of prosperity formerly enjoyed. How can that be done if we persistently neglect and refuse to learn the facts of the situation?

A thoroughly industrial census is now of the utmost importance. The employment and idleness of the people must be inquired into; the condition of the farms and farmers must be examined, especially the small holdings; the nature of the holdings, their size, tenures, and liabilities; and the employment and condition of all producing establishments of every nature during the census year, and whatever is necessary to a full understanding of our industrial situation. But essays, whether technological or speculative, do not appear to be necessary to the inquiry.

The investigation, to be of value, must be national, and can be thoroughly made only through the agencies and machinery of the census, of which it properly forms a part. The cost of the census, including the investigation required, would not be 10 per cent. greater than it would be without it, but its value would be inestimably increased.

The census, as heretofore taken, gives few or no data upon which to base a national policy, and contains much that may be well omitted. But the facts required, if impartially and honestly obtained and presented, would be of greater value than dollars and cents can express.

Shall not the desire of the people, as voiced by the memorialists of ten years ago, and now re-enforced, be granted?

WM. GODWIN MOODY.

THE CHIEF ELEMENT OF THE "CONDITION WHICH CONFRONTS US"

Is the enormous amount of labor of which our wage-earners are robbed, and which is given to workers in other lands. The total amount that is paid to foreign producers for foreign products—products which we might and should produce at home—taking into account the undervaluation so notoriously common, can not be less than \$300,000,000 per annum.

Every \$200 of that amount represents at least one man or woman in Europe or Asia—or the total amount represents at least three million workers in foreign lands—who are in constant employment at their highest average rates of wages, and to whom we annually pay these \$300,000,000 for their products; and also represents three million operatives in the United States who, by reason of that foreign employment, have been forced into idleness—not solely from the special occupations that appear to give the competing labor abroad, but from any and all related employments—and who are constantly without work and suffering all the miseries of the extremest poverty, with pauper graves at the close.

When the related fact is taken into consideration that every adult laborer, whether employed or idle, in the order of nature has, on an average, at least two dependent upon him or her for subsistence, it is seen that a total of nearly ten millions of our own people are thus made destitute by the monstrous iniquity and conspiracy against humanity by which the ends of free trade are sought, and the horrible tragedies that wait upon its consummation begin to be only too apparent.

The wrecks of thousands of idle and half-employed mills, factories, furnaces, and producing establishments of every nature with which the face of our country is strewn, and the rapid and continued development of the ills here pointed out, are also elements in the condition of the greatest moment and inseparable from the case.

To feed the millions of foreign workers who labor for us abroad we are constantly sending vast amounts of provisions, and in great variety. Ships are daily freighted with wheat and corn and flour and meat in the greatest abundance, that are snatched from the mouths of our idle millions at home and sent

to other lands that the foreigner may have plenty, whilst our own unemployed are left to fight their battles with gaunt hunger as best they can.

The literal fact is that fully four-fifths of our entire exports are for the support of the cheap labor and machinery we employ in foreign lands, and for the benefit of the slaveholders and capitalists who control both.

These are the simple elements of the present condition stripped of the garnishments that have hidden these monstrous wrongs from the scale-covered eyes of the people. Must we wait for a social earthquake to shatter these scales and open our eyes? No amount of sophistry or equivocation can change the facts or the logic of their results.

The simple and inevitable deductions from these facts are, that when we do at home the labor that is done for us abroad, millions of those who are now but half employed, or wholly idle, will find work. The now silent wrecks of half-employed and idle producing establishments will become active and musical with the hum of life. The \$600,000,000 now paid for foreign labor, together with the \$300,000,000 paid for duties, transportation, and other expenses—a total of at least \$900,000,000 per annum—will be paid to our home industries and the people therein employed, and the ship-loads of goods now stolen from our idle and hungry workers to feed to the slaves and paupers of other lands will be kept at home, and our own people will be made glad with the possession of abundance.

The old conspiracy of the rebel slave power and British pirates of twenty-five years ago for the destruction of our merchant marine, in which they succeeded only too well, and which is again active in the cause of "free trade" and "labor reform," which means the wiping out of our domestic industries and home trade, for the special benefit of foreign producers and foreign trade, will be finally broken, and the annual domestic record of tens of thousands of business failures will again become a record of hundreds only, as they were during the last three years of the first Republican administration.

How can these great wrongs be remedied if we persistently neglect and refuse to take their measure and accurately ascertain their weight, that all may see the facts and understand their relations? The decennial census now close upon us affords the desired opportunity and machinery to gain all the required data, and they can be gathered in no other way.

Shall not the opportunity be embraced?

WM. GODWIN MOODY.

EDUCATIONAL STATISTICS.

COLUMBIA COLLEGE, New York, March 15, 1888.

MY DEAR SIR: In response to your request I take pleasure in submitting herewith a detailed schedule of the questions which, in my judgment, should be covered by the educational portion of the Eleventh Census. I have made the schedule as compact and yet as comprehensive as possible. The questions asked are those which it is absolutely necessary to answer in order that our educational condition may be compared with that of the various European countries. France and Germany have long had an elaborate system of educational statistics, and while the inquiries proposed on my schedule are not so voluminous as those made abroad, yet they will answer all practical purposes. I shall be very glad to offer any explanations of the schedule that may seem to you necessary, as well as to afford you and the committee all the assistance in my power in their task of arriving at a suitable form of educational schedule. If it should be necessary at any time to appear before the committee I should be glad to do that also.

I am, with great respect, very truly, yours.

NICHOLAS MURRAY BUTLER.

Hon. EUGENE HALE,
United States Senate, Washington, D. C.

Detailed schedule of questions.

I.—ENUMERATION OF SCHOOLS (PUBLIC).

1. Subprimary or kindergarten.
2. Primary or elementary.
3. High or secondary.
4. Academies:
 - a. Classical.
 - b. Commercial.
5. Colleges and universities.
6. Separate schools for colored pupils.
7. Separate schools for Indians.
8. Separate schools for dependent, delinquent, and defective classes.

II.—PRIVATE SCHOOLS.

1. Kindergarten.
2. Elementary or primary.
3. Secondary or high.
4. Academies:
 - a. Classical.
 - b. Commercial.
5. Colleges and universities.
 - a. General.
 - b. Law.
 - c. Medicine.
 - d. Theological.
 - e. Technical.
 - f. Agricultural.
 - g. Pharmaceutical.
 - h. All other.

III.—BUILDINGS AND SITTINGS.

- a. Number of public school buildings.
- b. Number of public school sittings.
- c. Number of private school buildings.
- d. Number of private school sittings.

IV.—VALUATION OF SCHOOL PROPERTY.

- a. Public.
- b. Private.

V.—RECEIPTS (PUBLIC).

- a. From State and county funds.
- b. From city and township funds.
- c. From all other sources.

VI.—EXPENDITURES.

- a. For teachers' salaries.
- b. For buildings and grounds (during census year).
- c. For maintenance.
- d. For all other purposes.

VII.—TEACHERS.

- a. Total number.
- b. Male, white.
- c. Female, white.
- d. Colored, male.
- e. Colored, female.
- f. Having normal or professional training.

VIII.—SALARIES OF TEACHERS.

- a. Total.
- b. Average monthly for males.
- c. Average monthly for females.

IX.—NORMAL SCHOOLS.

- a. Total.
- b. Number of teachers employed in.
- c. Number of students in:
 - Male.
 - Female.
- a. Total number between 6 and 14 years inclusive:
 1. Male.
 2. Female.

X.—PUPILS.

- b. Total enrolled during census year:
 1. White, male.
 2. White, female.
 3. Colored, male.
 4. Colored, female.
- c. Average attendance during census year.

XI.—ILLITERACY.

- a. Number of persons over ten years of age.
- b. Number of persons over ten years of age unable to read.
- c. Number of persons over ten years of age unable to write.
- d. Number of persons over ten years of age unable either to read or write.
- e. Number of foreign born over ten years of age unable to read, write, or read and write.
- f. Number of colored over ten years of age unable to read, write, or read and write.

ENUMERATION OF SURVIVING VETERANS OF THE WAR OF THE REBELLION.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., July 26, 1888.

SIR: I have the honor to ask your attention to a motion recently made by Mr. ATKINSON in the House of Representatives, looking to the enumeration of those who served in the war of the rebellion. Mr. ATKINSON has called upon me in regard thereto and desires that I shall submit the matter to you.

The point made by Mr. ATKINSON is that it would be very desirable if in the enumeration of the population of the country the company and regiment, date of muster-in and term of service of each surviving soldier and sailor who bore arms for the United States during any of our recent wars should be taken.

I have a division in this bureau whose chief work is to gather statistical information of this description for the purpose of proving or disproving claims presented in this office. The doing of this work in the Census Office would obviate the necessity for the existence of a division of the present size as that of the Army and Navy survivors' division, for that work, and would be of manifest benefit to the service of the Bureau of Pensions.

Mr. ATKINSON says that objection was made on account of the additional cost. The preparation of blanks would cost something additional, but I see no reason why any further cost need attach to the work until it shall reach the Census Bureau; and then only for the clerical labor involved in the compilation of the information to be furnished. Properly prepared blanks would enable the census enumerator to, in every case, register whether a man had been in the service, and, if so, when, and in what organization, and for how long.

Very respectfully,

JOHN C. BLACK, Commissioner.

Hon. EUGENE HALE,
United States Senate.

[Senate Mis. Doc. No. 26, Fiftieth Congress, second session.]

Memorial of Henry Hall, of New York, urging legislation that shall incorporate in the next census provisions for taking a complete enumeration of the surviving veterans of the war of the rebellion, including names, age, residence, length of service, and the commands in which they served.

NEW YORK TRIBUNE, New York, December 24, 1888.

SIR: In compliance with your request, a few suggestions are herewith submitted concerning a census of Union veterans in 1890. The proposition is that the enumeration shall record name, age, residence, length of service, and command in which the veteran served in each case.

1. This census is desirable, in the first place, because it will supply the material for computing the cost of a service-pension. There is a widespread feeling among veterans, and among many civilians who sympathize with them and know their needs and sacrifices, that the Government should grant a service-pension to every Union veteran. A long discussion has taken place at public meetings and encampments of the Grand Army of the Republic, and in the public newspapers, and various plans for a service-pension have been proposed and debated at great length. Several of the plans aim to grade the pension according to length of service. Others look to the payment of a specified sum per month, and others to the payment of a pension to all veterans on arriving at a certain age.

There has been an utter lack of material for calculating closely the cost of any of the different plans. Various estimates have been made, but none of them are accurate enough to guide either the veterans and their friends in formulating their appeals or the law-making power in responding to them. You will see that no safe comparison of plans can be made without knowing the total number of surviving veterans and the age and length of service of each.

2. Name, residence, and regiments or command in which they served are necessary for the perfection of a complete directory of all surviving Union veterans. Every one who has had anything to do with pensions under existing laws knows how comrades have lost sight of each other since the war. In a vast number of cases neither even knows if his comrade is living. Those who are applying for a disability, parent's, or widow's pension experience the greatest difficulty in finding the addresses of comrades whose testimony is necessary to the establishment of their claims. Probably more than 250,000 claims have been rejected or are lingering unadjudicated in the Pension Office because of the lack of testimony of witnesses who are living but can not be found. To meet this difficulty the Pension Office has been striving for years, with much labor and expense, to collect the addresses of all living veterans. The office has succeeded only in part. In no other way than by an enumeration as proposed can that list be perfected. The census can complete this work, and by so doing lighten the labor of adjudicating a pension claim and shorten the long and weary waiting of applicants.

3. The facts, when collected, will have great scientific value. There are many reasons for believing that every Union soldier came out of the war with vitality seriously impaired. Some of the soldiers, on their return from the field, believed that they had been benefited and invigorated by the service. But in the majority of cases, especially among the long-service men, the veterans appear to be more liable to disease, less able to work, and obliged to retire earlier from business than men of the same age who staid at home. The census can not go into the question of greater liability to disease, but by ascertaining present age

and length of service of survivors, conclusions can be reached as to the effect of army service on length of life. Should the census prove that life is not shortened unless the man contracts wounds or specific disease, the Government will in future wars obtain volunteers easier than it can now, with incorrect ideas on this subject prevalent among the people. Should the contrary be proved, the obligations of the Government to its veterans will be placed in a clearer light.

4. So far as a census of Confederate veterans is concerned, the facts, when obtained, would be as interesting to students of biology and historians as those relating to Union veterans. They would have no other practical value.

The expense of the special enumeration here proposed is a trifling matter compared with the importance of the information sought.

The enumeration would form a basis for future comparisons. It is presumed that in 1900 a similar census would be desirable.

The proposed census in 1890 meets with the hearty approval of every veteran in the country. No reason is known why it should not be heartily commended by the public at large. Inquiries have been made by a number of officials of the Grand Army of the Republic and by myself, and there is no doubt that the enumeration will meet a public want, provided it is done thoroughly and accurately. The inquiry should be broad enough in its scope to answer all the objects in view; and imperative instructions should be given to the enumerators to obtain full and correct information on every point. Half-way work would be a waste of money.

Yours, very respectfully,

HENRY HALL,
Business Superintendent.

Hon. EUGENE HALE,
Chairman Committee on Census, United States Senate.

NATIONAL HOTEL, May 2, 1888.

DEAR SIR: As a member of the executive council of the State of New Hampshire, I have had to do with a matter which I desire to call to the attention of the committee having charge of the bill to regulate the taking of the Eleventh Census.

Many of the States have undertaken the revision and correction of the record of their soldiers and sailors in the war of the rebellion, which, in the hurry and confusion of the time, became very inaccurate and incomplete in the State archives. Several of the States, acting on plans quite various in method and scope, have also undertaken to supplement these published records, with statements of the present residences of surviving soldiers and sailors.

The State of New Hampshire with its revision of the official records has attempted to ascertain and give (1) the present residence or post-office address of every veteran of New Hampshire service, and (2) the date and place of decease of every one dying since the war.

Two considerations naturally arise: (1) The fragmentary character of such a work by an individual State, even if it could be made measurably complete as to the men of that State, and (2) the impossibility of approximating a perfect work by local effort in this direction, owing to the scattering of the men all over the Union in twenty-five years' time, and the impracticability of extrajurisdictional work by State officials; and these difficulties have been found insuperable in an actual trial by my own State, whose contribution of men—about 33,000—was small in number as compared with most of the other States.

The value of such a work, however, when made national in extent, for historical and statistical purposes, is apparent, and does not call for argument in this communication.

The War Department, the Pension Bureau, and the adjutant-generals of States are subject to incessant calls for this information, and they are, except in isolated cases, unable to furnish it.

This class of information is of special value to all who are engaged in the compilation of war history, and particularly to those who have undertaken to prepare the histories of towns, counties, regiments, and similar organizations into which personal data largely enter; and it will be of manifest aid in dealing with questions of a social nature, which have arisen out of the changed conditions of population, caused by the war.

It may be added that there are many thousand cases now pending in the Pension Bureau which are at a stand-still because the location of witnesses, supposed to have evidentiary information, can not be ascertained by the methods now available. It is a matter of importance both to the Government and to the claimant that all reasonable means be employed and facilities provided to clear this enormous docket.

In view of the fact that the work proposed can not be done economically, uniformly, or with any satisfactory degree of completeness or efficiency by the States, acting separately, and of its importance and value, and of the necessity for its early and comprehensive prosecution, in order to avoid the inevitable losses of material resulting from delay, I suggest that the census enumerators be required by the law to ascertain and record the name of every survivor of the military or naval service, both volunteers and regulars, and the date and place of death of those deceased since the war, by inquiry of every party from whom information is sought in the primary enumeration.

I see no reason why the same information should not be gathered as to those engaged in the Confederate service.

In the work of enumeration the expense of the proposed feature would be trifling.

The subsequent arrangement of the materials so gathered, with reference to States or to regimental and similar organizations or otherwise and its thorough indexing and publication in a separate volume, would of course give rise to items of expense to be considered in comparison with the value of the work.

I have written a similar communication to the chairman of the House committee, and I respectfully ask such consideration of the subject as you may fairly give it in connection with other features of the next census.

Very respectfully, yours,

A. S. BATCHELOR, Littleton, N. H.

Hon. EUGENE HALE,
Chairman Committee on Census, United States Senate.

THE STATE OF NEW HAMPSHIRE,
QUARTERMASTER'S-GENERAL'S OFFICE,
Concord, N. H., May 28, 1888.

DEAR SIR: At the suggestion of the Hon. A. S. Batchelor, of the governor's executive council, I have the honor to inclose copies of the several laws in relation to correcting and publishing the record of soldiers and sailors for the State of New Hampshire, and to respectfully call your attention to the requirements of the same.

You will notice the adjutant-general is required by the act of July 23, 1885, to give the present residences of the living veterans and the dates and places of death of those who have died since the war. By enforcing the provisions of the act of August 28, 1885, it is hoped that we shall get the residences of most of the soldiers who now reside in this State, but a large percentage of New Hampshire soldiers have left the State since the close of the war and are scattered over the entire Union, and it is a formidable undertaking to attempt to get the required information concerning them.

I can see no way to get the information and to locate the surviving veterans except by the aid of such legislation as I am informed is proposed as a feature of the census. I hope to get some valuable data of this character outside the

State through volunteer aid, but am well aware that much is beyond the reach of State effort, however well directed it may be, and whatever success might be attained by a single State would only serve to show the value of a comprehensive effort by national authority on a national plan.

My own personal experience for the past eight years has shown me the importance of the information, which can only be obtained in the way proposed. I am constantly receiving applications from veterans, their wives or relatives; and from historians of companies, regiments, or towns, for information which is vital to the success of their claims or their histories, and which under present conditions it is simply impossible to furnish.

With the hope that the plan proposed by Counselor Batchelor may meet with your approval and may become a law, I have the honor to be, very respectfully, your obedient servant,

A. D. AYLING, Adjutant-General.

Hon. EUGENE HALE,
Senate Chamber, Washington, D. C.

An act to provide for the publication of a record of New Hampshire soldiers and sailors in the war of the rebellion.

Be it enacted by the senate and house of representatives in general court convened:

SECTION 1. That the adjutant-general shall, as soon as practicable after the passage of this act, under the direction of the governor and council, prepare and publish a record of all soldiers and sailors who served in the war of the rebellion from the State of New Hampshire, such record to contain the name, residence, date of enlistment, to what city or town assigned, date of muster in, rank, promotions, wounds received, date of discharge, muster out, or death, date, and place of death since discharge, or present residence, and such other facts as shall make the same as far as practicable a complete and concise military record of each soldier or sailor so serving; and for this purpose the adjutant-general is authorized to employ such clerical assistance as may be necessary.

SEC. 2. Two thousand copies of said record shall be printed by the State printer and distributed as follows, namely: One copy to each city and town in the State, one copy to each public library in the State, one copy to each post of the Grand Army of the Republic in the State, fifty copies to the New Hampshire Historical Society, and the remainder to be placed in the custody of the trustees of the State library, who are hereby authorized to exchange the same for similar publications by other States, and to dispose of the same at cost of paper, printing, and binding.

SEC. 3. For the purpose of carrying into effect the provisions of this act a sum not exceeding \$1,200 is hereby appropriated annually for two years, commencing September 1, 1885, to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant on the State treasurer for the said amount.

SEC. 4. This act shall take effect upon its passage.

Approved July 23, 1885.

An act in aid of an act to provide for the publication of a record of New Hampshire soldiers and sailors in the war of the rebellion.

Be it enacted by the senate and house of representatives in general court convened:

SECTION 1. The selectmen or assessors of each town and city shall, at the same time they distribute the blank inventories for the assessment of taxes for the year 1886, also distribute such blanks as may be seasonably provided by the adjutant-general for the purpose of collecting the information required by the provisions of the act to provide for the publication of a record of New Hampshire soldiers and sailors in the war of the rebellion, approved July 23, 1885, and every person having such information shall make answer in writing, so far as possible, to such questions as may be in such blanks, and the same shall be returned and delivered to said selectmen or assessors before the 15th day of April, or as provided by law for the return of inventories of taxable property. The papers returned to the selectmen or assessors under the provisions of this act shall be returned to the office of the adjutant-general by them within thirty days after said 15th day of April.

SEC. 2. Any officer or person violating the provisions of this act shall be subject to a fine of \$50 for each offense, to be recovered in an action of debt by the adjutant-general, and all sums of money so recovered shall be applied in carrying out the provisions of said act of July 23, 1885.

Approved August 18, 1885.

An act in aid of chapters 12 and 75 of the session laws of 1885, to provide for a record of the New Hampshire soldiers and sailors in the war of the rebellion.

Be it enacted by the senate and house of representatives in general court convened:

SECTION 1. The record of the soldiers and sailors of this State, to be compiled under the authority of said acts by the adjutant-general, shall contain a statement of the number of men required and the number furnished for the war of the rebellion by each town in the State under each call; and said record shall also contain the names of all men recruited under the first call in 1861 for three months, whether they were organized into the first regiment of volunteers, mustered out of service without being sent out of the State, or were re-enlisted for a longer term of service. Selectmen of towns and the mayors of cities shall cause such information concerning soldiers and sailors who are or have been residents of their respective towns and cities, as may be required for the purposes of this act, and of the acts of which this is an amendment, to be collected and forwarded to the adjutant-general, subject to such penalties for default as are provided in said chapter 75 of the laws of 1885.

SEC. 2. For the purpose of the continuation of the work required by said acts a sum not exceeding \$1,500 is hereby appropriated annually for two years, commencing September 1, 1887, to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant on the State treasurer for the said amount.

SEC. 3. This act shall take effect upon its passage.

Approved August 24, 1887.

HEADQUARTERS NEW HAMPSHIRE VETERANS' ASSOCIATION,
Weirs, N. H., July 30, 1888.

Hon. EUGENE HALE, United States Senate:

As president of our veterans' association and deeply interested in the cause of my comrades, living or dead, I address you in behalf of a matter which, I understand, has been placed before each of the Congressional committees on the next census, and ask for it your careful consideration and, if possible, your valuable aid.

It is a proposition that in the taking of the next census the enumerators be required by the law to ascertain and record the name and post-office address of every survivor of the military or naval service, both volunteers and regulars, and the date and place of death of those deceased since the war, by inquiry of every family, and in the same manner in which the other important information is obtained in the primary enumeration. Several of the States are seeking to do this; but it is difficult work, and if it can be made general, as now proposed, it would not only be most valuable to every State, but of special value and assistance in the War Department and the Pension Office, where this information

is constantly being sought. Can there be any better way to obtain and preserve this important information, and at comparatively no extra expense?

Most respectfully, yours,

A. S. TWITCHELL, *President.*

STATISTICS OF RECORDED INDEBTEDNESS.

DEPARTMENT OF THE INTERIOR, BUREAU OF LABOR,
Washington, D. C., May 9, 1888.

DEAR SIR: Referring to your verbal request as to methods which might be adopted in the Eleventh Census for the collection of the statistics of indebtedness of record other than public indebtedness, I have the honor to submit the following statement.

The statistics of the indebtedness of individuals, whether the same be in the form of mortgages or debts otherwise secured or general indebtedness through notes and bills payable, would constitute one of the most valuable lines of information that could possibly be collected.

There are three methods which naturally suggest themselves to one's mind for the collection of such data.

First. Through the population schedules of the census, by an inquiry directed to the head of every family or individual, responsible for any business transaction. This would include all farmers, business men, and others owning houses or having the care of families, or in any way individually responsible to the public. The addition of the proper inquiries to secure this information to the population schedule would involve great expense, probably increasing the cost of the enumeration proper from one-third to one-half; that is, adding from \$300,000 to \$1,000,000 to the expense of the enumeration.

On the other hand, the addition of proper inquiries to the population schedule would antagonize the census, so far as the enumeration is concerned, before it commenced, and the enumerators would be handicapped from the start. The success of any enumeration depends very largely upon the good-will of the public and the willingness of persons to comply with the reasonable request of the Government for information concerning their affairs. All inquiries, however, regarding the financial condition of the people have heretofore been met with great opposition, and undoubtedly would be again, although should such inquiries be added to the population schedule it is safe to say that from 10 to 15 per cent., judging from past experience in such matters, would comply with the request of the Government and furnish the information relative to their indebtedness. Of course this indebtedness should be in connection with the value of the property owned by the individuals furnishing information. Such a canvass, therefore, would have for its result partial success in certain directions, at great expense, and a damaging influence upon the whole census enumerations, both as to population and manufacturers, as well as agriculture.

Considering the expense and the general injury to the work of the census, this method hardly seems advisable.

Second. The collection of the facts relating to recorded indebtedness, meaning thereby all chattel and real estate mortgages, which are the subjects of record from the records themselves. Chattel mortgages are usually recorded in municipal records, while real-estate mortgages are usually recorded on the records kept at county seats. If real-estate mortgages only were to be considered, the registers of deeds in all the counties of the United States would have to be visited and the records thoroughly compiled. There are, in round numbers, 2,700 counties in the United States. To collect the information regarding mortgages recorded in these counties could not cost less than \$40 per county, or a total of \$108,000. I think it would be quite impossible to do it for this sum, because, in order to secure any information that would be of value and which would lead to any just conclusions, the records would have to be searched for a series of years, and all mortgages minuted with reference to the assessed valuation of the towns or townships or of the whole county in each case.

The proper sum of estimate for this work, confined entirely to county records, would be \$200,000. It would be quite impossible to collect the information from the municipal records, so far as chattel mortgages are concerned, without either visiting every municipal government in the United States, or corresponding with the proper officer in each municipal government, to secure the information, in which latter case compensation would have to be given. It is safe to assume that the expense in securing the indebtedness under chattel mortgages by this method would be far greater than by securing it through the population enumeration. Even if the expense of securing the information relating to indebtedness through records was not objectionable on account of expense, there are obstacles in the way which render such a method unadvisable. The records of mortgages would, in all cases, give the amount of the original mortgage debt; but, as a rule, payments on the original mortgage debt are not made matters of record. So, where a man had given a mortgage on his place of \$10,000, and had paid, say, \$9,000 in part liquidation thereof, the indebtedness would still stand on records at \$10,000; so the facts, or rather the results of any collection of data from records, would lead to vicious conclusions.

This second method, however, would relieve the census of all antagonism through the inquiry into the financial affairs of individuals.

Third. The employment of specially qualified experts to collect the information desired from representative communities; such collection to be made subsequent to and independent of the enumeration of the people in general. This method is free from objection in every direction except that of expense. It would not antagonize the public in any way, but it would lead to the most valuable results; that is, it would give the valuation and indebtedness thereon to such extent as the appropriation made for it might warrant. It would not give the facts for every farm and every property-holder in the United States, but it would give the facts for representative towns or counties, and by selecting counties the information might be collected so as to show the property value of each holding, and the indebtedness thereon, as originally made and shown through the registry of deeds, further information being sought as to the payments in part liquidation of the recorded debt.

This method seems the most feasible and the most desirable, taking all things into consideration. With an appropriation of \$200,000 or \$250,000 a very general idea of the indebtedness of the country might be gained; certainly it would be approximately correct so far as it went. If Congress saw fit to carry the matter still further it would be merely a question of money; but to make any reasonable correction, on which any fair or just conclusions could be based, the sum named should be appropriated in addition to that named in your bill for the general purposes of the census. That is to say, if Congress desires to have the facts for representative districts or localities regarding recorded indebtedness collected, it should make an extra appropriation for census purposes of at least \$250,000.

Trusting I have covered the points named by you, I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,

Commissioner.

Hon. S. S. Cox, M. C.,

House of Representatives, Washington, D. C.

NATIONAL BOARD OF TRADE, *Scranton, Pa., July 23, 1888.*

DEAR SIR: I beg leave to inclose a circular to which I hope you will receive responses. I find that I do not misjudge or misrepresent a general sentiment when I express my belief that the House committee report of the rejected clause

was acceptable and desired. I have had some familiarity with this sentiment for years past, and I am thoroughly convinced that the sentiment is deeper and stronger than will be credited on sight, because expression on the subject is tardy.

By all means reinsert the claim, and I believe the House may also reconsider when it goes back to them.

Very truly,

Hon. EUGENE HALE, *Washington.*

J. A. PRICE, *Chairman.*

NATIONAL BOARD OF TRADE, *Scranton, Pa., July 19, 1888.*

GENTLEMEN: The following clause in the proposed enactment for the incorporation of the Eleventh Census, now before Congress, in reference to the "recorded indebtedness of the people," was favorably reported by the Census Committee of the House of Representatives (Hon. S. S. Cox, New York, chairman) and rejected:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of \$250,000, which is hereby appropriated, and shall be immediately available in addition to the \$6,000,000 appropriated in section 20 of this act."

The bill as amended will now go to the Senate. The clause stricken out by the House ought to be reinserted. Hon. EUGENE HALE is the chairman of the Senate Census Committee, and if you approve the reinsertion of so important a clause as that rejected in reference to a knowledge of private indebtedness, please communicate at once with the honorable Senator, and with every member with whom you may be acquainted, either in the Senate or the House, urging the reinstatement.

Too much importance can not be placed upon this measure. It is a vital topic of the day. The people need information and have a right to expect it. No one can reasonably oppose this measure except those who are interested in swelling indebtedness and debilitating our institutions.

It is only objected that there are difficulties in the way of collecting the statistics. This is to be expected, yet the approximate information that we shall obtain is vastly better than none. It will lead to a knowledge that is becoming absolutely essential, if we are ever to escape the threatening conditions induced by overindulgence in credit.

Whatever favor you can extend is forcibly demanded by the urgent situation, and immediate action only will avail at the present time. Let your communications go forward without delay.

Hastily and respectfully,

J. A. PRICE,

Chairman National Board of Trade Committee on the Credit System.

MERCHANTS' EXCHANGE OF ST. LOUIS, *St. Louis, July 30, 1888.*

DEAR SIR: In response to the accompanying circular [referring to the circular of the National Board of Trade, signed by J. A. Price, chairman of committee on credit system], the board of directors of this exchange this day approved the reinsertion in the census bill of the clause in reference to collecting the statistics relating to the indebtedness of the people, and respectfully request you to lay this petition before your committee.

Yours, respectfully,

GEORGE H. MORGAN, *Secretary.*

Hon. EUGENE HALE,

Chairman Senate Census Committee.

MANKATO BOARD OF TRADE, *Mankato, Minn., July 23, 1888.*

DEAR SIR: The following resolution was unanimously adopted by this board: "Resolved (as the sense of this board of trade), That the clause providing for taking the recorded indebtedness of the people, which was stricken from the bill pending in Congress for taking the Eleventh Census, ought to be reinstated, as we deem such information of great public value."

Yours, truly,

CHARLES A. CHARMAN, *Secretary.*

Hon. EUGENE HALE,

Chairman Senate Census Committee.

CINCINNATI, *July 30, 1888.*

DEAR SIR: The House of Representatives rejected a clause in the census bill which provided "for the collection of statistics of and relating to the recorded indebtedness of the people."

The clause is regarded as a very important one. It originated with a committee of the National Board of Trade, to which was referred questions pertaining to indebtedness.

It is desired that the Senate restore the rejected clause, at least in substance, and I take the liberty of asking your kind attention to the matter, and, if you are not opposed to the clause, that you favor the committee with your aid to that end. I am sure you will find that the undertakings of the committee of the National Board of Trade in this matter are of much consequence, and the results of its labor likely to be not only useful but interesting to a student of political economy.

Very respectfully,

JOHN A. GANO.

Hon. JOHN SHERMAN,

United States Senate, Washington, D. C.

RETAIL MERCHANTS' ASSOCIATION, *Albany, N. Y., July 23, 1888.*

DEAR SIR: As secretary of the Retail Merchants' Association of the State of New York and in behalf of that organization I make as strong a plea as possible that the clause stricken out by the House in the bill for the Eleventh Census be reinserted by the Senate.

If I had the time and could spare the funds I would ask for a hearing before your committee. No one in this State has more practical knowledge as to the indebtedness of people to the retail merchants of this State than I have. Every month thousands upon thousands of dollars in the shape of debts pass before me, and the total is amazing.

Very truly, yours,

NEWTON DEXTER,

General Manager.

Hon. EUGENE HALE,

Washington, D. C.

CITIZENS' ASSOCIATION OF CHICAGO, EXECUTIVE COMMITTEE,

August 1, 1888.

DEAR SIR: The executive committee of this association have directed us to communicate to you their approval of the reinsertion in the Eleventh Census bill of the clause rejected by the House of Representatives in words as follows: "He shall also, at the time of the general enumeration herein provided for,

or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of \$250,000, which is hereby appropriated, and shall be immediately available, in addition to the \$6,000,000 appropriated in section 20 of this act."

J. J. GLESSNER, *Vice-President*.
J. C. AMBLER, *Secretary*.

Hon. EUGENE HALE,
Chairman Senate Census Committee, Washington.

NATIONAL ASSOCIATION OF STOVE MANUFACTURERS,
Chicago, Ill., July 26, 1888.

DEAR SIR: When the bill providing for the Eleventh Census was reported to the House of Representatives by its Census Committee it contained the following clause:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect the statistics of and relating to the recorded indebtedness of the people and make report thereon to Congress; but the amount expended for the collection of such statistics of indebtedness shall not exceed the sum of \$250,000, which is hereby appropriated, and shall be immediately available, in addition to the \$6,000,000 appropriated in section 20 of this act."

But the House rejected this and passed the bill without it. Deeming it of great importance that the indebtedness of the country shall be ascertained and published, at all events as nearly as possible, and believing that statistics upon this point will be of much more than sufficient value to warrant the expenditure of both the time and money necessary to procure them, on behalf of the stove manufacturers of the United States, representing commerce to the extent of \$50,000,000 annually, I respectfully urge that you, as chairman of the Senate Census Committee, use your powerful influence to have the clause reinstated and enacted by the Senate, and finally incorporated in the bill.

Yours, respectfully,

D. M. THOMAS,
General Secretary.

Hon. EUGENE HALE,
Chairman Census Committee, United States Senate.

BUREAU OF LABOR AND INDUSTRIAL STATISTICS,
Madison, Wis., August 3, 1888.

MY DEAR SIR: The following clause in the proposed enactment for the incorporation of the Eleventh Census now before Congress, in reference to the "recorded indebtedness of people," was favorably reported by the Census Committee of the House of Representatives (Hon. S. S. Cox, of New York, chairman) and rejected:

"He shall also, at the time of the general enumeration herein provided for, or prior thereto, as the Secretary of the Interior may determine, collect of and relating to the recorded indebtedness of the people, and make report thereon to Congress; but the amount expended for the collection of statistics of such indebtedness shall not exceed the sum of \$250,000, which is hereby appropriated, and shall be immediately available, in addition to the six millions in section 20 of this act."

The bill as amended will now go to Senate. The clause stricken out by the House ought to be reinserted.

Very respectfully, yours,

FRANK A. FLOWER.

Hon. EUGENE HALE, *Washington, D. C.*

OFFICE OF COMMISSIONER OF LABOR,
Lansing, Mich., July 25, 1888.

DEAR SIR: Permit me to trespass upon your valuable time for the purpose of calling your attention to a clause in the proposed measure for the incorporation of the Eleventh Census, which was favorably reported by the Census Committee of the House (Hon. S. S. Cox, New York, chairman) and rejected, which provided for the collecting of statistics of the recorded indebtedness of the people of the several States.

As this measure now goes to the Senate and will be referred to the committee of which you are chairman, I have the honor to request that your committee re-insert the clause stricken out by the House, and make provision for obtaining the information therein provided for. The question is one in which the people are taking a deep interest. They want that information, and there is no doubt it would result in great good, inasmuch as it would tend to show to what extent the present tendency to speculation and overindulgence in credit is carried.

Such an item of information will be widely appreciated, and is becoming highly necessary to the stability of investments and commercial transactions. Trusting that you and the Census Committee of the Senate will give this matter a favorable consideration,

I am, very respectfully,

A. H. HEATH.

Hon. EUGENE HALE, *Washington, D. C.*

OFFICE OF BOSTON FISH BUREAU, *Boston, July 23, 1888.*

DEAR SIR: I am instructed by our association to say that we approve the re-insertion of the clause that has been rejected in the proposed enactment for the incorporation of the Eleventh Census, now before Congress, in reference to a knowledge of private indebtedness.

Such an important clause ought to be re-inserted.

Very truly, yours,

F. F. DIMICK, *Secretary.*

Hon. EUGENE HALE, *Washington, D. C.*

JOHNS HOPKINS UNIVERSITY, *Baltimore, Md., July 30, 1888.*

DEAR SIR: It seems to me important that an effort should be made to ascertain the recorded indebtedness of the people of the United States, and I wish to urge the reinstatement of the clause in reference thereto which was dropped from the census bill by the House of Representatives.

Yours, truly,

RICHARD T. ELY,
*Associate Professor of Political Economy,
Member of the International Statistical Institute.*

Hon. EUGENE HALE.

BOSTON MERCHANTS' ASSOCIATION, *Boston, July 21, 1888.*

DEAR SIR: I beg leave to express the hope that you will be able in the Senate to restore that clause in the proposed bill for the Eleventh Census which provides for the collection of statistics relating to the recorded indebtedness of our

people, and which the House rejected. At this stage of affairs in our country it would seem as if information of this sort would be exceedingly valuable. The "credit system" has done wonderful things to develop the growth and promote the general good of this great sisterhood of States; but the time has come when we need to know more of the real and present and relative worth of the States, and if any of them are pursuing a reckless course either as Commonwealths or as peoples. Publicity will prove a wholesome restraint and a wise safeguard.

It is, of course, a new departure for the Census Bureau to make, but that is just what Mr. Wright is equal to and would no doubt heartily approve and enjoy. With great respect, your servant,

JNO. A. LANE,
*President of the Boston Merchants' Association and Member of the
Committee on the Credit System of the National Board of Trade.*

Hon. EUGENE HALE,
Chairman Census Committee, United States Senate.

DEFECTIVE CLASSES.

1336 NINETEENTH STREET, WASHINGTON, D. C., December 28, 1888.

DEAR SENATOR: In accordance with your recommendation, I beg to submit a few suggestions relating to the Eleventh Census of the United States, and relating specially to the enumeration of the defective classes.

Yours, very respectfully,

ALEXANDER GRAHAM BELL.

Senator EUGENE HALE,
Chairman of Census Committee of the United States Senate.

SUGGESTIONS RELATING TO THE ELEVENTH CENSUS OF THE UNITED STATES, 1890—INTRODUCTORY REMARKS.

1. According to the census returns, the defective classes have increased 400 per cent. in thirty years, while the general population of the country has simply doubled.

The following table shows the relative figures at each census since 1850:

Years.	Total population of the United States.	Total blind population.	Total deaf and dumb population.	Total idiotic population.	Total insane population.
1850.....	23,191,876	9,794	9,803	15,787	15,610
1860.....	31,443,321	12,658	12,821	18,930	24,042
1870.....	38,558,371	20,320	16,205	24,527	37,432
1880.....	50,155,783	48,928	33,878	76,895	91,997

2. I have examined with care the statistics of the Tenth Census relating to the deaf and dumb, and find internal evidence to show that in their case there has been a real increase greater than the increase of the general population, and not simply an apparent increase due to greater accuracy of enumeration. For when the whole population of the United States are classified according to their age in 1880, the proportion of deaf-mutes among the younger persons is seen to be greater than among the older; indeed, it is proportionally greater as the age is younger until quite young children are reached.

3. The following are the number of the deaf and dumb returned in the Tenth Census:

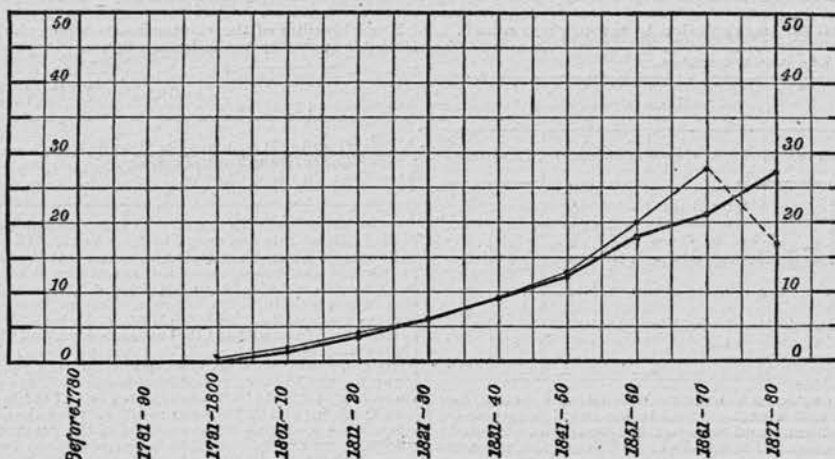
Period when deafness occurred.	Number of deaf-mutes.
At or before birth.....	12,155
After birth.....	10,318
Not stated.....	11,405
Total.....	33,878

4. Classification of these cases according to their age in 1880 shows that there has been an enormous increase of recent years in the numbers of the non-congenitally deaf, but this need hardly be considered as a permanent condition, for it appears to be due to an epidemic of cerebro-spinal meningitis, which will probably die away as former epidemics have done.

5. The following table shows the percentage of the whole population of the United States born at each decade, and also the percentage of the congenitally deaf population:

Period of birth.	Total population living in 1880.	Congenitally deaf-mutes living in 1880.	Percentage of the whole population living in 1880.	Percentage of congenitally deaf population living in 1880.
Before 1780.....	4,016		0.0080	
1781-'90.....	20,863	9	0.0416	0.074
1791-1800.....	196,197	63	0.3912	0.518
1801-'10.....	776,507	241	1.5482	1.983
1811-'20.....	1,830,095	472	3.6488	3.883
1821-'30.....	3,111,317	751	6.2033	6.179
1831-'40.....	4,558,256	1,078	9.0882	8.870
1841-'50.....	6,369,362	1,614	12.6992	13.280
1851-'60.....	9,168,393	2,460	18.2798	20.240
1861-'70.....	10,726,601	3,398	21.3866	27.958
1871-'80.....	13,394,176	2,068	26.7051	17.015
Total.....	50,155,783	12,154	100.0000	100.000

6. These are shown in graphical form in the following diagram. The continuous line indicates the percentage of the general population, and the broken line that of the congenitally deaf population born at each decade:



7. The indications are that the congenital deaf-mutes of the country are increasing at a greater rate than the general population.

8. The great and sudden decrease in the numbers of deaf children born in the last decade (1871-1880) is probably due to imperfect returns of deaf-mutes under ten years of age. For though 54 per cent. of all the deaf and dumb were deaf from birth, only 30 deaf infants were reported in the census of 1880, and only 49 between the ages of one and two, out of a total deaf-mute population of 33,878.

9. Statistics in my possession show that in the year 1819 deaf-mutes began to marry partners who were themselves deaf and dumb.

10. The percentage of intermarriages has continuously increased until now not less than 90 per cent. of all deaf-mutes who marry marry partners who are themselves deaf and dumb.

11. The latest statistics collected by me include 1,443 cases of marriage. Of these 1,443 deaf-mutes I find that 71, or 5 per cent., had married hearing persons, and 1,372, or 95 per cent., had intermarried among themselves.

12. In 1828 a deaf-mute child was born of a deaf-mute father and mother, and now such cases can be numbered by the hundred. My statistics are based upon a list of 528 deaf-mutes, mostly young, who have one or both parents deaf.

13. Some of these children have already married deaf husbands or wives, and deaf offspring have appeared in the third generation.

14. I can cite families in which the deafness has been handed down through four generations; and can give in minute detail particulars relating to a family in Maine in which congenital deaf-mutes have appeared for five successive generations in increasing numbers and in which the younger deaf-mutes are marrying deaf-mutes.

15. My list of deaf children of deaf parents (all, excepting one, born before 1880) comprises 528 cases (mostly young), 91.6 of whom were deaf from birth.

16. Upon the assumption that 528 such cases were living when the Tenth Census was taken, we obtain the following results:

a. One person in every 1,480 of the general population was deaf and dumb; and one person in every 64 of the deaf-mute population was a child of deaf-mute parents.

b. One person in every 2,736 of the general population was deaf from birth, and one person in every 38 of the congenitally deaf population was a child of deaf-mute parents.

17. The laws of heredity indicate that if these deaf children should marry congenitally deaf husbands or wives, an increased proportion of deaf offspring will appear in the next generation; and that the continuous intermarriage of congenitally deaf-mutes from generation to generation may ultimately result in the formation of a deaf variety of the human race in America, in which all or most of the children will be born deaf.

18. In these conclusions I am supported by the following American men of science, all members of the National Academy of Sciences, and most of these experts on the subject of heredity. These gentlemen are Prof. Edward D. Cope, editor of the *American Naturalist*; Prof. Alpheus Hyatt, of Harvard University; Prof. William H. Brewer, of Yale University; Dr. Bowditch, of Harvard University; Prof. Simon Newcomb, of Washington, D. C., and Prof. W. K. Brooks, of Johns Hopkins University.

19. I would, therefore, urge upon the United States the importance of examining in the next census the marital relations of defective persons and the extent to which their defects have been inherited by their offspring.

THE ENUMERATION OF THE DEFECTIVE CLASSES.

20. The enumeration of the defective classes is always found to be itself defective.

21. However perfect the classification may be, the returns of these classes will always be incomplete, on account of a natural objection to expose the defects of relatives, especially when these are very young.

22. Accuracy of enumeration will be promoted by eliminating from the census schedules (as far as may be possible) every question that could wound the feelings of parents or friends of afflicted persons. For example, if the enumerator approached the subject of defects by asking whether the persons enumerated were perfect in sight, hearing, mind, and body, he would be more likely to secure the information desired than if he asked a fond mother whether her child was "blind, deaf and dumb, idiotic, insane, maimed, crippled, bedridden, or otherwise disabled."

23. There are degrees in every defect, and the lesser forms are more capable of amelioration than the graver. Classification under the graver forms tends to the exclusion of the lesser from the returns; but classification under the lesser forms would include the graver and be less objectionable to friends, so that evasions would be fewer and the returns more accurate and complete.

For example: The blind, deaf and dumb, idiotic, insane, maimed, crippled, bedridden, and otherwise disabled would all be returned under the head of defects in sight, hearing, mind, or body, but the converse would not necessarily be true.

24. The returns should include all persons laboring under disabilities of sight, hearing, mind, or body of sufficient magnitude to prevent education in ordinary schools, lessen wealth-producing power, and incapacitate for military service.

25. The deaf and the blind should be grouped into a subclass by themselves and separated as much as possible from the other defective classes, because they

are enumerated chiefly for educational purposes, whereas the others need eleemosynary care or restraint.

26. Public establishments for purely educational purposes should be classed as "schools," and not as asylums. They should be included in statistics relating to the general education of the people, and excluded from those relating to charitable institutions.

27. Many children who can not profitably attend ordinary public schools on account of disabilities are allowed to grow up without instruction, because parents object to sending them to "asylums" or institutions governed by State boards of charity.

28. The statistics of the Tenth Census show the following figures relating to defective children of school age:

Defective children of school age (six years and under twenty-one).

Condition.	Total in the United States.	Total in special schools.
Blind	7,768	1,534
Deaf and dumb	15,059	4,893
Idiotic	29,373	1,942
Insane	3,184	

29. The term "deaf and dumb" is not only objectionable in itself, but is incorrect, because it classifies these who belong to this class as laboring under a double disability instead of a single one.

30. Deaf-mutes are simply persons who are deaf from childhood; and dumbness or muteness is the result of the natural defect, and not a defect in itself. The vocal organs are not defective.

31. Many of the so-called deaf and dumb can speak. Some had acquired the art before hearing was lost and others acquired it by instruction in school.

32. In the census of 1880 all persons who lost hearing before they reached the age of sixteen years are classified as "deaf and dumb," whether they can speak or not.

33. This incorrect and very objectionable classification leads to evasion and inaccurate returns.

34. Dumbness by itself is not a defect calling for enumeration in the census (unless, indeed, for statistical purposes and the determination of causes), for defective speech alone is not a disability that prevents instruction in ordinary schools. It does not materially lessen wealth-producing power, nor does it incapacitate the person for military service.

35. Persons who have not studied the subject generally fail to realize that deaf-mutes should be classified among the deaf and not among the dumb, and enumerators, therefore, can hardly be expected to follow the classification.

36. For the sake of accuracy in the returns, therefore, it would be well to make defective speech a subject of inquiry in the primary schedule relating to population. The dumb who are deaf and the dumb who are idiotic will appear on supplementary schedules relating to the deaf or the feeble-minded; and the dumb who are neither deficient in mind nor hearing need have no special schedule of inquiry.

37. Special schedules relating to all the defective classes (except the dumb) should be prepared with the assistance of experts, of two kinds, namely: Specialists who have studied the causes of the defects and teachers who are familiar with the special methods of instruction necessary.

38. The gravity of the disabilities resulting from deafness can be ascertained from two elements: (1) The age or period of life at which the defect occurred; and (2) the amount of deafness (whether total or partial). The former element is the more important of the two, for a slight defect of hearing in an infant results in graver disabilities than total deafness occurring in adult life.

For example, in the case of the deaf infant, the defect interferes with the acquisition of language through the ear and the child remains dumb. His thoughts are carried on without words, so that a mental condition exists which is abnormal.

His ignorance is so great as to be appalling; for his mind is deprived of everything that other people have ever heard of or read about that is not derived directly from their own observation. Without special instruction such children grow to adult life with all the passions of men and women, but without the restraining influences that spring from a cultivated understanding.

39. Persons who become deaf in adult life have no greater disability than the defect itself, but where deafness occurs in childhood incidental disabilities arise which are greater than the natural defect; but because they are incidental and not natural, they are capable of amelioration and even complete removal by suitable instruction in special schools. Hence the very great importance of a correct enumeration of the young deaf children.

FORM OF INQUIRY.

40. In the primary schedule relating to population the defective classes should be grouped together under the head of "physical and mental condition," instead of under "health," as was done in 1880.

The following form is suggested for incorporation in the primary schedule relating to population:

Physical and mental condition.

Is the person (on the day of the enumeration) sick or temporarily disabled so as to be unable to attend to ordinary business or duties? If so, what is the sickness or disability?	Condition of—					
	The senses.		Speech (of persons of five or more years of age).	The mind.		The body.
	Sight.	Hearing.		Mental development.	Mental health.	Bodily condition.

41. The enumerator should be instructed to ask: (a) Whether the person has perfectly normal sight, hearing, and speech; whether the mind is normally developed and in a healthy condition; and whether the bodily condition is normal and the general health good. If the answer is "yes," the enumerator should indicate the reply by a horizontal mark (—) placed in the proper column; if "no," by a mark sloping from right to left (↘), and if the question is not answered in a satisfactory and reliable manner the column should be left blank. (b) If the physical or mental condition is reported as "not perfectly normal" (↘), the enumerator should then inquire whether the disability is sufficiently great to prevent instruction in an ordinary school, to interfere with the acquisition of a suitable means of livelihood, and to incapacitate for military service. If the answer is "yes," he should change the negative mark (↘) into a cross (X), and proceed to put the interrogatories contained in the supplementary schedule relating to the special class of defect noted.

42. As the supplementary schedules should be prepared with the assistance of specialists it may perhaps not be advisable for me at the present time to refer to the details, excepting so far as to say that inquiries should be instituted relating to the causes of defects and their inheritance by offspring. The marital relations of defective persons should be noted and the results tabulated. The total number of children born to them should be recorded and the number who died young. The record should also note the number of defective and normal offspring.

NATIVITY AND PARENTAGE.

In examining the ancestry of deaf-mutes I have had occasion to consult the original population schedule of former censuses, which are preserved in the Department of the Interior, and I have found little difficulty in tracing the families backward from census to census in the male line of ascent. If the name of the father had been given in former censuses, it might now be possible for genealogical experts to trace from these records the American ancestry of every person now living in the United States in every branch, for the name of the father would give the maiden name of females. I therefore suggest that in the census of 1890 the father's name should be noted in that part of the schedule that relates to the nativity of the parents, so that the people of the United States may leave to their descendants genealogical records from which their full ancestry may at any future time be ascertained.

Yours, respectfully,

ALEXANDER GRAHAM BELL.

Senator EUGENE HALE,
Chairman of the Census Committee of the Senate.

ENUMERATION OF ANIMALS.

AMERICAN AGRICULTURIST, New York, March 14, 1888.

DEAR SIR: Please find inclosed the proof of an article which will appear in the April number of the American Agriculturist. The subject treated of is of considerable importance, and I beg leave to call your attention to it as chairman of the Senate Committee on Census. A very large proportion of the number and value of horses, milch cows, and swine "not on farms" has been heretofore omitted from the census and together they form so large a portion of the aggregate animal wealth of the country that it would seem as if this omission should be hereafter repaired. Very little alteration in the census schedules will be required, and the result will be a more complete enumeration than has heretofore been made.

Trusting that this matter will attract some share of your attention, I am,
Respectfully, yours,

C. P. DEWEY.

Hon. EUGENE HALE,
Senate Chamber, Washington, D. C.

[American Agriculturist, April, 1888.]

FAULTS OF THE CENSUS.—MILLIONS OF VALUABLE ANIMALS NOT ENUMERATED.
In the American Agriculturist for November, 1885, attention was called to the deficiency of the census in regard to the record of animals not on farms and which in the aggregate amount to a large number and possess a large value. These returns have never been called for by any census law, and the default has grown into a custom "more honored in the breach than in the observance." The matter is eminently worthy of correction, and we appeal to the press generally, and the agricultural press in particular, and to all horse-owners and stock-raisers, to write or speak to their Congressman and urge his attention in this matter. The chairman of the Committee on the Census in the House of Representatives is the Hon. S. S. Cox, an able, learned, and progressive member, who you may be sure will look after the interest of the poor creatures who can not speak for themselves, and who have been contemptuously overlooked by the census-takers of former decades. Not only are the horses "not on farms" omitted from the census, but the milch cows and swine of cities, towns, villages, hamlets, and even on stock farms. The horse of the parson and the doctor is left out of the census, as well as the costly "coaches" of the millionaire and the scrawny "horse frame" of the junk collector. Taken together there is an immense value in these animals, and their owners have just cause of complaint that they are not enumerated. The returns of horses for three decades and for 1887 are:

Year.	On farms.	Not on farms.
1860.....	6,249,174	1,185,514
1870.....	7,145,370	1,547,379
1880.....	10,357,488	*2,071,497
1887.....	*12,496,744	*2,499,949

*Estimated.

The absurdity of the returns made when city and town horses are not included is shown by the following figures:

Locality.	1860.	1870.	1880.
Suffolk County, Massachusetts (Boston).....	135	190	232
Kings County, New York (Brooklyn).....	1,543	1,241	1,623
New York City and County.....	441	323	207

As to mules, only 2 are given in three decades to Boston, only 98 (an average of 33) to Brooklyn, and only 5 to New York. The large number, comparatively, of horses in Kings County is due to the fact that Brooklyn City occupies only a portion of the county, and the remainder is farm land. Why, as a matter of fact, one can see at a single glance out of the window more horses and mules than are given in these returns. Boston, Brooklyn, and New York together possess not less than 300,000 horses, and probably nearer 400,000. To these add in the count from all the other cities, towns, and villages, and the amount of deficiency may be imagined. The same deficiency appears in the record of milch cows and swine, as will be shown in another part of this article. The reasons given for the curious conditions referred to are explained in the following résumé of statements in the census reports of the last three decades:

In the compend of the census of 1860 the superintendent says that as all live-stock "not on farms" was omitted in the previous census, "we have in all our comparisons and calculations ignored it, because, being omitted in those censuses, its introduction into the figures at this time would interfere with the apparent rate of increase. These horses make a vast increase in the number returned in the agricultural schedule. This addition to all varieties of live-stock is a matter of no inconsiderable importance." In the compend of 1870 he says that the returns include the enumeration only of live-stock found on farms. Consequently the large number of horses and yoke oxen and milch cows found in cities, towns, and villages, as well as those belonging to persons following commercial, mechanical, or professional pursuits in agricultural regions, are not reported. No effort was made in the census of 1870 to return these animals. But the superintendent, by procuring data from the State censuses, local assessments, the police in cities, and by comparisons and inferences as to the condition of settlement, society, and occupation in each State, made as intelligent an estimate as possible to correct "the defect noted in the census law."

In the agricultural volume for 1880 the Superintendent, referring to this subject, says that "as regards the horses owned by persons not occupying or cultivating farms, no attempt was made to form an estimate of numbers." Yet in numbers they are one-fifth of the whole, and in value hold a much higher proportion. The number of milch cows not on farms is very great, as the known condition of cities, towns, and villages show. The horses owned by men of wealth and leisure, the racing studs, those on stock farms, those employed in trade and transportation, on street railroads, on railroad contracts, in city and town improvements, those owned by professional men or by lively stable keepers—these are very numerous, at least 3,000,000, and are of higher value than the average horse of the farm. The number of swine not on farms is also very large, and is about one-tenth of the entire swine population of the country.

A very important consideration in regard to the horse is his use in war, for cavalry, artillery, and transportation, and this consideration enters into the calculation of the continental nations when war material and war preparations are discussed. We give the returns from a few leading countries, which measure their "horse power" as follows:

All Europe.....	35,057,065	Germany.....	3,522,500
Great Britain.....	1,927,527	Russia in Europe.....	20,016,000
France.....	2,911,000	Austria.....	3,541,810

No sooner does war break out in Europe than the United States are invaded by horse-dealers, who come to purchase our surplus stock to put them into the *mélee*, whether on the Rhine or the Danube, the Seine or the Po. The Sultan of Turkey has a standing decree against the exportation of horses from his dominions, as Senator PALMER, of Michigan, recently discovered when he attempted to procure Arabian stallions from Syria to make with the Percherons he obtained in France. In the war of the rebellion some curious results appear as regards the effects of war on the horse and mule population, as shown by the censuses of 1860 and 1870. These animals increased in the Union States and decreased in the Confederate, and in those that for convenience we may call the "semi-war States," as Maryland, Tennessee, and Kentucky. In these three States the horses and mules in the two decades appear as follows:

Horses:		Mules:	
1860.....	749,992	1860.....	253,808
1870.....	653,984	1870.....	212,043
In the ten States, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Texas, the returns are as follows:			
Horses:		Mules:	
1860.....	1,453,535	1860.....	704,650
1870.....	1,122,000	1870.....	516,700

In the twenty States, California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin, the following results appear:

Horses:		Mules:	
1860.....	3,994,639	1860.....	187,637
1870.....	4,065,903	1870.....	357,113

By the year 1880 the disparity was in a great measure repaired, and at the present time those ravages of war are made up and new sources of wealth and prosperity have been opened. The three States first above named, which had, in 1860, 749,992 horses, now have 810,266, by the estimates of the Agricultural Department, and the ten States that had, in 1860, 1,453,535 horses, have now 2,169,723, this great increase being mainly caused by the enormous advance in Texas from 325,698 in 1860 to 1,038,816 in 1887. Yet if Texas be excluded in both years, the increase in the nine States is from 1,127,837 in 1860 to 1,130,907 in 1880.

By the census of 1860 it appeared that while the total number of cattle on farms was 18,288,000, those not on farms numbered 3,304,000, or one-sixth. In 1870 the cattle on farms numbered 24,000,000, and those not on farms a little over 4,000,000, again one-sixth. Applying the same rule of proportion to 1880, the cattle not on farms would number nearly 6,000,000, or one-sixth of the total of 35,000,000. The swine on farms in 1860 numbered 30,351,213, and those not on farms were 3,469,000, or more than one-tenth.

In 1880 the swine are enumerated at 47,682,000, and taking one-tenth for the number "not on farms," we have nearly 5,000,000. These are the "family pigs" of the villager and cottager. Their value is proportionately greater than that of the average farm hog, and they and their product should be counted. So also should the poultry "not on farms" be enumerated and a return made of their egg product. The village, town, and city fowls would make an immense addition to the recorded wealth of the country. And why should the milk produced by cows "not on farms" and sold to the neighbors, and the butter produced and consumed or sold, not be counted? These are all important increments to the

Another feature in the act of 1879 was that the enumerators should make

copies of name, age, color, and one or two other points, and deposit the copies with the clerk of the court of the county in which they lived. The making of these copies was paid for at the rate of 10 cents for 100 names. This was a hardship to enumerators, because each name carried with it a variety of information, and 10 cents a hundred words is the usual rate for copying; but to copy the census-rolls involved a large amount of work for which the enumerators received no pay.

In addition to this they were required to deposit their copies at the places above mentioned, with a view to making corrections should any one appear for that purpose. The records were obliged to remain at the county court-house for three days. No value has ever been received from this feature of the law of 1879. The present bill eliminates this old provision and establishes a rule that a municipal government desiring copies of the census, with the information designated, should make request of the superintendent, who should furnish the copies to such government, and the municipal government is to pay therefor. This will be a valuable feature in the coming census and will enable municipal governments to obtain copies, if they wish, but it would not force such copies upon them.

The other features of this bill which differ from the act of 1879 are informal and administrative, and will come up for consideration by the committee section by section.

STATEMENT OF HON. WILLIAM WARNER.

JANUARY 12, 1889.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: As to the details of this matter, I have given it but little thought. Dr. ATKINSON, who is here, has taken considerable interest in the subject and I know is much more familiar with it than I am. My only purpose in coming here this morning is to impress upon the committee, if possible, the importance of taking some action in the taking of the next census to ascertain the number of old soldiers and sailors in the country.

My views are expressed in this small memorial which I hold in my hand, addressed to the chairman of the committee and signed by Henry Hall, business manager of the Tribune.

I do not, of course, speak officially for the Grand Army of the Republic. That body has taken, to my knowledge, no united action on this question, but I do know, from conversation with members of that organization throughout the country, and with different department commanders (and I have visited many of them in the last few months) that there is a general feeling that in the near future at least the pension question is to be solved by a service pension. How soon that may be a question; the sooner the better.

In order that legislators may act intelligently and have some reliable estimates upon which to base their action, it will be necessary to have the information included in the census taken by the General Government. I apprehend that the only reliable information which is had now in the Pension Office is that which has been furnished through the Grand Army posts of the country to the Commissioner of Pensions.

When we estimate the survivors of the war of the rebellion outside of those who belong to the Grand Army posts of the country we are just as much at sea as when we attempt to estimate the entire number. If this census should be taken, showing the name, the command, the age of the survivor, it would certainly furnish very valuable information upon the pension question.

The collecting of this statistical information would of course cause additional work and expense, but I see no difficulty in the way of securing precise and accurate information upon the question. In regard to embodying in the census the regiment, the length of service, and the company, my idea is this: The census should contain the record of the soldier, his name occurring in alphabetical order, and should embody the regimental organization; or, if artillery, then the battery; or if a war ship, then the ship. In the case of regiments, I would not think it necessary to take the company.

The record thus made would contain the correct number of the survivors of the war. I apprehend that no man to-day has ever figured out the number of troops who were actually engaged in the Union Army. I know that is the impression of General Sherman. I have a letter from him on this subject (but have been unable to find it this morning) showing that the number engaged in the Union Army was largely exaggerated by reason of re-enlistments, the same men appearing in different organizations. These names have never been separated in such a way as to get the exact numbers.

On the question of service pensions it seems to me that it would be unnecessary to give the regimental organization, though I would have that information for other purposes. I think it is the duty of this Government to furnish to the men who are entitled to pensions every reasonable facility for obtaining the evidence to enable them to secure their pensions. All of us know that we lose sight of comrades who were with us in our regiments or companies. If this census was taken so as to furnish the requisite information as to regimental organizations, battery, war ship, etc., a claimant for a pension could turn at once to this record to ascertain the residence of a comrade. I think this information would be of incalculable service to those who are entitled to a pension. It would also be valuable data for the Commissioner of Pensions, if he is anxious to discharge his duty faithfully, not only to the Government but to claimants for pensions.

I have said in a general way about all that I care to say. I know the importance to you of minutes to the committee at this portion of the session. Action by you in this, in my judgment, would meet the approval certainly of the survivors of the war, and I believe of the people generally.

I have not consulted with any experts of the census upon the points involved in my remarks. I am not on the Census Committee, and as you gentlemen understand, a member of the House has other matters to engage his attention, so that I have not given this matter special consideration. My friend Dr. ATKINSON, who is present, has. I have simply come here to express my ideas in a general way without going into details.

STATEMENT OF HON. LOUIS E. ATKINSON.

JANUARY 12, 1889.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I shall with pleasure accept the invitation of the chairman to express my views upon the question now under consideration by the committee. First of all I wish to say that most of the reasons for taking the census with these contemplated changes are very well stated in the memorial of Mr. Hall, addressed to the chairman of this committee, and which was printed at his instance by the Senate.

There is another reason for taking the census with the additions mentioned, and that is that I believe it will save money to the United States. An attempt was made in the House of Representatives to secure the amendments we desire, but the effort was unsuccessful there, and on that account we appear here. The House, however, provided for the taking of the names of the survivors of the Army, Navy, and Marine Corps.

My idea of the matter is that the census should contain the name, residence, age, period of service, and the company and regiment of every soldier who served during the war, and the ship or organization in which a sailor or marine served. I think this information will save money to the United States. There is in the Pension Office a division known, I believe, as the Army and Navy survivors' division, which employs forty clerks. The expense of maintaining this division is \$60,000 a year.

Estimates of the number of survivors of the Army vary very much indeed.

The War Department estimates that there are from 800,000 to 900,000 soldiers living. The Commissioner of Pensions, in an interview I had with him, stated that there were 1,300,000 soldiers living, which includes only Union soldiers, sailors, and marines. So that there is a difference of 400,000 or 500,000 men. That is a very wide difference. It is impossible to base any intelligent legislation upon any estimate that can be made of the survivors of the war.

This division in the Pension Office which I have mentioned undertakes now to secure just exactly what I desire to have secured by the next census; that is, the name, residence, age, company and regiment, and date of service of every survivor of the Union forces, for the purpose of procuring evidence. I would have the record embrace the several organizations in which each man served, including the company, for the purpose of enabling applicants before the Pension Office to secure the testimony of their comrades.

In regard to the question of the difficulties to be encountered in the practical work of the enumerators, I think it would be as difficult for a man to forget the day of his marriage as to forget the company and regiment in which he served. In fact, it is impossible for a man to forget that. You will observe that the bill before the committee provides that a "previous schedule" shall be made out. This, as I understand it, will be a paper containing certain inquiries to be filled in by the head of the family. The military record of soldiers in the family can be embraced in it.

The Pension Office now is endeavoring to make up skeleton lists of regiments, but they are necessarily incomplete. Most of the information in the possession of the Pension Office has been obtained from the Grand Army posts, but many veterans live distant from any army posts, and information in regard to them has not been gathered.

As to the expense of collecting the information sought by us, the maximum compensation paid to the enumerator, as provided in the bill, will be 3 cents for each person named. If there are a million soldiers living, and 3 cents additional is paid for each soldier sailor and marine, it will make just \$30,000 for the enumeration of that million.

The cost of the division of the Army and Navy survivors in the Pension Office is about \$60,000 a year. There are forty clerks there. Half that number of clerks could be dispensed with in a year after the information that will be obtained by the census is furnished. There will be an absolute saving to the Government of the United States by reducing the number of clerks employed in this division if the census is taken as we desire it to be taken. Besides that, it will be of inestimable value not merely for historical reasons, but for scientific reasons.

It is not now known how many persons served in the Union nor in the Confederate armies. Estimates differ very widely on the subject. One estimate (the Provost-Marshal-General's report) gives the number of men who died in the military service of the United States as 279,000. A communication from the Quartermaster-General, dated only a few days ago, states that 325,000 men are buried in the national cemeteries alone. Nine thousand of these are Confederates. These statements show what a wide discrepancy exists in the figures furnished by what ought to be reliable authorities.

The number of burials in the national cemeteries probably represents only one-half of the entire number who lost their lives in the war.

The law now provides for taking a census of idiots, lunatics, and, I believe, criminals. I do not know of any good reason why we should not have a census of the men who served in the war, and who now survive. If this information had been obtained twenty years ago, with the comparisons that could have been made since, we could furnish accurate information now to our statistical experts upon the subject. The effect of military service upon the longevity of men would be a valuable contribution to science, and we would have something by which to make the proper comparisons.

I can unite with General WARNER in saying that every soldier with whom I have spoken upon the subject is exceedingly anxious to have this information carefully procured by the United States.

I thank you for your attention.

COMMUNICATION FROM HON. ROBERT P. PORTER.

THE PRESS, 26 AND 28 NORTH WILLIAM STREET,
New York, January 11, 1889.

MY DEAR SIR: In compliance with the request contained in your letter of January 7, I have read the proposed Senate bill, and beg leave to say that in my opinion it is upon the whole a wise and satisfactory bill as it now stands. The bill in fact bears the same relation to the act of 1879 as the census of 1880 should to that of 1880. By this I mean that the bill seems to strengthen and improve the act of 1879 without branching out into unknown and untried regions, and this same principle should be strictly applied to the taking of the Eleventh Census.

The conception of the census of 1880 was a splendid one and reflects great credit upon those directly responsible for the framing of the act and upon General Walker, who had the courage to undertake it upon an absurdly low appropriation. And yet it was impossible to accurately estimate its cost. This will be equally true of the Eleventh Census, unless it is kept within the scope of the act which you have sent me. I take the liberty to inclose as part of this letter an article from the New York Press, which contains my general views on the subject of the next census.

Accuracy and promptness are so important in census work that all the attempts to enlarge the scope of the work, excepting in the particular case relating to the survivors of the war of the rebellion, should be abandoned. The mistakes of 1880 and the failures will enable the superintendent of the Eleventh Census to steer clear of many pitfalls if he is only wise enough to keep the work well in hand and not try to do too much. In glancing over sundry recommendations which the committee has received in relation to this matter, you will find several suggestions which, if carried out, have a tendency to steer the census craft of 1890 on the same rock that proved so disastrous in 1880, and a deficit and delayed publication would surely follow.

The practical thing to do is to take the census as near as possible in accordance with the excellent bill your committee has perfected, without branching out, and to do it as rapidly as possible. This will give the country a census embracing all the good features of the Tenth Census and avoid the mistakes, many of which were unavoidable, in 1880. The points made by Mr. Wright of the Labor Bureau, in regard to overloading the schedules with questions, and in relation to the small pay of the enumerators, are all true. Schedule No. 1 is literally loaded down now, when the compensation is taken into consideration.

In the special investigations in 1880, the amount of work which was done by the people without compensation was nothing short of appalling, and it is doubtful if they will calmly stand such another violation of special agents and special investigations unless some adequate compensation is offered them. I am strongly in favor of a statistical census and a skillfully summarized census as against a historical census and a census multitudinous and cumbersome.

It is hardly likely that these thoughts will be of any service to your committee, but if any specific questions occur to you I shall be glad to answer them if I can.

I have the honor to be, sir, with great respect,

ROBERT P. PORTER,
Editor of the Press.

HON. EUGENE HALE,
Chairman of Committee on the Census of the United States Senate.

P. S.—In the details of the bill the salaries of the chief clerk and disbursing clerk are, I think, both too low; the former should be \$3,000, and the latter \$2,500.

[The Press of January 7, 1889.]

HINTS FOR THE NEXT CENSUS.

Nothing pays like good book-keeping, and good book-keeping in national affairs is essential to our progress, health, and welfare as a nation. We do not refer to that vast system of accounts by which the financial transactions of the Government are kept, for time and experience have perfected these methods until they are well-nigh perfect. Hundreds of millions of dollars pass through the myriad Departments and branches of the Government annually, and the percentage of loss is phenomenally small and mistakes rare. We do refer to the method provided by the Constitution, the details of which are from time to time arranged by act of Congress, for making inventory of our national possessions, for ascertaining the growth of population, the race, sex, age, nativity, and occupation of the people, and taking account of illiteracy, of the proportion attending the public schools, and of those unfortunates who troop under the dismal alliteration "dependent, defective, and delinquent classes."

Next in importance in this decennial book-keeping come what are called the mortality and vital statistics, or the records of the life and health of the people. Until Dr. John S. Billings produced his two remarkable volumes, which form a part of the Tenth Census, we had no records of the kind worth mentioning. These statistics, really the most important after the population volume, were delayed for various causes, but finally appeared, with excellent diagrams and maps, a nucleus or foundation for this branch of inquiry for all time to come. Here we have the relations of age, sex, color, race, locality, etc., to death; the causes of death, the ages of the living population, and a variety of important information touching the most vital subject, namely, the life and health of the people. Money spent on accurate vital statistics is never wasted.

The next Superintendent of the Census should, above and beyond all else, lay his plans so as to secure the most accurate enumeration of the population and the most complete mortality and vital statistics ever obtained in this country. Feeling secure on these points, the next most important matters to cover in the order of importance, are as follows: Agricultural statistics; statistics of manufacturing and mining; statistics of wealth, taxation, and public indebtedness, other than national, and a volume on transportation, including statistics of railroads, both fiscal and physical characteristics, steam navigation, canals, telegraphs, and telephones. These are essentials of a census, and all the powers and all the means of the Census Bureau should be concentrated upon these investigations in order to make them comprehensive and thorough.

The census should be as near plain, clear, concise, simple book-keeping as possible. History may not be altogether out of place in some cases, but it is not necessary, while discussion as to results reached is entirely irrelevant and under no circumstances should be tolerated. Facts only are wanted, and they should be furnished as rapidly as possible. The value of some of the investigations made by the experts of the Tenth Census was undoubtedly great, but hardly within the scope of the census. Take for example the "Social Statistics of Cities," by Col. George E. Waring; the "Mining Industries of the United States," by Raphael Pumpelly; "Mining Laws," and "Statistics and Technology of the Precious Metals," by Clarence King; "Newspapers and Publications," by S. N. D. North; "Water Powers of the United States," by Professor W. P. Trowbridge; "Wage Tables," by Josiah D. Weeks; "Factory Laws," by Carroll D. Wright; "Technology and Uses of Petroleum," by S. F. Peckham; "Forests of North America," by Charles S. Sargent; "Cotton Production," by Eugene W. Hilgard; "Tobacco Culture," by Professor Killbrew; "Building Stone of the United States," and a score of other reports by equally able and scientific men.

All this work was important, and most of it was ably done. Still it is not strictly statistical work. The statistics in every one of the above reports, if the next superintendent is a practical man, can be taken from these weighty and scientific volumes, and with comparatively small expense brought down to 1890. The rest of the matter will stand for all time to come, or until Congress orders a special investigation of any one of the subjects. The wage-tables and factory reports, mining laws, and so forth, should now be turned over to the Labor Bureau, and can no longer be regarded as a necessary part of the census work. The Eleventh Census, therefore, should be crystallized to six or seven important volumes, and the work for those important branches of inquiry should be done well. And above all it should be simplified. But how?

The most effective way of simplifying the work is to reduce all schedules to the simplest form possible and leave off all but essential questions. Many of the important investigations failed in 1880 because the experts, in spite of the advice of more experienced and practical statisticians like General Walker, sent forth small volumes in the shape of schedules containing hundreds of irrelevant questions. The statistics as to the number of persons employed in the various industries should be included on the enumerator's schedule in the same way as the statistics of occupations. It is doubtful if the value of capital invested in given industries and the amount of wages paid can be obtained with any degree of accuracy. It has been abandoned in England because the results have been unsatisfactory and misleading. No branch of the census will require more care than the gathering of these statistics of manufacturing industries. The statistics of wealth, taxation, and public indebtedness, transportation, and some other important investigations, with the basis we now have to work upon, can be carried on successfully as separate investigations.

In conclusion, the Press feels it important to say that the next census must be confined to proper limits and be thorough in all vital points. Less historical and more statistical, less scientific and more practical, less cumbersome and more easy of access, less of an encyclopedia and more of an inventory of the nation's possessions and report of its progress. And, lastly, it should be completed before the dawn of the year of our Lord 1900.

The question being taken on concurring in the amendments of the Senate, they were concurred in.

Mr. COX moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 12571) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes.

Mr. HERBERT. Under the heading "Naval Establishment," Mr.

Chairman, on page 26 of the bill, and after line 3, I move the insertion of the amendment I send to the desk.

The Clerk read as follows:

Bureau of Construction and Repair: To supply a deficiency in the appropriation for construction and repair of vessels, \$150,000.

Mr. HERBERT. I understand there is no objection to the amendment on the part of the committee, and it is necessary that this sum should be provided.

The amendment was adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the amendments of the House to bills of the following titles, namely:

A bill (S. 172) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes;

A bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.; and

A bill (S. 3285) to authorize the construction of a bridge across the Texas River at or near Kirk's Ferry, Louisiana.

The message further announced that the Senate had passed with amendments the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; in which the concurrence of the House of Representatives was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER *pro tempore* laid before the House the amendments of the Senate to the bill (H. R. 12008) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The SPEAKER *pro tempore*. The bill the title of which has just been stated, if there be no objection, will be referred to the Committee on Appropriations, and the amendments of the Senate ordered to be printed.

Mr. SAYERS. I do not see the gentleman from Pennsylvania, chairman of the Committee on Appropriations, in his seat.

The SPEAKER *pro tempore*. The Chair is informed that both the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Alabama [Mr. FORNEY] desire that this should be done.

Mr. SAYERS. Very well.

There being no objection, the bill was referred to the Committee on Appropriations, and the amendments of the Senate ordered to be printed.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

For steam machinery, Bureau of Steam Engineering, 1886 and prior years, \$103,046.

Mr. SAYERS. On page 30, at the end of line 12, I move the insertion of the words "and thirteen cents," so that the amount will read: "\$103,046.13."

The amendment was adopted.

The Clerk read as follows:

Relief of James E. Jouett: To relieve Rear-Admiral James E. Jouett, United States Navy, from accountability for the sum of \$400 paid to him March 6, 1885, by Pay Inspector John H. Stevenson, United States Navy, upon a voucher for that amount approved February 28, 1885, by the Secretary of the Navy, authority is hereby granted to the proper accounting officers to credit the account of Rear-Admiral Jouett with the said amount expended by him, \$400.

Mr. BINGHAM. Mr. Chairman, I offer the amendment I send to the desk, to come in after line 14 on page 33.

The Clerk read as follows:

To reimburse Mrs. Almira R. Hancock for expenses incurred by her husband, Maj. Gen. W. S. Hancock, in the entertainment of the official visitors at the Yorktown Centennial, \$2,100, or so much thereof as may be necessary, to be disbursed on vouchers to be approved by the Secretary of War.

Mr. SAYERS. In reference to that amendment I will say that the clause which has just been read provides for the relief of Rear-Admiral James E. Jouett, and inasmuch as the committee have permitted that to be inserted in the bill I do not feel authorized to raise the point of order upon the amendment of the gentleman from Pennsylvania. I desire, however, that he shall make a statement to the committee as to the amendment before the vote is taken upon it.

Mr. BINGHAM. I will state, in response to the gentleman from Texas, that General Hancock was directed by the Secretary of War to take charge of the military display at the celebration of the centennial at Yorktown; that in that display a considerable amount of his personal funds were necessarily expended, and expended in connection with his duties as commander-in-chief of the military forces. For these expenditures vouchers were obtained, but have never been paid; and this amendment is simply to provide that they may be submitted to the

Secretary of War, both Mr. Lincoln, then Secretary of War, and Mr. Bayard, now Secretary of State, approving the suggestion of the amendment.

Mr. CHEADLE. I would like to ask the gentleman from Pennsylvania if any of the bills to which he refers were incurred for the purchase of wine and liquors used on that occasion?

Mr. BINGHAM. I will state to the gentleman that I know nothing of the details. They will be submitted, the same as every other voucher in connection with the centennial at Yorktown, to the Secretary of War, and I know nothing whatever of the expenditures.

Mr. CHEADLE. I would like to insert a proviso that no part of the money there shall be paid for wines or liquors. I offer that as an amendment.

Mr. KELLEY. I hope that amendment will be promptly voted down.

Mr. CHEADLE. And I hope it will be just as promptly adopted. I am opposed to taxing the people of the country who pay these enormous bills for the wines and liquors used in such entertainments.

The question being taken on the adoption of the amendment to the amendment, the committee divided; and there were—ayes 9, noes 73. So the amendment of Mr. CHEADLE was rejected.

The amendment of Mr. BINGHAM was then adopted.

The Clerk read as follows:

To compensate the owners of the schooner E. C. Allen for injuries sustained by that vessel in a collision with United States ship Constellation in the harbor of Portsmouth, N. H., on the night of October 1, 1888, \$84.

Mr. BOWDEN. I desire to offer the following amendment.

The Clerk read as follows:

To pay the Potomac Steamboat Company the sum of \$5,300 for damages, in addition to the appropriation heretofore made, growing out of the sinking of the steamer Excelsior by the United States steam-tug Fortune, said sum being the amount paid by said company under a decree of the circuit court of the United States for the eastern district of Virginia, which decree was affirmed by the Supreme Court.

Mr. SAYERS. I raise the point of order that there is no law authorizing this appropriation; therefore the amendment has no place upon this bill.

The CHAIRMAN. Can the gentleman from Virginia suggest any law by which this appropriation is authorized?

Mr. BOWDEN. By the act approved March 3, 1883, making an appropriation of a similar character for this vessel.

Mr. SAYERS. There was an appropriation of \$19,000 made for payment to the owners of this vessel for damages sustained at the time the gentleman suggests; but since then there has been no law authorizing the payment of these other damages.

Mr. BOWDEN. It is a fact that in the law there was a reservation that it was to be considered in full satisfaction of all claims now due; but as a part of the same casualty, and as a part of the same transaction, a suit was brought against that company for salvage, and the United States court for the eastern district of Virginia rendered judgment against this company for \$5,600. That company appealed to the Supreme Court, and the Supreme Court has affirmed that decision. It is a part of the same casualty, and making up a deficiency that the Government has already admitted.

The CHAIRMAN. The Chair will state to the gentleman from Virginia that in view of the statement he has just made, and without any further investigation, it would, in the opinion of the Chair, require additional legislation to make this appropriation in order under the rules.

Mr. BOWDEN. Why, the decision of the Supreme Court is law of itself.

The CHAIRMAN. The Chair has no doubt of the point of order being well taken and must sustain it. There is no legislation at the present authorizing this amendment.

The Clerk read as follows:

Surveying the public lands: To pay amount found due by the accounting officers on account of surveying the public lands for the fiscal year 1887 to Myron Willis for services and expenses in examination of surveys in Dakota, \$335.50.

Mr. MCCREARY. I desire to offer an amendment, after line 8, page 36, by adding: "Office of the surveyor-general, Washington Territory, for salaries of clerks in his office, \$500."

Mr. SAYERS. I reserve the point of order on that amendment.

Mr. MCCREARY. I desire to make an explanation of it. As a rule I usually follow the Committee on Appropriations, and have not this session, I believe, offered an amendment to any appropriation bill brought in by that committee. The members of the committee are prudent and wise, and usually have good judgment, but I think this amendment should be adopted. It provides for the payment of the small sum of \$500 to be used by the surveyor-general in the Territory of Washington to pay an extra clerk. I have here a letter written by General Breckinridge, surveyor-general of Washington Territory, in which he at considerable length details the necessity for additional clerical force.

Mr. SAYERS. How much is it that you ask?

Mr. MCCREARY. Only \$500.

Mr. SAYERS. Cut it down to \$200.

Mr. MCCREARY. He has been at work three months.

Mr. SAYERS. Put it at \$250 and I will accept the amendment.

Mr. MCCREARY. Very well; put it at \$250.

The amendment as modified was agreed to.

The Clerk read as follows:

Compensation to clerks in post-offices: Benjamin M. Welch, postmaster, New Martinsville, W. Va.

For clerk-hire undercredited in—

First quarter, 1887, \$9.

Second quarter, 1887, \$9.

Mr. RICE. I offer the following amendment:

The Clerk read as follows:

On page 38, after line 20, add a new paragraph, as follows:

"To enable the Secretary of the Treasury to pay upon the order of the Postmaster-General to the American Grocers' Association of the city of New York the sum of \$486, or so much thereof as may be found equitably due, for postage erroneously paid by said association pursuant to an act 'for the relief of the American Grocers' Association of the city of New York,' approved October 12, 1888."

Mr. SAYERS. The committee have investigated that matter, and the gentleman from Minnesota is authorized to offer the amendment. The amendment was agreed to.

The Clerk read as follows:

Foreign mail transportation: Oregon Railway and Navigation Company: For transportation of the United States mails from Port Townsend, Wash., and Victoria, British Columbia, during the quarter ended June 30, 1888, \$54.23.

The foregoing sums for the postal service shall be payable from the postal revenues of the respective years to which they are properly chargeable.

Mr. ADAMS. I move to strike out the last word. I wish to know the ground of this last clause read.

The foregoing sums for the postal service shall be payable from the postal revenues of the respective years to which they are properly chargeable.

I had supposed that there were no postal revenues for any recent years that have not been used up.

Mr. SAYERS. That language is used for the simple reason that the law requires it to be used.

Mr. ADAMS. But if it is true for several years a sum has to be appropriated out of the Treasury to make good a deficiency for postal revenues, how can it be paid out of the postal revenues for that year?

Mr. SAYERS. Because it is an indefinite appropriation; and this clause in the bill merely follows the language of the statute.

Mr. BINGHAM. It is merely a system of accounts.

Mr. ADAMS. Very well; I withdraw the *pro forma* amendment.

The Clerk read as follows:

To enable the Postmaster-General to pay to the employees and late employees of the Post-Office Department additional compensation for services rendered by such employees as were embraced in orders of the Postmaster-General dated April 11 and June 18, 1885, requiring extra hours of labor, said additional compensation to be regulated by the extra time said employees were actually engaged in rendering service under said orders, \$13,089.

Mr. ROGERS. Before submitting the observations which I intend to make, I want to ask the gentleman from Texas [Mr. SAYERS] in charge of this bill whether or not this item beginning on line 6 and closing with line 14 on the thirty-ninth page of the bill is found in the estimate, and if so, when first it is so found.

Mr. DOCKERY. Mr. Chairman, pending the reply of the gentleman from Texas I desire to offer an amendment to this paragraph.

Mr. ROGERS. I yield to the gentleman from Missouri [Mr. DOCKERY] for that purpose.

Mr. DOCKERY. I desire to offer an amendment to include the clerk in the office of the general superintendent of the railway mail service for the same period. I do not think there will be any objection to it.

Mr. SAYERS. We do not know how much the amount is.

Mr. DOCKERY. The amendment is offered to cover the same time and exactly similar services.

Mr. SAYERS. I will state to the gentleman that these items of appropriation are all specifically fixed by the Department, and we can not tell from this amendment, or from the information that we have, whether the total amount is sufficient or not.

Mr. DOCKERY. I will withdraw the amendment for the present, in view of the fact that I can not now specify the amount.

Mr. ROGERS. Now, Mr. Chairman, I renew my question to the gentleman from Texas [Mr. SAYERS] whether or not there are regular estimates for these sums.

Mr. SAYERS. I will say, in reply to the question of the gentleman from Arkansas, that a bill was introduced in the House on the 17th day of December, 1888, which was referred to the Committee on the Post-Office and Post-Roads, and was by that committee returned to the House with a report asking that it be referred to the Committee on Appropriations.

Mr. ROGERS. But are there any estimates at all from the Department for such items prior to that time?

Mr. SAYERS. If the gentleman will turn to pages 14 and 15 of the report accompanying this bill he will find a full account of the matter.

Mr. ROGERS. But what I want to get at is this: The information that we get in that report was sent to Congress on the 2d day of January, 1889, whereas these appropriations go back to orders made by the Postmaster-General in 1885. Now, I want to know whether or not any estimates were made by the Department and sent to Congress between 1885 and 1889 asking for these appropriations.

Mr. SAYERS. There has been no estimate at all; but I will state

to the gentleman from Arkansas that the committee in recommending this appropriation have followed the policy adopted by Congress at the last session, when an appropriation was made to pay employes of the War Department for extra service. Wherever the eight-hour law applied and employes were compelled to labor more than eight hours per day, Congress at its last session authorized payment for the extra labor, and this clause in the pending bill does nothing more than follow the policy which was settled in the last Congress in reference to those employes in the War Department.

Mr. ROGERS. Mr. Chairman, I find no fault with the action of the Appropriations Committee in inserting this provision in the deficiency bill. Indeed, I think they did right in inserting it, otherwise I should have interposed a point of order, which I think the Chair would have been compelled to sustain. But I avail myself of this opportunity to invite the attention of the House to a practice which has grown up in the Departments, but which I think is more honored in the breach than in the observance. I read from paragraph 7, of section 9, of Article I, of the Constitution, as furnishing the basis for the criticism which I propose to make. It provides that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The manifest purpose of this provision of the Constitution is to keep the purse-strings of the nation in the hands of Congress. It is to prohibit either the Departments or other persons from entering into contracts or engagements of any description which shall become a claim or charge upon the Treasury in the absence of any provision by Congress authorizing the expenditure. Now, to illustrate this, if any one chooses to examine section 3738 of the Revised Statutes of the United States, it will be found to provide that "eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States." It is true, Mr. Chairman, that the Supreme Court, in the construction of this act of Congress, have said that it is not to be construed so as to prohibit any Department or executive officer from entering into contracts with citizens for a greater term of service than eight hours, but the manifest purpose of the law is to limit the work in the Department to eight hours a day. In the report of the Committee on Appropriations accompanying this bill, I find a communication from the Postmaster-General, transmitting to Congress certain orders as the basis of this claim against the Government of the United States, and I send to the Clerk's desk to be read the orders found upon page 14 of this report.

The Clerk read as follows:

POST-OFFICE DEPARTMENT EMPLOYEES.

POST-OFFICE DEPARTMENT, Washington, D. C., January 2, 1889.

DEAR SIR: I have the honor to acknowledge receipt of your communication of the 19th ultimo, inclosing H. R. 11819, entitled "A bill for the relief of employes and late employes of the Post-Office Department," and requesting me to furnish you with a statement showing the number of employes contemplated by the bill, the time required of them in excess of the regular official hours per day, the amount of wages paid to each during the period that the orders of the Postmaster-General of April 11, 1885, and June 18, 1885, were in force, and such other information as, in my opinion, would aid the committee in the proper consideration of said bill.

In reply I beg to hand you herewith copies of the orders above referred to, together with the record of said employes, containing all the information requested.

I have the honor to be your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. C. L. ANDERSON, M. C.,
Chairman Subcommittee of the Committee on
Post-Office and Post-Roads, House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 11, 1885.

Order No. 102.—Until further ordered the clerks in the appointment division, in the bond division, and such as may be required in the free-delivery and correspondence and salary and allowance divisions of the office of the First Assistant Postmaster-General, are required to attend from 6.30 until 9 o'clock in the evening for the purpose of facilitating the dispatch of applications and preparation of papers for action.

Mr. Fowler, acting personally for the First Assistant Postmaster-General, will personally direct the execution of this order.

WM. F. VILAS, Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 18, 1885.

Order No. 130.—Until further ordered the clerks of the several divisions of the office of the First Assistant Postmaster-General, including all detailed temporarily for work therein, are required to attend from 9 a. m. to 5.30 p. m. of each day; and the First Assistant Postmaster-General will assign to the appointment division such of the clerks in other divisions and during such hours as he shall deem most convenient.

Order No. 102, of April 11, is abrogated.

WM. F. VILAS, Postmaster-General.

Mr. ROGERS. It will be seen, Mr. Chairman, that this service was performed under positive orders made by the Postmaster-General; and on the opposite page of this report are the names of the parties who performed this service, the number of hours that they worked, and the amounts due them under the ordinary operation of law for the extra service thus performed. It will likewise be observed that this claim upon the Government—for it is properly not a deficiency, I take it, strictly speaking—this claim upon the Government which has arisen in pursuance

of these orders issued in 1885, has been kept away from Congress until the present time; that is, until January of the present year. As to why these claims were kept away no explanation is given. But it will be found by examining section 3679 of the Revised Statutes that—

No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

So that here was a direct and specific provision of the statutes (not the only one, either) prohibiting any executive officer of the Government from spending a dollar in excess of appropriations previously made; and as I before remarked and now reiterate, that provision of the statutes conforms to the spirit of the Constitution, which prohibits any expenditure of money from the Treasury until appropriations therefor have been made. So that it was impossible without violation of the provisions of this statute for any executive officer to expend money in excess of the appropriations made for the purpose.

This practice of compelling employes to work more than eight hours presents, therefore, a method of avoiding the operation of this statute by creating a claim against the Government, and that, too, in violation of another enactment of law which provides that eight hours per day shall be the ordinary time of service for employes of the Government.

[Here the hammer fell.]

Mr. STONE, of Kentucky, obtained the floor and yielded his time to Mr. ROGERS.

Mr. ROGERS. I thank the gentleman from Kentucky for his courtesy.

Mr. Chairman, the observations I have made are sufficient to invite the attention of the House and the country to the fact that this custom growing up in the Departments, of avoiding the provisions of the statute and creating claims against the Government without authority of law, is in express violation of the spirit of the Constitution of our country, which prohibits the expenditure of public money until appropriations have been made therefor. But this, perhaps, is not, as I said before, such a violation, because in its present status it is a mere claim against the Government—a claim that the Department had no right to create, arising in pursuance of an order, without authority of law. I say "without authority of law," because I have given the statutes a pretty careful examination, and I can find no law modifying these acts of Congress which I have just cited. I repeat that this practice, growing up, perhaps, under this as well as other administrations, brought this Congress to the consideration of a bill, going back and undertaking to adjust salaries over a period of twenty years, involving the Government in enormous expenditures, probably in great suits in the courts, and other difficulties of the kind which I have mentioned.

Mr. Chairman, inasmuch as these claims were created under the present Administration I am glad they have been brought to the attention of the present Administration, so that each administration shall at least clean up and clear up whatever may have been done wrong under it, if anything has been done wrong.

I desire also to call attention to a provision found in the act of May 1, 1884, volume 23, Statutes at Large, page 17, as follows:

* * * And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

I also desire to print the following tables as illustrating what has been done in this regard:

Record of employes, with estimated additional compensation, etc.

[Record of employes embraced in orders of the Postmaster-General dated, respectively, April 11 and June 18, 1885, requiring extra hours of duty in the office of the First Assistant Postmaster-General, from said April 11, over a period extending to the 18th day of November, 1885, covering one hundred and eighty-nine working days, or three hundred and forty-three and one-half hours, with estimated additional compensation computed upon a basis of 60 cents per hour for the extra time shown, with copies of the official orders of the Postmaster-General appended.]

Clerk.	Salary.	Extra hours employed each—		Grand total.	Total extra compensation, at 60 cents per hour.
		Day.	Night.		
E. C. Fowler*	\$2,000	1 1/2	2 1/2	343 1/2	\$206.10
P. A. Tracey	1,600	1 1/2	2 1/2	343 1/2	206.10
George G. Fenton	1,600	1 1/2	2 1/2	343 1/2	206.10
Hugh Nisbet	1,600	1 1/2	2 1/2	343 1/2	206.10
John Goldsborough	1,600	1 1/2	2 1/2	343 1/2	206.10
George E. Gambrell	1,600	1 1/2	2 1/2	343 1/2	206.10
W. V. W. Weaver	1,600	1 1/2	2 1/2	343 1/2	206.10
William Van Vleck	1,200	1 1/2	2 1/2	343 1/2	206.10
John B. Carns	1,600	1 1/2	2 1/2	343 1/2	206.10
Lee S. Mortimer	1,600	1 1/2	2 1/2	343 1/2	206.10
Thomas F. Rea	1,600	1 1/2	2 1/2	343 1/2	206.10
E. S. Maloney	1,600	1 1/2	2 1/2	343 1/2	206.10
J. W. F. Williams	1,600	1 1/2	2 1/2	343 1/2	206.10
Henry G. Forkert	1,600	1 1/2	2 1/2	225	135.00

* Chief of appointment division.

† Resigned August 15, 1885.

Record of employes, etc—Continued.

Clerk.	Salary.	Extra hours employed each—		Grand total.	Total extra compensation at 60 cents per hour.
		Day.	Night.		
N. P. Aldrich	\$1,600	11	22	343	\$206.10
William S. Daniels*	1,600	11	22	343	206.10
John N. Dorris	1,600	11	22	343	206.10
Smith D. Fry	1,600	11	22	343	206.10
F. D. Cleary	1,600	11	22	343	206.10
A. E. Helm	1,400	11	22	343	206.10
Louis E. Beall	1,400	11	22	343	206.10
George H. Warner	1,400	11	22	343	206.10
M. A. Turner	1,200	11	22	343	206.10
G. M. Brumbaugh	1,200	11	22	343	206.10
John T. Morton	1,000	11	22	343	206.10
James R. Ash	1,600	11	22	343	206.10
C. B. Dickey	1,600	11	22	343	206.10
Charles McKay	1,200	11	22	343	206.10
William P. Downer	1,200	11	22	343	206.10
J. B. Shiley	1,200	11	22	343	206.10
Asa P. Knight	1,200	11	22	343	206.10
Warner Green	1,600	11	22	343	206.10
W. H. Powell	1,600	11	22	343	206.10
Thomas E. Hoach†	2,000	11	22	343	206.10
A. H. Scott‡	2,000	11	22	343	206.10
H. A. Drury	1,200	11	22	343	206.10
Benjamin Douglass§	1,200	11	22	223	133.80
W. B. Holtzclaw	900	11	22	343	206.10
R. B. Brown	1,200	11	22	343	206.10
K. K. Kennedy	1,400	11	22	343	206.10
C. P. Grandfield	1,000	11	22	103	61.80
Thomas B. Marche	1,800	11	22	343	206.10
William G. Russell	1,400	11	22	343	206.10
John H. Hunter	1,200	11	22	343	206.10
Alphonse Girouard	1,000	11	22	343	206.10
Samuel D. Brown	840	11	22	343	206.10
I. E. Weller	1,400	11	22	343	206.10
Arthur L. Hughes	1,000	11	22	343	206.10
Charles W. Appler	1,400	11	22	343	206.10
Charles C. Kimball	1,200	11	22	343	206.10
James S. McGee	1,000	11	22	343	206.10
Mrs. S. B. Ivons	1,200	11	22	193	116.10
Miss Kate H. Bell	1,000	11	22	193	116.10
A. B. Hurlbut	1,400	11	22	193	116.10
B. A. Miller	1,000	11	22	193	116.10
Mrs. P. J. Gordon	1,000	11	22	193	116.10
Mrs. Flora F. Hodge	1,200	11	22	193	116.10
C. W. Smedes	1,000	11	22	25	15.30
Miss Marie De Ronceray	1,200	11	22	193	116.10
Miss Helen Fowler	1,200	11	22	193	116.10
Mrs. M. C. Fountain	1,400	11	22	193	116.10
Mrs. May Barlow	1,000	11	22	193	116.10
Miss Lizzie Caperton	900	11	22	193	116.10
Mrs. U. G. Cunningham	1,200	11	22	193	116.10
Mrs. J. A. Converse	1,200	11	22	193	116.10
Miss D. P. Woodruff	1,200	11	22	193	116.10
W. C. Pennywith	1,200	11	22	343	206.10
Frank A. Warner	1,200	11	22	343	206.10
Thomas H. Fuller	1,000	11	22	193	116.10
E. F. Harris	1,000	11	22	193	116.10
T. G. Munce	1,000	11	22	193	116.10
L. S. Anderson	1,000	11	22	193	116.10
Henry G. Griswold	1,000	11	22	193	116.10
R. H. Neal	720	11	22	193	116.10
Total					12,927.90
F. A. Springer†	1,200	11	22	193	116.10
Grand total					13,089.00

RECAPITULATION.

1885.	Dates.	Working days.	Extra hours each night.	Total extra hours.
ORDER OF APRIL 11, 1885.				
April	11 to 30	17	21	421
May	1 to 31	27	21	671
June	1 to 18	16	21	40
Total		60		150
ORDER OF JUNE 18, 1885.				
June	19 to 30	10	11	15
July	1 to 31	26	11	39
August	1 to 31	26	11	39
September	1 to 30	26	11	39
October	1 to 31	26	11	39
November	1 to 18	15	11	221
Total		129		193
Grand total		189		343

* Stenographer.

† Chief bond division.

‡ Chief salary and allowance division.

§ Removed October 19, 1885.

|| Appointed August 28, 1885.

† F. A. Springer, clerk of class 1, performed extra service in the office of the First Assistant Postmaster-General for two and one-half hours from April 11, 1885, to June 1, 1885. No record having been kept, I can not tell exactly the number of hours Mr. Springer worked, but with few exceptions he was present during the time noted.—JAS. R. ASH.

Mr. BUCHANAN. I do not understand that the gentleman from Arkansas [Mr. ROGERS] objects to the payment of these claims.

Mr. ROGERS. I expressly said that I did not; I think the claims are just and ought to be paid.

Mr. BUCHANAN. The gentleman's criticism goes rather to the conduct of the Postmaster-General in creating these claims. Now, the gentleman as well as this committee will remember that there are at times great emergencies thrust upon administrations. I find that these claims arose almost entirely in the appointment and salary divisions. In April, May, and June, 1885, there was an emergency cast upon the "civil-service reform" administration of President Cleveland; that is to say, the hasty removal of officials throughout the country and the substitution of new and untried men. This necessitated the working of these clerks in the appointment division during extra hours; and as these tried officials were removed it became necessary to adjust their accounts; and it was a matter of mercy to them that these extra services were rendered and the accounts adjusted, for even with this additional amount of work performed during these extra hours, some of these accounts, to my personal knowledge, remained for over two years untouched, even in instances where the amounts were small.

Now, the gentleman from Texas [Mr. SAYERS], who the other day objected to an item of precisely similar character which I offered by way of amendment to this bill, will allow me to call his attention to the character of this paragraph. It is a provision for the payment to employes of money honestly earned by them when acting under the command of their superior officer, a precisely similar case to that which I presented the other day, and to which the gentleman was swift to raise a point of order. I have some objection, sir, to points of order being confined entirely to the Committee on Appropriations. I think that they who invoke the law so earnestly and so often ought at least to keep within speaking distance of the law themselves.

I also want to call the gentleman's attention to another gross infraction of the parliamentary law which he invoked against me the other day. I want to call his attention to two items in this bill on page 8, where he makes appropriations for two public buildings in Texas, not only without authority of law, but expressly against the statute law, the language of the bill being "for completion in excess of the limit," etc.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. BUCHANAN. Certainly.

Mr. SAYERS. Mr. Chairman, when those items were put upon the appropriation bill I distinctly stated to the committee that I did not insist upon them; that if they were contrary to law and any member thought it his duty to raise a point of order upon them, he could do so.

Mr. BUCHANAN. Ah! But the gentleman himself did not raise the point of order that they were in violation of statute law.

Mr. RANDALL. But the report states the fact.

Mr. BUCHANAN. I only ask that fair dealing all round be followed in this matter. That is all I ask; and that I do insist upon.

Mr. CANNON. I move to strike out the last word for the purpose of having section 4 of the act approved March 3, 1883, read by the Clerk.

The Clerk read as follows:

SEC. 4. That hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employes of whatever grade or class in their respective Departments not less than seven hours of labor each day, except Sundays and days declared public holidays by law or executive order: *Provided*, That the heads of the Departments may, by special order stating the reason, further extend or limit the hours of service of any clerk or employe in their Departments, respectively, but in case of an extension it shall be without additional compensation; and all absence from the Departments on the part of said clerks or other employes in excess of such leave of absence as may be granted by the heads thereof, which shall not exceed thirty days in any one year, except in case of sickness, shall be without pay.

Mr. CANNON. I want to say under the terms of that provision the time of service may be extended from seven to ten or twelve or any other number of hours, but it is expressly provided that it shall be without additional compensation.

Mr. ROGERS. What is the date of that act?

Mr. CANNON. March 3, 1883. It has been the practice of Congress on several occasions, notwithstanding the terms of that law, where it has been found necessary to extend the hours of labor in any Department, to pay for the extra hours' work—notably in the Treasury Department during the refunding period, and in the War Department, in the Adjutant-General's Office, where the number of hours was extended. We have those precedents and that the committee submitted this on the recommendation and with the approval of the Postmaster-General, but stating, as I state now, there is no obligation incurred nor is there any legal obligation on the part of the Government. In the line of precedent it is believed to be equitable they should receive compensation for extra hours' work. It is for the House to determine whether under this supposed equity they shall have this compensation.

Mr. ROGERS. One moment. I have not found the statute cited by the gentleman from Illinois. That does not authorize this expenditure—this remaining balance from April 11 to June 13.

Mr. BRECKINRIDGE, of Kentucky. I move the following amendment.

The Clerk read as follows:

Amend by inserting, after line 18, page 39, the following, to wit: "To pay Mississippi Central Railroad Company, \$4,636."

Mr. SAYERS. I desire to raise a point of order on that amendment. Mr. BRECKINRIDGE, of Kentucky. What is the point of order?

Mr. SAYERS. There is no law authorizing the payment.

Mr. BRECKINRIDGE, of Kentucky. On the contrary, Mr. Chairman, there is a law authorizing the payment of it. It has been audited long ago and the claim has been allowed by the proper accounting officers of the Treasury.

By Executive Document No. 210, Forty-ninth Congress, first session, House of Representatives, it will be found this is one of the claims allowed by the proper accounting officer of the Treasury with the approval of Mr. Fairchild, the then Acting Secretary. In that Department will be found the letter of D. McConville, the Auditor for the Post-Office Department, under date Washington, D. C., January 19, 1886, in reference to this claim, which was transmitted to Hon. Daniel Manning, the Secretary of the Treasury. It is a debt audited and due under authority of law.

Mr. CANNON. What is the date of the claim?

Mr. BRECKINRIDGE, of Kentucky. It is an old claim, but it is not barred by any statute.

Mr. CANNON. What is the date?

Mr. BRECKINRIDGE, of Kentucky. I will send to the Clerk and have read from page 17 and page 34 of the document to which I have referred.

The Clerk read as follows:

[See Executive Document No. 26, House of Representatives, first session Forty-seventh Congress, page 77.]

Claim.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
The Mississippi Central R. R. Co.: For amount of Post-Office Department drafts in favor of W. Goodman, president of the Mississippi Central R. R. Co., dated August 17, 1861, in payment for mail transportation from April 1 to May 31, 1861, returned and canceled in April and May, 1866.	Deficiency in postal revenues, 1862 and prior years.	1861.....	\$4,636.01

Mr. SAYERS. Before the amendment is submitted I ask the gentleman from Mississippi [Mr. MORGAN] to state what he knows in reference to this claim.

Mr. BRECKINRIDGE, of Kentucky. I can not be taken off the floor to have any testimony introduced. When that testimony is introduced I hope I will have an opportunity to cross-examine the witness. I ask the Clerk to read from page 34 of the same document.

The Clerk read as follows:

Claim No. 137 is of a different nature. The records of this office show that a settlement was made with the Mississippi Central Railroad Company in August, 1861, the balance found due being paid in part by a post-office warrant on the Treasurer of the United States, and in part by "Auditor's" or "collection" drafts drawn on postmasters on or near the road. Had the whole amount been paid by warrant, as the statutes contemplated, and the company had a right to demand, the mail service not being under contract and the company not therefore obligated to make collections, payment of the warrant would have closed the account. If the warrant had been returned unpaid funds would have been released to meet the issue of a new warrant without action of Congress.

The drafts issued were in the nature of "bills" for the collection of balances due by postmasters. When evidence of the collection of such drafts is received, then, and not until then, the proper appropriation is charged with the amount received by the contractor, if due him on account.

The amount reported to be due the company is the total of such collection drafts returned by the company in 1866 as "not collected." There being no funds available to pay the balance, the claim was included in the estimates of claims under the act of July 7, 1884. I am of the opinion that justice to this creditor requires that the claim be again submitted with a full statement of the nature of the case.

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Chairman, on the point of order permit me to state that you will see from the communication just read that there was service performed under the law; that this service was paid for in the shape of drafts, which drafts were not collected, but were returned, and therefore it is still an unpaid debt, a subsisting obligation upon the Government, if it means to pay such claims.

Mr. CANNON. Will the gentleman allow me?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. CANNON. Can the gentleman state whether this man was paid by the Confederate government?

Mr. BRECKINRIDGE, of Kentucky. I know nothing about whether he was so paid or not. I was not postmaster-general of the Confederate States, nor was I in the postal service of the Confederacy, and can only answer from information. I am informed that he was not paid.

Now I will yield to the gentleman from Mississippi.

Mr. DINGLEY. Was the service performed for the Confederate government carrying their mails?

Mr. BRECKINRIDGE, of Kentucky. If I caught the question of

the gentleman from Maine aright, it was whether this service was performed for the Confederate government?

Mr. DINGLEY. That was the question.

Mr. BRECKINRIDGE, of Kentucky. Of course it was not. It was performed for the United States Government; it was settled by the United States Government; the contractor did the service for the United States Government; it was paid by the United States Government in the shape of drafts, and the drafts were drawn on other persons and were not paid. The drafts were returned, and the contractor has not been paid, and that is all. There is no question of war, there is no question of belligerency, none of loyalty. It is simply a question, a plain, simple question, of whether the Government will pay a debt twenty-eight years of age; that is all.

I now yield to the gentleman from Mississippi, who, I believe, wishes to make a statement.

Mr. MORGAN. Mr. Chairman, at the first session of this Congress the attorneys in charge of this claim came to me and asked me to offer a bill providing for the payment of the claim and press it before Congress. I addressed a letter to the Secretary of the Treasury for the purpose of ascertaining the facts in the case; and the papers were presented to me for examination. My examination resulted in the ascertainment of these facts: Here was a claim for the transportation of the mails, maturing in 1861, which was audited by the Treasury Department, and the holders of the claim, or of this particular part, war having already broken out but not being declared, preferred to have the drafts for the payment of the claim upon Southern post-offices, and they were drawn upon Southern postmasters, the whole of them divided up so as to get them in as good shape as possible for collection, and in that shape were received by the party. I have never yet been able to find from any man living that the money was not collected.

Now, this road, for whose benefit this amendment is suggested, after the close of the war had a mortgage resting upon it, and under that mortgage it was sold to the creditors of the road, who are now claiming this fund as one of the assets that should have passed. But the road and its stockholders, or somebody else, are also claiming it. Upon an ascertainment of these facts I returned the claim to the gentlemen and advised them to have it put into the hands of a committee for the purpose of an investigation. They said it was too late to do that. I then suggested that they go to the Senate committee and let a committee there investigate it and pass upon it. This they did not do, and now this amendment is offered here precisely as it was put in my hands for the purpose of getting it acted upon by the House.

Mr. HOPKINS, of Illinois. Let me ask the gentleman—but I believe you are against the claim?

Mr. MORGAN. I am against the claim. I do not believe it is a just claim. I believe that these parties have got their money already.

Mr. HOPKINS, of Illinois. Should it not go to the War Claims Committee, anyhow?

Mr. MORGAN. It should be investigated by some committee, and not be put upon the bill in the shape of an amendment, as now proposed. They declined to let it be investigated, and now it comes here for action.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman has concluded—

Mr. HOPKINS, of Illinois. Would it not be better to have it embodied in a separate bill and then send it to the War Claims Committee?

Mr. MORGAN. In my judgment the right committee would be this very Committee on Claims. Let them take it under consideration and investigate it. But these parties decline to allow that.

Mr. BRECKINRIDGE, of Kentucky. The only objection to what my friend from Mississippi suggests is that this is exactly what I tried to do, but failed. I went personally to the gentleman in charge of this bill and handed him the report, and asked to have it investigated.

Mr. HOPKINS, of Illinois. But is not this the wrong committee? Is not the War Claims Committee the proper one to investigate it?

Mr. BRECKINRIDGE, of Kentucky. No, sir; I think not. This is exactly the committee, because this is a deficiency just like the millions of dollars for pensions passed this morning. It is a debt due by the Government for services rendered and unpaid, and is a deficiency.

Mr. MORGAN. Let me ask the gentleman this one question: Can you say that this has not been paid?

Mr. BRECKINRIDGE, of Kentucky. As the gentleman from Mississippi is aware, for I consulted him about it, I know nothing at all of the details of the case except the fact that the Sixth Auditor reports this matter as a valid claim, and I know nothing else except what that report and the recommendations of the Secretary show. That is the whole of it.

Mr. MORGAN. Now, I venture this assertion from the little investigation I have made, and that is: That this claim was probably paid in 1861 by the Confederate States government out of money belonging to the United States. [Laughter on the Republican side.]

The CHAIRMAN. The Chair understood the gentleman from Texas to submit a point of order.

Mr. SAYERS. I will just take a ruling upon the point of order without discussing the amendment.

The CHAIRMAN. Will the gentleman from Texas again submit his point of order.

Mr. SAYERS. I made the point of order—

The CHAIRMAN. The Chair simply desires to hear the point of order, and not the merits of the question.

Mr. SAYERS. I will withdraw the point of order and take a vote upon the amendment.

Mr. BRECKINRIDGE, of Kentucky. I think it is due for me to say that if the gentleman from Mississippi will say upon his character as a gentleman and a member of this House that he believes it to have been paid I shall withdraw the amendment.

Mr. MORGAN. I say this—

Mr. BRECKINRIDGE, of Kentucky. Wait a moment. Because if he has investigated and found that it ought not to be paid I will withdraw it; but if he says that loosely and only thinks the claim is a claim which was paid by the Confederate government, then I think it ought to be paid. Now, if the gentleman will say that he believes it has been paid—

Mr. MORGAN. I will say this: I investigated this subject with the intention of presenting it if I found out, in my opinion, it was an appropriation proper to be provided. I became satisfied that there was so much doubt about its being just and of its having been paid, that I came to the conclusion that it should be investigated. I recommended that it should be, but the gentleman who was in charge of the matter declined to permit an investigation in the manner I suggested.

Mr. BRECKINRIDGE, of Kentucky. Instead of the gentleman that brought it to me declining any investigation, at his request I went to the gentleman in charge of the deficiency bill, the late Judge Burnes, and handed him these papers and asked him to investigate this claim. He died; and when I was informed that my friend from Texas [Mr. SAYERS] had charge of the bill, I took the papers to him and asked him to investigate it, and I understood from the gentleman from Texas, if he will allow me to say what occurred, that the matter was so complicated with other claims—*ante-bellum* claims about postal service that had been before the House and the Committee on Appropriations—that he did not feel willing to introduce another one of these claims; therefore, there was nothing left except to bring the matter before this committee. This was the committee on the deficiency bill. I was left with no other remedy, having gone to the two gentlemen who had had the matter in charge.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOOKER. I move to strike out the last word.

Mr. MORGAN. I desire to make a single statement. When the attorneys representing this claim placed it in my hands, having exhausted every other source of information that I could obtain, I went to Mr. Burnes and asked him about it; and he told me that he had given it investigation and was satisfied the claim ought not to be allowed; and especially that it ought not until after a careful and searching examination had been made.

Mr. HOOKER. I desire to say a single word, not especially in regard to this claim, because I know nothing of the facts; but as a matter of history it will be borne in mind by those who were here in former Congresses, that at the time there was a bill passed appropriating \$375,000 for the purpose of paying the just claims of those who were contractors for the transportation of the mails by all the methods devised—by rail, steamboat, and star route—and that it became a law. It was decided, however, by the Department that they would not pay any of the claims until all the claims were in, and then that they would pay pro rata according to the amount of the appropriation.

Another difficulty grew out of it. I am sorry to say that there were some claims presented on which payment had been made by the Confederate government, and therefore they were improper and unjust claims; but there still remain due now a large number of claims which have not been paid. I mention this as a part of the history of legislation upon the subject. I am not familiar enough with the merits of the question in the present issue to say whether this is one of those claims.

Mr. BRECKINRIDGE, of Kentucky. With the statement made by my friend from Mississippi [Mr. MORGAN] I do not desire to press this amendment to a vote, but withdraw it.

Mr. ROGERS. I renew the amendment for the purpose simply of asking unanimous consent to print another provision of the statute and a table in connection with my remarks delivered a moment ago. There was no objection, and leave was granted.

The Clerk read as follows:

Fees and expenses of marshals: For payment of special and deputy marshals at Congressional elections, \$124,000: *Provided*, That of the appropriation of \$675,000 for fees and expenses of United States marshals and deputies for the fiscal year 1889, not exceeding \$400,000 may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

For fees and expenses of marshals United States courts, being a deficiency for the fiscal year 1888, \$50,000.

Mr. BUCHANAN. I move to strike out the last word, and do so for the purpose of asking a question of the gentleman in charge of the bill. Does this provide for the payment of special deputy marshals at the last

Congressional election and include the whole deficiency for that purpose?

Mr. SAYERS. For the information of the committee and the gentleman from New Jersey, I will ask to have inserted in the RECORD a list of the items which go to make up that appropriation. We give them every dollar they ask.

The list is as follows:

Special deputies, Congressional election, 1888.

Alabama, middle and southern.....	\$1,230	
California, southern.....	2,460	
California, northern.....	6,885	
Colorado.....	625	
Connecticut.....	1,600	
Georgia, southern.....	10	
Illinois, northern.....	19,450 (or \$24,840)	
Indiana.....	2,500	
Louisiana, eastern.....	1,250	
Maryland.....	6,400	
Massachusetts.....	6,530	6,390
Missouri, eastern.....	3,100	129,065
New York, northern (1886).....		135,445
		9,730
		145,175
New York, southern.....	49,100	
New York, eastern.....	19,100	
Ohio, southern.....	2,305	
Pennsylvania, western.....	4,730	
Pennsylvania, eastern.....	300	
South Carolina.....	250	
Virginia, eastern.....	1,440	
Total.....		129,055

Mr. BUCHANAN. I want information from the committee as to whether this makes full payment, and the reason I ask is this, because, at least in my section, the number of special deputies appointed last fall was larger by about one-third than ever known before and much larger than the increase in the number of precincts.

Mr. SAYERS. I will state to the gentleman this, that the representative of the Department of Justice who was before the subcommittee stated to us that it was impossible for him to ascertain the entire amount, but that the Department of Justice felt authorized to ask for this much.

Mr. BUCHANAN. How long ago was that?

Mr. SAYERS. I think that was last week, just before the bill was reported.

Mr. BUCHANAN. It is several months since this expense was incurred. Does the gentleman say that it is impossible for the Department of Justice to give the amount of expenditure incurred by that Department for this purpose in the early part of last November?

Mr. SAYERS. That is the statement we have received—that the amounts had not all been reported to the Department.

Mr. BUCHANAN. I ask the question because, as I have said, I do know that in some sections of the country the expense was much larger than usual, and I am extremely anxious that, in the words of the gentleman from Arkansas [Mr. ROGERS], this administration shall clean up its own debts.

Mr. SAYERS. There was no effort upon the part of the committee to withhold any dollar that was necessary to pay for those services.

Mr. BUCHANAN. I was not impugning the action of the committee at all. It acted, evidently, according to all the light that it had. I withdraw the amendment.

The Clerk read as follows:

To compensate A. L. Rhodes, special counsel in the Mare Island case, being the remaining portion of his fee of \$6,000, fiscal year 1888, \$1,000.

Mr. BAYNE. Mr. Chairman, I desire to offer an amendment, but I shall ask unanimous consent to go back to the part of the bill relating to the Treasury Department, where this amendment would be more appropriate.

Mr. SAYERS. Let the amendment be read.

The amendment was read, as follows:

That the sum of \$2,345.44 be, and the same is hereby, reappropriated, being the unexpended balance of the amount appropriated by the act of March 3, 1885, for pay of disbursing agent of the Coast and Geodetic Survey for the fiscal year 1886, and that the same be paid to William B. Morgan, late disbursing agent of the Coast and Geodetic Survey for allowance of pay from July 24, 1885, to June 30, 1886, inclusive.

Mr. SAYERS. I shall be compelled to raise the point of order upon the amendment. That is a mere claim.

Mr. BAYNE. I ask the gentleman to reserve the point of order for a moment.

Mr. SAYERS. Very well.

Mr. BAYNE. Mr. Chairman, Mr. Morgan was disbursing clerk for the Coast and Geodetic Survey. Shortly after the present administration came into power some of the officers of the Treasury Department felt that there was mismanagement, corruption, and fraud in that bureau. Those officials were perfectly right, because subsequent events and evidence showed that there was corruption and mismanagement of a very grievous character in that bureau. One of the victims of the suspicions of the Treasury officers was Mr. Morgan, the disbursing clerk.

He was suspended, and his accounts were examined and he was put upon the defensive—

Mr. SAYERS. Will the gentleman permit a question right there?

Mr. BAYNE. Yes, sir.

Mr. SAYERS. Did this gentleman render any service to the Government during the time for which this amendment provides to pay him?

Mr. BAYNE. I was coming to that. Mr. Morgan, I say, was suspected of malfeasance in his office there. An examination was made, evidence was taken, he was put upon the defensive, and for more than a year he was occupied in defending himself against charges which were subsequently ascertained to be entirely groundless.

Through no fault of his he was suspended, and through no fault of his he was subjected to this examination, this trial as it were, and a whole year of his time was consumed in efforts to defend himself against charges in which at last there was found to be absolutely nothing. It is a clear case of injustice on the part of the Government toward this officer. There was probably some foundation for suspecting him, because at the beginning there was not that accurate knowledge as to the real offenders which was afterwards obtained, but subsequently those real offenders came to light, and Mr. Morgan was not one of them. His skirts were absolutely and perfectly clear and clean.

Mr. O'NEILL, of Missouri. And I understand that since his dismissal and subsequent trial no dereliction of duty on his part has been shown?

Mr. BAYNE. None whatever. The Department gave him a certificate that he was entirely exculpated from any and every charge, and that it was a mistake to have suspended him.

Mr. O'NEILL, of Missouri. And I understand that the position which he filled is still vacant.

Mr. BAYNE. The position is still vacant. There is another question involved here, Mr. Chairman. There was an appropriation to pay this gentleman. The appropriation was actually made; that money has not been paid out of the Treasury at all, and the amendment which I offer is a reappropriation of that money. Now, I submit to my friend from Texas [Mr. SAYERS] that this is a case where it would be well enough not to raise the point of order, but to let justice be done.

Mr. SAYERS. I shall be forced to raise the point of order, Mr. Chairman.

Mr. BAYNE. One word, Mr. Chairman, on the point of order. There was an act of Congress appropriating the money to pay for this service. That act is still in force. That appropriation still exists.

This service was rendered up to the time of the suspension of the disbursing clerk. His suspension was supposed to be for cause; but, as subsequently ascertained, it was not for cause at all, and the Department says so. Now, is it not competent to make this appropriation under existing law, the Government having ascertained that it suspended an officer without cause when it thought it was suspending him for cause? In other words, Mr. Chairman, is not this case analogous to the case of a simple employment for a year, the dismissal of the employé by reason of some alleged dereliction of duty, and a suit brought in court, the evidence disclosing all the facts and making it clear that there was no such dereliction of duty? In that event the plaintiff would beyond all doubt recover in an action in a court of justice. And is not this case analogous to that? For this reason should not this employé of the Government receive his compensation?

The CHAIRMAN. The Chair does not precisely understand the facts. Does the amendment propose to pay salary up to the time of the dismissal of the officer, or afterward?

Mr. BAYNE. It is to pay the officer for the time during which he was suspended—for the year for which an appropriation was made. It is for the balance.

The CHAIRMAN. The Chair thinks the point of order is well taken on this amendment if it relates to service performed after the dismissal of the officer.

Mr. BAYNE. He was suspended; not dismissed.

The CHAIRMAN. Well, if that is the status, the Chair will hear the gentleman from Texas [Mr. SAYERS] on that point.

Mr. SAYERS. My understanding is that he was dismissed.

Mr. BAYNE. I do not understand that he was.

Mr. SAYERS. I so understand. I do not speak from personal knowledge, however—merely from information.

Mr. BAYNE. I will ask that this amendment be withheld for a moment or two until I can ascertain whether there was an actual dismissal or not.

Mr. SAYERS. The amendment can remain on the table while we go on with the bill.

The CHAIRMAN. In the absence of objection this amendment will be laid aside with the privilege of returning to it hereafter. The Clerk will continue the reading of the bill.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

To pay the widow of the late James N. Burnes the amount of salary for the unexpired term of his service as a member of the Fiftieth Congress, \$545.51.

Mr. FORAN. I move to amend by inserting after the paragraph last read the following:

To pay Samuel D. Craig for extra work on, and making new indexes to, the Calendar of the House, as per resolution of July 27, 1883, \$600.

Mr. SAYERS. I desire to raise a point of order on that amendment.

Mr. CRAIN. What is the point of order?

Mr. SAYERS. If the gentleman will allow me, I will proceed to state it.

Mr. FORAN. I would like to hear the gentleman on the point of order before we discuss the merits.

Mr. SAYERS. Mr. Chairman, a resolution was adopted by this House at the last session directing the Committee on Appropriations to place on a certain bill designated by number an item of \$600 to compensate Mr. Craig, the tally clerk, for some extra services. The Committee on Appropriations did not put that item in the deficiency bill. When that bill had been reported to the House and was under consideration in Committee of the Whole an amendment was offered by the gentleman from Michigan [Mr. TARSNEY]—I am not quite sure it was that gentleman, but I believe it was—appropriating \$600 for the payment of these extra services. The Committee of the Whole then considering the bill voted the amendment down.

I base the point which I raise on these grounds: First, that there is no law or rule of the House, independent of the resolution to which I have referred, which authorizes the payment of this money. In the second place, if it should be held that this resolution would be sufficient to justify the payment of this money, then I state that the resolution had reference to a particular bill—not the bill under consideration, not any bill reported to this House during this session, but the last deficiency bill, the deficiency bill of the first session of the present Congress.

Mr. STEELE. Let me ask the gentleman, were not these services performed?

Mr. SAYERS. Well, to be candid with the gentleman, I will say I do not think the services were worth the money. But that goes to the merits of the case.

Now, the resolution adopted by the House was exhausted when the gentleman from Michigan [Mr. TARSNEY] offered the amendment and the Committee of the Whole voted it down—refused to pass it. This proposition increases the pay of this officer to the amount of \$600 beyond the statute.

Mr. FORAN. First, one word as to the merits of this amendment. During the second session of the Forty-ninth Congress the pay of four of the five clerks at the Speaker's desk was increased from \$3,000 to \$3,600. In that proposition Mr. Craig was left out and his pay remains at \$3,000 per annum. At the beginning of this Congress he was directed by a resolution of the House to make indexes of the Calendars of the House.

MESSAGE FROM THE SENATE.

The committee informally rose (Mr. LANHAM in the chair as Speaker *pro tempore*); and a message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage by that body of a bill (H. R. 12485) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1890, and for other purposes, with amendments in which concurrence was requested.

ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6364) to provide for the settlement of the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas or adversely thereto, and for other purposes.

A bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes.

Mr. CARLTON, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 11795) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

The committee resumed its session (Mr. ROGERS in the chair).

Mr. FORAN. The work entailed by this action of the House on Mr. Craig was enough for one man, although no extra compensation was provided for it. The resolution introduced early in the Fiftieth Congress—

The CHAIRMAN. Can the gentleman cite that resolution? The Chair would like to know the language of it.

Mr. FORAN. I will send it up. First, there was a resolution introduced directing the Clerk to pay \$600 out of the contingent fund of the House. That resolution was referred to the Committee on Accounts, and that committee made the report which I will send to the Clerk's desk to be read.

The Clerk read as follows:

To the Appropriations Committee of the Senate of the United States:

The undersigned members of the Committee on Appropriations of the House of Representatives respectfully ask that you place the following amendment to the deficiency bill, as per the resolution hereinafter set forth, which was adopted by the House on the 27th day of July, 1888.

PREPARATION OF INDEX, CALENDARS, HOUSE OF REPRESENTATIVES.

Mr. FLOOD. I desire to submit a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to Samuel D. Craig, out of the contingent fund of the House, the sum of \$600, in full compensation for preparing an index of the Calendars of the House for the first session of the Fiftyeth Congress.

"The Committee on Accounts, to whom was referred the resolution providing for the payment out of the contingent fund of the House to Samuel D. Craig the sum of \$600 for extra services in the preparation of the Calendars, having considered the same, report that, in the judgment of your committee, the amount asked is very reasonable. The extra work on the Calendars is 40 per cent, at least in excess of any previous session, and there has been added an index (prepared by Mr. Craig) which has been of great benefit to the members as well as the public at large. The compilation of this index alone is well worth the sum asked, and the committee would recommend the passage of the resolution if the same were a legal charge upon the contingent fund; but as it is not, your committee therefore report the following substitute and recommend its adoption:

Resolved, That there be paid to Samuel D. Craig the sum of \$600 for extra services in connection with the preparation of the Calendars and indexing the same for the first session of the Fiftyeth Congress, and that the Committee on Appropriations be directed to provide for the payment of said sum in the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and prior years, and for other purposes."

The SPEAKER *pro tempore*. The question is on agreeing to the substitute proposed by the Committee on Accounts.

The substitute was adopted.

The resolution as amended was agreed to.

Mr. FORAN. The Chair will notice the words of this resolution:

Resolved, That there be paid to Samuel D. Craig.

The words are explicit. They admit of no doubtful meaning.

Resolved, That there be paid.

It was further resolved that this item be placed in the general deficiency bill. The Committee on Appropriations disregarded the action of the House, as it frequently does, and failed to insert the item in the deficiency bill for that session. It is said because it was not inserted in the bill of the last session it can not be inserted in this bill.

The language of the resolution reported by a committee of co-ordinate jurisdiction and adopted by the House is "resolved there be paid to Mr. Craig." I understand the point of order to be, because that was voted down in Committee of the Whole, it operates as a repeal. I do not think it does. The resolution directing this item to be placed in the deficiency bill of last session was passed by the House, and no act of a committee, even the Committee of the Whole, can repeal directly or by implication a solemn act of the House.

Mr. CRAIN. I understand that my colleague makes the point of order in the first place that there is no existing law justifying this appropriation, and in the second place that if there were any existing law that the Committee of the Whole not having acted on the appropriation, and the Committee on Appropriations having failed to do its duty by refusing to carry out the instructions of the House under the resolution which was adopted, it is practically void and of no effect. I believe he has made the further point that it is an increase of salary. It seems to me this last objection would be good if it were an original proposition submitted to this committee for the first time, but not in reference to a resolution adopted by the House and having the force of law.

Will the gentleman from Texas having charge of this bill contend because an officer instructed by law to perform a certain duty fails to perform that duty therefore the law is repealed? Will he contend because the Committee on Appropriations refuses to do what it was instructed to do by a vote of the House therefore the action of the House is repealed? There is no more force in the other proposition that because the Committee of the Whole did the same thing therefore it is repealed.

Mr. Chairman, this resolution directs that this man shall be paid, and it goes further and specifies the manner in which it shall be done. Would not the first part of the resolution be pending to-day if the second part had not been added? Suppose the resolution simply declared there should be paid the sum of \$500 to Samuel D. Craig without specifying the manner in which it should be paid, is not that existing law? But when the House goes further and directs the manner in which it shall be paid who can doubt it?

No committee of this House, whether it be the Committee on Appropriations or the Committee of the Whole House on the state of the Union, has the right to repeal a resolution which has been adopted by the House. The only way in which it can be done is upon a motion to reconsider in the House and a vote in favor of the repeal of the resolution, or by a vote in the House rescinding or repealing the resolution itself. But what this committee can not actually do by a vote, namely, repeal a resolution of the House, it is contended by my colleague that it can accomplish by indirection; that is, refusing to do what the House has directed it to do. There is nothing in the point of order raised here so far as this question is involved; and, as I said before, while the point of order raised upon the proposition of the gentleman from Pennsylvania, submitted by the chairman of the committee, that it is an increase

of pay, would be good if this were an independent proposition submitted to the committee for the first time, it is not tenable when it is predicated upon a resolution which is of binding force and effect and which has the force and effect of law when adopted by a vote of the House, which no committee has a right to repeal either by direction or indirection.

The CHAIRMAN (Mr. ROGERS in the chair). If this question was presented now as it was at the last session of Congress the Chair would, without reference to whether the ruling heretofore made was right or wrong, confirm that ruling; but the question presented now is a very different one. This resolution provides that provision shall be made in a special bill which is named in the resolution for a certain purpose. As the Chair understands it that provision was made, or if not made directly by the Committee on Appropriations it was brought before the House and voted upon by the House.

Mr. FORAN. Voted upon in the Committee of the Whole.

The CHAIRMAN. Well, by the Committee of the Whole, and therefore all that the Committee on Appropriations had been required to do by the House was done, and their power was exhausted in that respect when they complied with the terms of the resolution.

Mr. TARSNEY. But that was during this session of Congress.

The CHAIRMAN. The Chair understands that; but this resolution provides "that there shall be paid to Samuel D. Craig the sum of \$600 for extra services in connection with the preparation of the Calendars and the indexing of the same for the first session of the Fiftyeth Congress, and that the Committee on Appropriations is directed to make provision for the payment of the same in the bill H. R. 10896."

The Chair does not understand this to be such a bill, or the particular bill referred to in the resolution, but another bill at another session of Congress, and the only similarity between them is that this is also a deficiency bill; so that the resolution passed by the House of Representatives directing the Appropriation Committee what to do was exhausted when that was done.

Now another appropriation bill is before the House, and it is proposed, in accordance with the terms of that resolution, to insert this provision on this bill. But the point of order is made, and we are compelled to fall back upon the language of the rule which provides that "no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto that is not authorized by law." This resolution to which the Chair has referred is not a law in the meaning of the rule quoted, the Chair thinks, but is a mere resolution instructing the Committee on Appropriations to do a certain act at a certain time; and the Chair understands that there is no law in existence authorizing this appropriation, unless this resolution, which the Chair does not think has the force of law in the meaning of the rule, is still in force. The Chair thinks it has not. With the utmost deference to the Chairman of the committee who ruled on this question before, the Chair thinks, in conclusion, that the proposition now is placed upon an entirely different footing from what it then occupied, and that the point of order is well taken.

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

Mr. PETERS. Will the Chair permit me to call his attention to a question of fact which the Chair assumed, as I understand, in his ruling?

The CHAIRMAN. Of course the Chair will hear the gentleman from Kansas; but the gentleman from Texas appeals from the decision of the Chair, and the Chair thinks the appeal is not debatable.

Mr. PETERS. I would like to make this parliamentary inquiry: If the Chair becomes advised that it has made a mistake in regard to a question of fact, upon which it predicates the decision, would not that change the ruling?

The CHAIRMAN. Unquestionably, if opinion turns on such fact.

Mr. PETERS. I understand this ruling is based upon the fact that the Appropriations Committee did report this amount for the payment of these services. That is incorrect. The Appropriations Committee, notwithstanding the instructions of the House, did not embody that claim in the House bill which they were instructed to put in. When the bill came into the House, an effort was made to provide for the payment in the Committee of the Whole, but the committee voted down the proposition to make the payment at that time. Now, as a question of fact, the Appropriations Committee having failed to comply with the resolution, is the resolution not a continuing one until compliance is had?

The CHAIRMAN. The Chair thinks that would not alter the fact; because if the amendment were offered and voted down, it was a substantial compliance with the resolution; and, at all events, the resolution did not require anything to be done except on that specific bill, and the Chair thinks the whole resolution must be construed together.

Mr. TARSNEY. I rise to ask unanimous consent to make a statement, as the Chair holds that this is not debatable.

Mr. RANDALL. I object to the making of any statements as to what has passed.

The CHAIRMAN. Objection is made to the request of the gentleman from Michigan.

Mr. RANDALL. If the gentleman wants to put it in the RECORD I have no objection, but it delays the passage of the bill.

The CHAIRMAN. The Chair will state that it was in error; and

that the appeal is debatable. The Chair will hear the gentleman from Michigan.

Mr. TARSNEY. Some time ago, and during the first session of the present Congress, the House by resolution directed the Committee on Appropriations, if I understand it correctly, to make this appropriation. The Committee on Appropriations refused to do it. Now it comes back to us here, and all I want to understand is whether the House of Representatives is smaller than the Committee on Appropriations. They have been once instructed what to do. They have not done it, and here we are to-day confronted with the same proposition that we had on the 30th day of July last.

The CHAIRMAN. The question is, Shall the decision of the Chair be sustained?

Mr. CRAIN. I understand, but I have no personal knowledge on the subject, because I have not inquired, that this proposition was submitted to the Committee of the Whole House on the state of the Union by the gentleman from Michigan as an independent proposition, and it was not based upon the resolution as submitted. I desire to be informed upon that before I proceed further. [To Mr. TARSNEY.] Is that correct?

Mr. TARSNEY. It was offered in conformity with the instructions of the House to the Committee on Appropriations.

Mr. CRAIN. Now, I submit to the committee that the resolution is law without reference to the particular instruction given in regard to the manner in which the appropriation should be made. Because the resolution was specific in pointing to the bill is no reason why the resolution should be repealed because the appropriation is not put in that bill.

I presume that the object of the Committee on Accounts in specifying that bill was because that was the pending deficiency bill of that session. But it will hardly be contended that because it mentions that bill, because it was the pending bill, and that the Committee on Appropriations failed to make this provision, or that it was not put in by the House, that was an end of it. Of what value are the instructions of the House to the committee if that committee can ignore them by refusing to obey? Of what value is the resolution of the House of Representatives requiring a certain thing to be done when the gentlemen charged with the performance of that duty fail and even refuse to do it? And even going further, and admitting for argument's sake—and it is a fact—that the Committee of the Whole House on the state of the Union did exactly what the Committee on Appropriations did, namely, refused to incorporate this amendment in that bill, will it be contended that from that failure the law lapses and the resolution is repealed, and that it has no binding effect? Suppose that that instruction had been omitted from the resolution. Would it not be binding? Suppose the House had contented itself with saying, "We wish to be paid Mr. Craig \$500 additional," specifying what fund it should be paid out of, and by what committee it should be reported. Would not it be law, and would not it be proper to introduce a resolution or a bill providing for the appropriation or to offer an amendment for the purpose in a proper bill to carry that resolution into effect? Eliminate if you will the conditions attached to the resolution, and it is pending. That condition was not intended as a limitation. It was not intended that the Committee of the Whole House on the state of the Union or the Committee on Appropriations failing to incorporate this amount in the bill described, that it should never be paid. That was simply going further than the statement of the resolution itself. It not only declared that it should be paid, but paid at once; and that was the reason that bill was specified.

Because it was not provided for in that particular bill it does not go to the effect that it should not be provided for in any other bill or at any other time and that it would never be paid. The claim was submitted to the Committee on Accounts, and that committee simply declared that it ought to be paid; that it was a just claim and that it would provide an appropriation for its payment if it were within its jurisdiction. But they recommended a substitute resolution which states that the claim is a just claim and that it should be paid. The House adopted that resolution. The House made it law. The status of the claim was fixed by that action, which was a declaration of the House that it should be paid; and the further provision that it should be put in this particular bill was not intended as a limitation upon its action. It was simply intended to direct the Committee on Appropriations, then at work on a particular bill, having jurisdiction of this matter, to perform a duty which was laid down for it by the action of the House. And I repeat the question whether the Committee of the Whole or the Committee on Appropriations has the right to defeat the will of the House, ascertained by actual vote in the House, by thus refusing to perform that duty which had been imposed.

Mr. PETERS. The order that was made by this House on the Committee on Appropriations was to bring in a general appropriation bill in the first session an appropriation of \$600. Not having been complied with by the Committee on Appropriations at the last session, this is a continuing order. Now, it seems to me there can be no question about that. The order of this House was for the Committee on Appropriations to do a certain thing. But the Committee on Appropriations did not do that which they were directed to do by the House.

What was the object of that order of the House? It was to have this amount put in a deficiency bill. It was the object and intention of the House to have this amount paid at the earliest moment; and it named in that order the deficiency bill that would follow first.

But after the Committee on Appropriations failed to obey the orders of the House and bring in this amount upon the first deficiency bill that followed the order, it remained a continuing order, applying to any subsequent deficiency bill that could be brought in during the same Congress; and consequently that order was as binding upon the Committee on Appropriations to bring in the amount in the present deficiency bill as it was in the past deficiency bill. In other words, there stands as a provision of law a statutory enactment requiring the Committee on Appropriations to bring in an item in a deficiency bill of \$600 to pay the tally-clerk for work that he had performed. The Committee on Appropriations neither in the first session nor in this session have complied with that order; and now I claim—when there is a motion on the part of a member of this House to require the Committee on Appropriations to comply with the order of the House or to place the Committee of the Whole House in a position that they can act upon it—the question or point of order that it has not been authorized by existing law will not lie against it; and hence, this being a continuing order, I think, with all due deference, that the decision of the Chair was erroneous.

Mr. RANDALL. The gentleman from Kansas has certainly very ingeniously treated this matter. He wants a decision of the House upon a point not now before the House—whether the Committee on Appropriations performed their duty or not. The question before the House is whether the decision of the Chair is absolutely correct.

I believe that it is. Now, whenever the Committee on Appropriations is properly under discussion here, we will try, some of us, to defend it, and whenever a proposition of this kind is submitted some of us will have something to say about the merits of this claim, which is properly no claim at all. The point is the one which the Chair has decided, namely, that the instruction of the House given by the first resolution was revoked by the House itself at the very same session.

Mr. CRAIN. It was avoided by the failure of the Committee on Appropriations to do its duty.

The CHAIRMAN. The Chair is of opinion that the resolution was disposed of by that action.

Mr. CRAIN. It was disposed of by the failure of the Committee on Appropriations to do its duty and by the failure of the Committee of the Whole.

Mr. RANDALL. The House itself changed its mind.

Mr. CRAIN. No, it was not the House; it was the Committee of the Whole that changed its mind.

Mr. RANDALL. Well, that is the House.

Mr. CRAIN. That is not the House, as the gentleman from Pennsylvania very well knows.

Mr. TARSNEY. Mr. Chairman, I hope there may be no misunderstanding about this matter. Last year the Committee on Accounts reported to this House a resolution which the House adopted, instructing the Committee on Appropriations to place this item in the bill. What for? For an additional service which had been imposed upon this clerk. He was drawing a salary simply as tally-clerk of the House, and he was directed to make the Calendar of the House, and I think my friend from Pennsylvania [Mr. RANDALL] and all of us have had facilities through the use of that Calendar which otherwise we could not have had. That was an additional service imposed upon this clerk, and it was for that additional service that the Committee on Accounts reported the resolution which the House adopted, instructing the Committee on Appropriations to report this item. Whether that was right or wrong I am not here to say at this time. But I do say that the House did so instruct the Committee on Appropriations, and the committee did not make the report during the first session of this Congress, and I like to see the Committee on Appropriations now pleading the statute of limitations because that resolution referred to a different bill from the one now under consideration!

Mr. DUNN. Mr. Chairman, I would like to offer one suggestion on this point. There are but two ways in which authority can be given to put an item into an appropriation bill. One is by an act of Congress signed by the President; the other is by the action of either House in relation to any item of expense which can properly be paid out of the contingent fund of that House. This item can not be paid out of the contingent fund of the House of Representatives. So the Committee on Accounts decided, and they therefore recommended the passage of a resolution instructing the Committee on Appropriations to put the item in an appropriation bill. It failed there, and, it not being an item that could be paid out of the contingent fund of the House, the action of this House could not constitute such an obligation and authority for the payment of the money as is necessary to authorize the committee to include it in the bill or make it in order as an amendment.

Mr. RANDALL. If this clerk did not have the Calendar to prepare he would have very little to do.

The CHAIRMAN. The question is, shall the decision of the Chair be sustained?

The question was taken, and the Chairman declared that the ayes seemed to have it.

Mr. CRAIN. I ask for a division.

The committee divided; and there were—ayes 75, noes 22.

Mr. FORAN. No quorum.

The CHAIRMAN. The point being made that no quorum has voted the Chair will appoint to act as tellers the gentleman from Ohio [Mr. FORAN] and the gentleman from Texas [Mr. SAYERS].

The committee again divided; and the tellers reported—ayes 106, noes 27.

The CHAIRMAN. Does the gentleman from Ohio insist further on the point of no quorum?

Mr. FORAN. I do.

The CHAIRMAN. No quorum has voted. The Chair hopes that members will come forward and vote.

The count was resumed; and the tellers reported—ayes 124, noes 28.

The CHAIRMAN. Does the gentleman still insist upon the point of no quorum?

Mr. FORAN. Entering my protest against the decision of the Chair and against the outrage committed on this clerk I withdraw the point.

The CHAIRMAN. The ayes have it, and the decision of the Chair is sustained.

Mr. RANDALL. There has been no injustice done to anybody. Injustice is sought to be done to the Treasury.

Mr. CRISP. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 47, after line 7, insert to pay John B. Clark, Clerk of the House of Representatives, for services in compiling and arranging for the printer and indexing testimony in contested-election cases, as authorized by the act entitled "An act relating to contested elections approved March 2, 1887," the sum of \$1,000, and the additional sum of \$1,000 to such employes in the office of the Clerk of the House of Representatives as the Clerk may designate, and in such proportion as he may deem just, for assistance rendered in this work.

Mr. CRISP. I desire to explain to the House the necessity for this amendment, which I offer by the unanimous direction of the Committee on Elections. Prior to the act of 1887, referred to in the amendment, evidence that was sent in from the various districts where there were contests was preserved here by the Clerk and turned over to the Committee on Elections, when appointed, and the committee supervised the printing and the preparation of the index.

In 1887 an act was passed to facilitate the consideration of contested-election cases. It provided that the Clerk of the House should prepare and have printed the evidence in such cases, should index it, etc. It provided also that he might hear the respective parties to any contest as to what was and what was not evidence, and determine what should be printed, the purpose being to hasten the determination of contested elections. In that law, though the Clerk was charged with this duty, there was no provision for paying him for the service. Of course it was a duty discharged in vacation. It required the assistance of several of his clerks for some two or three months; in the report from the Committee on Elections the precise time is stated. It therefore becomes proper and just to pay this officer for this service.

I will say to the House that this difficulty will not arise again, because the House has recently devolved this duty on the clerk of the Committee on Elections, who has been made an annual clerk; so that he, in the long vacation between the two Congresses, can discharge this duty, prepare this evidence for the printer, make the indexes, etc. But since the passage of the act to which I have referred and up to the time when the clerk of our committee was made an annual clerk the Clerk of the House and his subordinates have had to prepare for the printer, index, and correct proofs of the evidence in nine contested-election cases, the evidence in one case alone covering 2,000 printed pages. The Committee on Elections was unanimous in the opinion that the adoption of this amendment would do only an act of justice to the Clerk of the House, and therefore I have been instructed to offer it.

The amendment was agreed to.

Mr. HAYES. I offer the amendment which I send to the desk.

The Clerk read as follows:

To equalize the salaries of the messengers of the House of Representatives, and those detailed as messengers, so that each shall receive the sum of \$100 per month during their employment in the Fiftieth Congress, \$7,909.

Mr. SAYERS. I raise a point of order on this amendment. My point is that there is no resolution of the House and no provision of law to authorize it.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HAYES] desire to be heard?

Mr. HAYES. As showing the merit and justice of the claim—

Mr. SAYERS. I object to any statement of the merits. Let the gentleman confine himself to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on the point of order.

Mr. HAYES. By way of preliminary and as a foundation for my remarks, as showing the merit and justice of the claim itself, I will say that a resolution for this purpose was introduced and referred to the

Committee on Accounts; and that committee agreed to report it favorably. A report was prepared, which has not been presented, as it was not desired to put it on the Calendar. That report is as follows:

The Committee on Accounts, to whom was referred the resolution, Miscellaneous Document No. 41, in relation to equalizing the salaries and compensation of the messengers of the House of Representatives, submit the following report thereon:

That they find that there are some forty-two messengers of the House, and that, while they do substantially the same work, their pay varies from \$60 to \$100 per month.

The committee can see no good reason why all these men should not receive the same pay where they do the same amount and kind of work, and there seems to be an unjust discrimination in this matter, which grows out of the fact that they were employed under different resolutions passed at different times.

The amount mentioned in the resolution and which is all that is necessary to equalize the compensation of these messengers for the whole term of the Fiftieth Congress, so as to pay each the sum of \$100 per month, is \$7,909.

There are, at present, on the messenger's roll twenty-three persons receiving \$100 per month, which includes the soldiers' roll of fourteen persons, nine at \$83.33, two at \$75, two at \$70, three at \$67, and three at \$60 per month, and the amount mentioned in the resolution equalizes them all for the whole period of the Fiftieth Congress at \$100 per month.

The duties of these men are quite laborious and exacting, as they are, in addition to their ordinary daily labor, assigned to the care of some committee-room, and are obliged to attend all committee meetings. During last session of this Congress they attended no less than seventy-eight night sessions—several lasting all night.

We believe that the resolution is just, and we therefore recommend its adoption.

Now, Mr. Chairman, on the point of order. These particular messengers are employed under authority of law. They are receiving different rates of compensation; and this is simply for the purpose of equalizing them. Such being the case, I do not believe the point of order is well taken. These officers are already employed under authority of law and are receiving some payment under such authority.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. CUMMINGS. I offer the amendment which I send to the desk.

The Clerk read as follows:

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay to the officers and employes of the Senate and House borne on the annual and session rolls on the 20th day of October, 1888, including the Capitol police, for extra services during the Fiftieth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. SAYERS. I make a point of order on that amendment. I submit that there is no rule of the House and no law authorizing the appropriation.

Mr. CUMMINGS. Mr. Chairman, this is not the first time that a point of order has been raised upon an amendment of this kind when offered upon an appropriation bill. I find that the same point was made in the Forty-seventh Congress. Hon. John A. Kasson, who was then in the chair in the Committee of the Whole, remarked in deciding this point of order:

The Chair desires to state the only doubt in his mind arises from the fact that it relates to an existing service which is constantly before the House; and in view of the numerous precedents which exist and which he has not had time to examine to see whether the point of order is settled, but concerning as it does the entire body of the House, he feels it is a case where, without shirking proper responsibility, he ought to submit it to the judgment of the committee.

He therefore submitted to the Committee of the Whole the question whether the point of order should be sustained. The vote was 128 to 24 in favor of inserting the amendment.

In the Forty-eighth Congress I find the Speaker of the House, on page 5502 of the RECORD, ruling as follows:

The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered, and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

In the Forty-eighth Congress, second session, a similar proposition was inserted in the deficiency appropriation bill. The proceedings will be found on page 2148 of the RECORD for that session. There is no necessity for the reading of those proceedings. It would only waste time uselessly.

In the Forty-ninth Congress, Mr. Hammond, of Georgia, being in the chair, a similar amendment was offered, and the point of order was made that there was no law authorizing the item. The question was again submitted to the Committee of the Whole, and that committee decided to insert it. I will say nothing as to the justice of the appropriation, but leave the matter subject to the decision of the Chair, only referring to these volumes as precedents for the amendment. Following the precedents, Mr. Chairman, I would respectfully ask, if the Chair has doubt upon the question, to submit it to the decision of the committee.

The CHAIRMAN. The Chair is advised that hitherto on more than one occasion an amendment precisely similar or having the same purpose in view has been submitted to the House, and the most recent decision was that of the Speaker himself, who held the amendment to be in order. The Chair happens to have that decision before him, and will ask the Clerk to read certain paragraphs from it.

The Clerk read as follows:

The SPEAKER. The Chair finds upon an examination of the records that on two occasions heretofore an amendment similar to this—the Chair thinks in precisely the same language—has been offered and a point of order made against it, and in both instances the Committee of the Whole on the state of the Union, by a very large vote, held the provision to be in order.

Mr. HOLMAN. Yes, sir; but does that action of the Committee of the Whole establish a rule for the control of the House? It must be apparent, Mr. Speaker, there is no law authorizing this item.

The SPEAKER. Of course the Chair is not absolutely bound by any decision of the Committee of the Whole on the state of the Union, although such a decision is certainly entitled to very great respect when the question has been discussed and decided by that committee, consisting as it does of the same members that compose the House itself. In order to preserve uniformity in the rulings upon this question the Chair thinks he ought to admit the amendment and allow the House to vote upon it.

Mr. HOLMAN. And hold that there is a law authorizing this appropriation; that it comes within the third section of the twenty-first rule?

The SPEAKER. The provision seems to have been held in order heretofore upon the ground that it had been included in an appropriation bill, and was the law at least for that year.

The CHAIRMAN. If the Chair had doubts as to the correctness of the ruling of the Speaker he would nevertheless adhere to it, since he would not feel at liberty while occupying the chair temporarily to dissent from it. The Chair admits the amendment, and the committee can vote on it.

Mr. SAYERS. As to the amendment?

The CHAIRMAN. On the amendment itself.

Mr. RANDALL. I would like to ask the gentleman from New York a question, if he can tell the committee what additional expense this would involve?

Mr. CUMMINGS. I do not know that I can answer the question. The gentleman from Pennsylvania is one of the firm which employs these men. I am simply a junior member of that firm. I suppose he ought to be able to give me that information. [Laughter.] I must say that if there is any Congress in which such a month's extra compensation should be paid to its employes it is the Fiftieth Congress. But, Mr. Chairman, let us look at the precedents. I find that it was paid away back as far as the Twenty-ninth Congress. On August 3, 1846, it was granted; on March 3, 1847, the Clerk of the House was directed to pay it. On August 7, 1848, it was again granted; also on March 9, 1849, September 20, 1850, and March 30, 1851. In July, 1854, 20 per cent. extra compensation was allowed. Further, on the 3d day of March, 1857, there was the same provision, and so on without stopping to enumerate them. Before the war House after House and Congress after Congress made such an appropriation. After the war broke out, and it was necessary to raise thousands of millions of dollars to sustain the cause of the Union, the House, in a fit of economy, refused the appropriation.

Mr. RANDALL. I do not think the House was in a "fit" but in a very healthy condition of mind.

Mr. CUMMINGS. The gentleman is right. Rigid economy was then necessary, for every dollar was needed. Under the necessities of the situation at that time, Congress felt itself unable to pay an extra month's salary; but in July, 1879, it was again paid; and also on March 3, 1880, and July 7, 1884, and on March 4, 1885.

Now, the Fiftieth Congress has been in session longer than any of its predecessors. It has been in continuous session since the first Monday of December, 1887, with the exception of forty days. The average time consumed in legislation by former Congresses has been eleven months. This Congress has broken the record, and has taken fifteen months. The tariff debate occupied much of that time. I am of the opinion that any employe of the House who listened to that debate night and day, as many were compelled to do, and came out alive, ought to be entitled to extra compensation. [Laughter.] Then the filibustering season occurred and the members were kept here all night long, and until the sun shone over the top of the Washington Monument.

Mr. HATCH. I would suggest to the gentleman that the Washington Monument is west of the Capitol. [Laughter.]

Mr. HOOKER. Well, the sun gets there sometimes.

Mr. McADOO. The New York Sun shines all round the monument.

Mr. CUMMINGS. The sun gets there, as my friend from Mississippi suggests, some time during the day. Its beams gild the top of the monument as soon as it rises. There were eighty-eight night sessions in the first session of the Fiftieth Congress, and there have been one hundred and four altogether up to this time.

[Here the hammer fell.]

Mr. HATCH was recognized and yielded his time to Mr. CUMMINGS.

Mr. CUMMINGS. I am much obliged to the gentleman from Missouri. During these night sessions, Mr. Chairman, nine-tenths of the employes have been compelled to remain here and work, and all of them are required to be here every day. Many of them got no rest during the holidays. The hard work of the session killed one of the official reporters. The work of this Congress has been exhausting and excessive. Is proof of this needed? That desk [pointing to the seat of Mr. Burnes], draped in black, tells the story of its exhaustive nature—a great member dead from overwork. There is no man in this House who can not compute and who does not know the arduous labors of the employes during this session. I have offered this resolution, sir, because I felt it to be my duty to do so. It is an act of common justice to these men and a duty which I owe to myself and to this House. [Applause.] I will not occupy the attention of the committee any further.

The question was taken on the adoption of the amendment, and the Chairman announced that the ayes seemed to have it.

Mr. HOLMAN demanded a division.

The committee divided; and there were—ayes 117, noes 14.

Mr. HOLMAN. No quorum.

Several MEMBERS. Oh, do not do that.

Mr. HOLMAN. I have made the point of no quorum, Mr. Chairman, in order to ask unanimous consent that there shall be a yea-and-nay vote upon this in the House.

Mr. CUMMINGS. I hope unanimous consent will be given.

Mr. HATCH. Mr. Chairman, can the Committee of the Whole by any proceedings in committee bind the House?

The CHAIRMAN. It can not except by consent of the parties forming both the committee and the House.

Mr. HOLMAN. It can on the individual honor of each member of the committee.

Mr. STEELE. With the understanding that if the gentleman can get enough votes to call for the yeas and nays he can have it; otherwise I object.

The CHAIRMAN. The point of no quorum having been withdrawn, the amendment is agreed to.

Mr. HOLMAN. I did not withdraw the point of no quorum. [Laughter.]

The CHAIRMAN. I understood the gentleman had withdrawn the point of no quorum. The Chair will appoint as tellers the gentleman from New York [Mr. CUMMINGS] and the gentleman from Indiana [Mr. HOLMAN].

The committee divided; and the tellers reported—ayes 150, noes 16.

So the amendment was agreed to. [Applause.]

The CHAIRMAN. The committee will rise.

The committee accordingly rose; and the Speaker having taken the chair, Mr. DOCKERY reported that the Committee of the Whole had had under consideration the bill (H. R. 12571) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1889, and for other purposes, and had come to no resolution thereon.

CONFEREES ON PENSION APPROPRIATION BILL.

The SPEAKER. By mistake the gentleman from Iowa [Mr. HENDERSON] was appointed one of the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the pension appropriation bill (H. R. 11658). He declines to serve, and the Chair appoints Mr. LONG, who should have been appointed in the first place.

EULOGIES ON HON. JAMES N. BURNES.

The SPEAKER. This is the hour set apart for the consideration of resolutions in relation to the death of Hon. James N. Burnes, late a Representative from the State of Missouri.

Mr. HATCH. Mr. Speaker, by a previous order of the House this hour was set apart for the presentation of tributes to the memory and eminent public services of our late colleague, Hon. James N. Burnes, of Missouri. In behalf of the delegation from Missouri upon this floor I send to the Clerk's desk and ask to have read the following resolutions:

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. James N. Burnes, late a Representative from the State of Missouri.

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, that the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. DOCKERY. Mr. Speaker, the melancholy duty devolves upon me of supplementing the resolutions just submitted with a brief summary of the salient features of my colleague's remarkable career. Born in the State of Indiana, August 22, 1827, at ten years of age he was taken by his parents to their future home, in Platte County, Missouri. With the usual academic advantages he had already developed such parts and promise that he was sent to the law school of Harvard University, from which he graduated in 1853.

His chosen profession he pursued with great distinction for twenty years. He was made circuit attorney three years after his graduation, and was presidential elector the same year. He was judge of the court of common pleas from 1868 to 1872. Colonel Burnes was a zealous member of the Masonic fraternity, belonging to Charity Lodge, No. 331; Mitchell Royal Arch Chapter, No. 89, and St. Joseph Commandery Knights Templar, No. 4, all of St. Joseph, Mo. He was also a member of St. Joseph Lodge, No. 22, Knights of Pythias, and Pocatontas Tribe, No. 10, Independent Order of Red Men. Mr. Speaker, from the commencement of his active career until his work was finished in these halls, a short month ago, that career was marked by cumulative and unbroken success.

But, sir, the mere record of the epochs of his advancements can but imperfectly chronicle the career of this extraordinary man. For more than thirty years James N. Burnes was a prominent and potential factor in the political, financial, social, and benevolent activities of the State he loved so well and that so loved and honored him. Not only was his financial ability signalized by the accumulation of a large private fortune, but he was identified with many most imposing public enter-

prises, among them the construction of the great bridges at Atchison and Leavenworth, the Southwestern Division of the Chicago, Rock Island and Pacific Railroad, and at one time he was president of the Missouri Valley Railroad Company. At the time of his decease he was the principal owner and president of the St. Joseph Water Works Company, and the leading stockholder in several important banks. With what scrupulous rectitude his dealings were characterized a single illustration will more than suffice. When, in 1877, the Mastin Bank of Kansas City and the National Bank of the State of Missouri failed, involving over a million dollars of the funds of the State, Colonel Burnes was the principal indorser upon the bond of the State treasurer. At this unexpected and appalling conjuncture, almost alone and unaided, except by the rugged integrity of the treasurer, he marched bravely and unhesitatingly up to the exigency, redeeming to the Commonwealth every dollar of the principal and interest.

When he entered the Forty-eighth Congress the reputation of his large and varied sagacity and experience as well as his profound financial knowledge caused him to be placed upon the Appropriations Committee among such compeers as RANDALL of Pennsylvania, CANNON of Illinois, FORNEY of Alabama, HOLMAN of Indiana, Washburn of Minnesota, LONG of Massachusetts, TOWNSEND of Illinois, RYAN of Kansas, and others who had achieved great renown in the public service. The distinction thus accorded Colonel Burnes by Speaker CARLISLE is rarely conceded to a member during his first term of service, but the wisdom of the selection finds vindication and commentary in the records of the Forty-eighth, Forty-ninth, and Fiftieth Congresses and his re-election to the Fifty-first Congress. Indeed, sir, during his first term in Congress his management of the consular and diplomatic appropriation bill demonstrated both the amplitude and the analytical power of his intellect as well as his skill and force as a debater. Many within the sound of my voice will recall with what varied and sustained illustration he gave evidence of these characteristics. His devotion to duty, his patient and persistent labors, his zeal for the interests of his constituency, his sturdy maintenance of his convictions, and his perfect courtesy were uniform and consistent to the end.

In this connection I can not so beautifully and cogently give expression to the estimation in which he was held by his own people as in transcribing the subjoined resolution adopted by the joint memorial session of the Missouri Legislature:

Resolved, That by his death the country has sustained a severe loss. He was an able legislator, a gifted orator, a tribune of the people, whose rights he defended with unselfish devotion; a man of ripe judgment and great experience in affairs, he resolutely devoted every energy of his mind to a thorough investigation of whatever business he was engaged upon, and always with a laudable ambition to promote the best interests of all classes of our people. To the discharge of his public duties he applied the resources of a mind richly endowed by nature with rare intellectual gifts. Cautious, he seldom committed a mistake; honest, he always looked to the advancement of the general welfare; diligent, his industry knew no limit but a complete mastery of every subject under consideration; patriotic, he exhausted the strength and resources of his great nature by overwork, and with heroic courage sacrificed his life on the altar of public duty. The people of Missouri will ever reverence his name and treasure the memory of his virtues.

Mr. Speaker, I falter when I attempt to speak of my friend in his higher and better relations—of James N. Burnes as a man. His charity and hospitality were alike profuse and unostentatious, and he was such a friend that many of us here grappled him to our hearts with "hooks of steel." There is a dark shadow still clouding the pathway that he trod beyond the Father of Waters, and hundreds of hearts that cherished him are mute with simple sorrow. God help the widow and orphans in the day of desolation! That brave, strong, manly man; that genial, sunny companion had been bearing within his consciousness the premonition and foreshadowing of the final stroke for two long years. So placidly he spoke of it that his closest friends thought it must be fancy, and yet he has more than once, in the silence of his solitary chamber, staggered at his table at night and recorded his symptoms and sensations, lest peradventure the end might come before the dawn, and those who should mourn for him might not know that he had recognized the approaching footfall of the grim messenger.

Mr. Speaker, are there not mystic coincidences of human experience that transcend our ken and escape our philosophy? Listen to these words spoken five winters ago in this Hall by Colonel Burnes in eulogy of Dudley C. Haskell:

Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact and prepared himself to meet it. No command of his physician, no appeal of his anxious friends could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain. The sharp, keen conflict of mind with mind and system with system was already before his eyes. The tumult of action and cheers of victory resounded in his ears as his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented Haskell, like many another, died a martyr to his moral convictions of official obligation.

Thus died James Nelson Burnes.

How strangely in this instance does the encomium of the friend become the prophecy of the eulogist, and the painting of the artist anticipate the portrait of himself!

Mr. Speaker, in yonder hall [pointing to the old hall of the House of Representatives, now Statuary Hall], now symbolizing our nation's Pantheon, but once the scene of stormy and splendid debate, John

Quincy Adams, the Old Man Eloquent, fell as the oak whose sap has failed and whose leaf has withered. More than forty years elapse and the oak whose fiber seems like steel and whose leaves seem to garner in the sunshine falls as suddenly. But they both fall as the monarch of the forest falls.

Mr. Speaker, it was Mr. Webster, as I now recall, who, in one of his speeches, alluding to the great extent of our country and the tireless zeal of its pioneers, used the significant expression, "The hunter's path lay over great mountains." So, sir, to him, who, like our friend, achieved a full measure of fame in this House, the path must be cleared over mountains, and the work, by reason of "the peculiar exactions of Congressional life," must be done single-handed. Our late colleague has blazed his pathway and along it shall long be reflected the light of his beneficent example. Let us strive to emulate his virtues.

All honor to his memory! He lived a high and manly life, unswerved by the solicitations of unworthy compromise and unaffected by the glamour of place or prestige, and fell at the post of duty.

The knight's bones are dust
And his good sword rust;
His soul is with the saints, I trust.

Mr. RANDALL. Mr. Speaker, we rarely see a character made up of qualities so positive and decided as was presented to us by our late associate, James Nelson Burnes. He came into the House of Representatives in the Forty-eighth Congress unheralded by any special notoriety. Modest, almost reserved, in manner, he proceeded without ostentation to discharge his public duties. It was not long before he had won his way to the front and was recognized as a man who could be safely depended upon to know what he undertook to do and to do it without fear or favor, holding the public good always in view.

Mr. Burnes would have risen to a high place as a leader among men, no matter where he was placed. He had a splendid physique. He was educated in the best schools and disciplined and trained by large experience in the business of life. He had a clear judgment, was prudent, industrious, and strong in will, yet he was always kind and agreeable to those with whom he came in contact. With such qualities it is not to be wondered at that he carried through successfully the public business committed to his care. His success required incessant labor and the exercise of a patience of which few men in this House have any knowledge. He was always ready, always polite, always anxious to do what was right.

Although a man of large means, allowing him to gratify every wish for travel or personal enjoyment, he preferred to be a man of action and to devote himself to his public and private duties. Death at last found him in the midst of his labors. The exhausting first session of this Congress, unprecedented for its length and ceaseless sessions night and day, weakened and enervated his herculean frame, as it did so many others, and led undoubtedly to his sudden demise. At the time he was stricken he was engaged in aiding in the passage through the House of the great appropriation bill.

His health had failed, and there were serious apprehensions on the part of himself and friends as to what would be the result, but his high courage and sense of duty never failed him for a single instant. No soldier on the field of battle gave up his life to his country more willingly or deserved greater renown. The honors paid to his memory here, in Missouri, and throughout the land showed the high esteem in which Mr. Burnes was held by people of every class and station.

He was faithful to his convictions of what was right, and his fidelity to his friends could be depended upon under all circumstances. His word was sacred. In the midst of political complications, danger, and excitements he was always calm and dignified. His public life was one of strict integrity and his private life without blemish.

Mr. Speaker, I knew Mr. Burnes well, perhaps better than any other man on this floor, and the more I knew him the stronger became my friendship. We became acquainted soon after his appearance in Congress, and when he died there were few upon whom I relied with more confidence than I did upon Mr. Burnes. His death, therefore, was a severe blow to me, but I bow to this, as I have done to like troubles in life, with humble submission to God's decree. His example, Mr. Speaker, is precious to his country.

He was happy in his domestic life, a devoted son and husband, and loved his children as a father should. He was patriotic. He looked to the public welfare. His loss to his family, his State, his country, his friends, is irreparable, but out of his early grave springs the hope that dies not, of the beauty and sweetness of a pure life.

Mr. HENDERSON, of Iowa. Mr. Speaker, it is a pleasure, weighted heavily with sorrow, that calls me as a witness for my departed friend—James N. Burnes.

To be brought suddenly from the generous warmth of his living friendship to stand in the shadow of his dying hours and speak of him seems like a hard, cruel privilege for one whose heart, full of affectionate memories, is best equipped for silence.

But as we would hold the hand of a dying friend when in the supreme struggle of mortals, as we would follow him to his final rest and gently lay him down, so responding to generous invitation and heart's true wish, we here unite through friendly resolution and words sincere

to note his going, his country's loss, with our true grief on legislative and historic page.

How weak, how insignificant, is human power and human speech for such a task! I wish I had the power to speak his life as he deserves it spoken. Whatever simple gift I had for speech my heart has taken from me, and my poor words will seem betrayal of this weighty trust.

If I could paint the picture of his home when your committee laid the casket there; if I could show to you the family bending broken by the stroke of fate; if groups of orphans filling his resting place with flowers and stifled cries for him who had been friend and almost parent too could help me here; if you could see the almost endless line of citizens, old and young, rich and poor, native and foreign, black and white, strong and maimed, passing by the coffin for one last look at their old neighbor and their friend; if you could see his "Brothers of the Mystic Tie" waiting in countless numbers to pay him the highest honors of their order and to be his escort to the waiting tomb; if the solemnity of a grief-stricken city should speak to you; if that indescribable language which comes from every form of sorrow when a great and loved man lies dead could speak to you from his home—if I could show all these then would I be content, for then only could I touch the measure of my duty.

Judge Burnes was a man of large experience. He had taken soundings in many of the turbulent waters of life. He had been lawyer, judge, railroad builder, banker, politician, and member of Congress, and in all his undertakings he made success bend to his powerful will and far-reaching mind. His was a composite character. It had in it the mountain and the valley, the sunshine and the shadow. Am I understood when I say that all the seasons were represented in his abundant nature? I will not deny that he had faults. He would have been lonely here without them, but even his faults were warmed by an ever-present virtue, and were lost in a heart full of generous friendship and inexhaustible affection. Let me be more specific.

As a lawyer he was clear, earnest, profound; he was untiring, unyielding, versatile, and in an eminent degree successful.

As a business man he dashed past the weak and grappled with the strong; he scorned small ventures, and entered the arena where the master minds met in sharp, deep conflict for the wealth of earth. He seemed to hold a magician's wand; gold answered his call, and he died a millionaire.

He was an orator of no ordinary type; he was an accurate reasoner, gifted in speech, trained by school, poet, historian, and philosopher; a lover of beauty and a worshiper of nature—all these, combined with a quick, delicate fancy, a stinging wit, and a generous, boundless humor, made him irresistible in swaying an audience and making captive both heart and judgment.

His coloring could be as soft and tender as the songs of Goethe and the creations of Raphael, or he could give the thundering numbers of Homer and the dazzling splendor of Michael Angelo. He could woo like a lover, or he could strike like a trained gladiator. His oratory was not from the school of the elocutionist, but was the rich and cultivated gift of generous nature. As a legislator he took first rank. He comprehended the true meaning of every measure. Instinctively he knew what motives, interests, or ambitions were back of it, and as clearly he measured the full meaning of the opposition. Possessing these powers in a high degree, he had the further advantage, when necessary, of concealing his own purposes and motives from those pitted against him.

He could thwart by ways most subtle, or he could assume the qualities of the lion in attack or defense. He was an untiring worker, especially in all matters coming to his special care, and would pursue his investigations until he mastered the situation. Entering Congress with him, familiar with his work, side by side with him in committee, intimate as a friend, I know that his legislative life was as clean and honorable as it was able and illustrious.

As a friend he was one of the gentlest, kindest, truest. You who only knew him in this Chamber were comparative strangers to this most remarkable man. You should have entered his great heart and feasted on his affections in order to know the wealth of his great and noble nature.

He is the only man that I have ever known whose gentle, tender treatment seemed all the man and yet more the mother. There was nothing that he would not do for a friend—nor did he wait for invitation. He seemed never happier than when sacrificing himself to give pleasure to his friends. His presence was a constant fascination, his conversation an unceasing charm. His wit was held for battle, but his humor was the constant servant of his friends. The trouble and cares of a friend filled his thoughts and brought forth his generous counsel more than did his own. He loved his fellow-men. His heart was full of quick and warm response for generous natures. His friends were not confined to those in power, or to the inmates of the gilded home. He was as respectful to his dusky body-servant as to his proudest peer. He could penetrate through color, poverty, and untutored speech to where a true heart lodged.

He was as modest and unpretending as any fellow-being who toiled for his daily food, and it was better than rich tomb or towering monu-

ment to have the simple, honest faces, wet with grief, bending over his coffin. His influence upon old and young was wonderful. The old sought him to renew their youth, the children sought him as a companion. A picture of his death-bed scene would tell his character. A boy of sixteen, after he had retired, learned that the judge was dying. He rose at once, near midnight, and hastened to the bedside of his dying friend. Never before had he witnessed a dying scene, and yet it had no terrors for him, for a loved companion was dying, and he sat close by his side, bearing the agony in his young, faithful heart until the end relieved us all.

Now, look at this last picture: A gray head is buried in the pillow. I thought the lips moved in prayer for his dying brother. A strong son sobs until it seems as though his heart would break before the father's. A stripling bends forward as though he would tear him from the arms of death. Strong manhood weeps. The trusted employé will not leave his side. His faithful colored attendant stands near him to the last, every death stroke striking his heart, too. His political adversaries, his political friends—all friends—are each sharing his agony. That little stricken group is an epitome of the vast assembly, taking in whole States, that bent the head when James N. Burnes died.

For months he knew that his last hour was near, and often spoke of it with calm, serene philosophy. His faith in God was strong, and he trusted his future to Him as the child trusts its mother when it goes to sleep upon her breast. Within a few days of his death he spoke freely to me of his wife, his brothers, and his sons. His mind seemed running over with thoughts of them. In telling me of his wife he spoke of her physical sufferings, her patience that seemed more than human, her beautiful character, and drew a picture of a noble woman such as I had not before heard from lips of man.

But I must yield to others who will speak of him, and I am glad that other friends will speak, for I have sadly failed when most my friend had need of me. How true was he to his departed friends. They never lacked for loving champion while he yet lived. While I must leave my friend with a poor, lame service when I owed so much, yet I do know that my heart is true to him—far truer than my speech.

MR. BRECKINRIDGE, of Kentucky.

As in many groups they were busied in diverse occupations, some in games and others in work, the master opened the door and with a smile beckoned to the leader of the busiest group, who, laying down his tools, went within and the door was shut behind him. His comrades waited for him, and finding that he came not realized that that was death.

Centuries ago a pagan philosopher used this illustration of what we call death, and we have seen it occur in our midst that the master came into the busiest group and beckoned the master of the group into the open door. He followed and the door shut. "God's finger touched him and he slept." That is the death which we in our blindness regret; but it is but "the gray eve between two shining days;" the day of the past and the immortal day of the eternity of the future.

It is said that this friend of ours had stood side by side, sometimes face to face, with death for weeks before; that he seemed to know he was but a little while for earth—that the sands of life were slipping through his fingers. Some nights before a premonition had been given, and he arose from his bed and left a note of warning that if he were found dead it might be known of what he died and that he did not fear to die. And it is a demonstration of the manliness and strength of his character, which exhibited itself in his physical robustness and in his mental vigor, that this companionship with death neither blanched his cheek nor daunted his heart, nor for one moment weakened the efficacy of his daily labor and of his intellectual processes. We would have a better estimate of him than we have if we could put ourselves in his place and feel what would be the effect if we were to walk arm in arm with death when we discharge the duties that are imposed upon us here.

I did not know him as well as the distinguished gentleman who was the chairman of his committee [Mr. RANDALL], nor his friend from Iowa [Mr. HENDERSON], who was his colleague on the committee, nor his colleague from Missouri [Mr. DOCKERY], nor as many of his friends knew him. This is not a very good place for personal intimacy. We are a congeries of committees, growing more into specialists as the country grows more and more; and as our duties are to legislate for more millions, each committee is somewhat segregated to itself, and we must trust the members of the other committees for information, voting much on faith and often without knowledge. No man can make himself master of all the business to be transacted here, nor become familiar with the details of the multifarious matters submitted for our action.

Therefore a new member coming into this body, anxious to perform his duty and sincerely earnest in his desire to perform it conscientiously, begins to try to learn, on the very first day of his entrance, who are the members of the various committees upon whose labors he can rely for that information which must be obtained, upon whose intellect he can depend that the conclusions reached are sound, and upon whose integrity he can afford to base his own public action, feeling that that labor and that intellect have been honestly directed and that the result is an honest result. In this sense I soon began to rely upon the result of this dead colleague's labors.

I found that he was a man ceaseless in work, that there was no limit to the industry of which he was capable; that he had a mental vigor and efficiency, accompanied by scholastic training and the discipline of a busy and successful life, which made that industry capable of sure and accurate results, and that he did desire, as far as I could judge, to reach results that were not only honest in the lower sense of pecuniary integrity, but honest in the higher sense of patriotic duty, so that that which he did should not only be free from any stain of personal self-seeking or pecuniary interest, but also should be instinct with a desire to do what was best for the common weal.

It was not so much his public utterances on the floor, although they were always clear and strong; it was not so much the intellectual vigor which he displayed, as it was the vast capacity for labor which I saw he had when I came into personal contact with him, and the earnest disposition that he constantly manifested to reach proper results, that won my admiration and confidence. And, Mr. Speaker, may I be permitted to say that when in the labors of the last session, labors that were so incessant and so trying to many of the members of this body, the health of that distinguished gentleman, who has for so many years been chairman of the Committee on Appropriations, gave way, and it seemed that he would be temporarily, if, indeed, not permanently disabled, many of us turned with a feeling of sorrowful confidence that under his leadership and training there had been prepared, in the person of Judge Burnes, a fit and qualified successor. And may I be permitted to add, sir, in the midst of all differences, in the midst of divided opinions, the expression of my sincere gratification that while we mourn the death of that worthy colleague and friend, God has spared, and may He spare to us for many years, the efficient services of the chairman of that committee.

Mr. Speaker, of the private life of Mr. Burnes I knew very little, but "there are some things which a man does in life that he can well remember with pleasure at death," and these things were the daily doings of this man's life. Kindly words, generous deeds, thoughtful actions, friendly smiles, marked the sunshine every day of his life, and these are the really important things in life. In that wondrous book, the Book, there is hardly anything so precious to me as the revelation of the Divine alchemy which takes the two mites of the widow and turns them into a greater wealth than the gifts of all the rich. It is the little things that count. Not what, not how, but why we do what we do is the great test of a man's character, is the real power and measure of his influence as well as of the Divine reward hereafter; and unless I have been misinformed, many of these things may have gathered in that company of which my friend [Mr. HENDERSON, of Iowa] speaks, at the death-bed of Judge Burnes. There were sorrowing friends there, but on that unconscious brain and scarcely pulsating heart there may have been other impressions, visions seen with clearer eyes than these poor physical eyes of ours, when those kind deeds came trooping round that bed, to soothe his aching frame, and smooth his pathway to the grave, and give to those last moments of earth the choral song of kindly deeds and sweet and friendly words.

This man's life began with a contest for supremacy at Harvard College, when he was elected the judge of the parliament of the law-school, and it was a masterful contest from that day until he died; masterful by the power of his will and the strength and breadth of his brain, and it was fit that for him there was no period of decrepitude. I esteem it one of the fortunate events of any man's life that, in the vigor of his manhood, amid his daily labors, when there is no abatement of his natural strength, when the powers that God has given him are consciously under the mastery of his will and are its servants for carrying out good purposes, he suddenly finds this tabernacle of mortal flesh falling from the higher and nobler nature, and he steps with all the power of a divine manhood into the presence of his Maker. It is no cause of sorrow. It is no reason why we should weep. And to-day, as we recall the last scene of our colleague's life and lay the tributes of our admiration and affection upon his grave, it is not unbecoming that we should ask that when our time comes—and it may come sooner or later in the midst of these labors—it may come to us suddenly, without premonition, without the mortal dread of warning, and that we may stand at a moment's notice on the other and better shore. That there is another and better shore, that we are surrounded by unseen realities, I for no moment have ever doubted. There is a place where the incommunicable thoughts of our innermost hearts will find outlet to those we love.

Mr. LONG. Mr. Speaker, it lacks but five days of just five years since, on an afternoon like this, and upon a like occasion, I, then a new member of Congress, first heard the rich deep voice of James Nelson Burnes—a voice mellow and resonant and full as the swelling sub-bass of an organ-note. Since then how familiar has been its music to our ears, never falling on them without awaking that soothed and welcoming responsiveness which the ear instinctively gives to a melody that melts into sympathy with itself. Whether that voice breathed softly, as an Æolian harp, along the chords of courteous and kindly compliment, or, in the stress of hot debate, expanded to the mighty volume in which the aroused and masterful orator pours the thunder-peal of his passionate and resounding eloquence, it never grated on the ear, it never struck a false note, it never failed to be the obedient expression

of the mind it served, or to win without harassing the attention of the House to which it spoke.

At the date to which I refer, Mr. Burnes, also then serving his first session in Congress, was speaking in it almost for the first time. He was delivering an address upon the life and character of Dudley C. Haskell, of Kansas, a member of the Forty-eighth Congress, who had recently died, and to whom the House was then paying its tribute of respect. Himself a picture of magnificent physical power and health, nothing seemed less probable than that five years from that time the House should be paying its like tribute to James Nelson Burnes. Those of us who were there recall the graceful and appreciative touch with which he portrayed the characteristics of him whom, coming from the adjoining border of a State adjoining his own, he denominated his "neighbor," or the felicity with which he wove the laurels of Missouri and Kansas around the name of Dudley Haskell till it seemed as if the noble river which is a boundary between those two great States, distinctively representative as they are of the two great political forces of the Republic, was a river of their common tears poured out to Haskell's memory. It was in this appreciative strain, it now seems also like a prophetic strain, that Mr. Burnes then uttered these words, so significant of himself but one short month ago:

Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact, and prepared himself to meet it. No command of his physicians, no appeal of his anxious friends, could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain. He had thought much upon legislation, and saw, or thought he saw, the work of his hands in former Congresses about to be reviewed by his political adversaries. The sharp, keen conflict of mind with mind and system with system was already before his eyes. He saw the coming all-night vigils, and the glare and heat of the fierce onset—the thrust, the parry, and the parliamentary blow. The tumult of action and cheers of victory resounded in his ears as, unconsciously, his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented Haskell, like many another, died a martyr to his moral convictions of official obligation.

So, too, died James Nelson Burnes at his post, struck down like the younger Adams on the floor of the House of the Representatives of the people. It has been my fortune to serve with him during most of my Congressional life upon the Committee on Appropriations. I was familiar, as were we all, with his conciliatoriness of manner, sometimes and strikingly in one of such vigorous brawn of physical and mental force, melting into a very softness and flattery of voice and touch and compliment and generous kindness. But underneath this we all were quickly taught that when it came to the will, which in this man was like the engine in the heart of the steam-ship, when it came to the purpose he had in view, and the result he had determined to achieve, no bar of steel was so firm and irresistible. It was a hand of silk when it grasped that of a friend or bestowed a courtesy; it was a hand of iron when it flung from his path an obstacle or struck a foe.

He was a man of tremendous persistence and mental industry. His desk to-day would be more characteristic of the man if the flowers and cloth of mourning which are now upon it were removed, and it were ready for hard labor and diligent application to the work of legislation. For he suggested life, not death; and my religion thinks of him still grandly alive, not movelessly dead. His comprehension was broad, seizing and digesting the infinite variety of subjects before our committee alike in their general reach and in all their minute details. His great brain, set in his massive, square, capacious head, mastered with a giant's grip whatever it attacked; and while many of us differed from his conclusions, and often questioned the policy which he would have applied to expenditures in the interest of public works and obligations, we never underrated the might of his antagonism.

Yet, withal, it was a supple mind. In the intensity of his maintenance of a position he not only struck the blows of a sledgehammer, but sprung every device which his swift ingenuity suggested. If I were to sum up his characteristics as a public man, I should embrace them in the one controlling quality of a masterful force. It was typified in his physical frame. It included also deftness, quickness, aptness, art. It now went home with the most emphatic directness of speech; it now hid its attack, as the goddess veiled her son, the Trojan hero, in an enveloping mist and cloud of words. It was like the trunk of an elephant, able to strike a blow that crushes a wall, yet with so subtle and delicate a touch that it picks a pin from the floor. It was a force that never expended itself in a tumultuous and tempestuous explosion. It never lost control of itself. Like the voice in which it was uttered, it was, however surcharged, always under command. No storm of fierce debate, no whirl of vehement opposition ever disturbed its equipoise. It never left him at the end of whatever struggle with other than that bland smile upon his face and that courteous intonation in his greeting or parting salute, which we all recall as vividly now as if but a moment ago he had leisurely walked across this Hall, fanning his leonine open throat with his habitual palm-leaf fan, and had gone out through yonder door, soon to come back again while yet we speak of him.

And that masterful force stood by him to the end. On the morning of his last day of service here, the 23d day of January, 1889, he was in his place at the table of our committee, the veteran chairman of which,

recently worn in health, though never more resolute in mind than now, had come to lean a little on his broad shoulder. He was especially prepared for the debate which was to occur on that afternoon session. He took his seat in the House soon after it came to order. The sword of one more surely fated than Damocles was suspended above him, its point at his very heart. He knew it was certain to fall. He saw the very disintegrating of the single hair by which it hung. But he did not flinch. The square jaws were set a little firmer; the iron hand clinched itself a little tighter; the masterful spirit rose only to a sterner defiance; and if ever a human will put forth the force which none but Almighty power could bend or break, it was that of James Nelson Burnes when he fell that day here at his post in the discharge of his office as a Representative of the people.

As one who was with him in their service, entering Congress at the same time; as one who was his associate upon one of the committees of this House; as one who for five years was the recipient of his most cordial courtesy and a daily witness of his laborious and efficient industry; as a graduate from the same university at which he studied law; as his colleague and his friend, I pay my tribute to his memory and extend my sympathy to the circle of friends, and especially to the wife and kin, to whom he was a mighty castle, and to whom his death is the falling of a great arch of the refuge and shelter of their hearts.

Mr. HOLMAN. Mr. Speaker, James N. Burnes was a native of Indiana, and although he achieved his high reputation in a sister State, Indiana could not be silent when the Representatives of the nation express their grief at his death and this House places upon its records an enduring memorial of his high qualities as a legislator and his worth and merit as a man. I am a native of Indiana, and it may be that the high esteem in which I held Judge Burnes, or at least the affection I felt for him, was in some degree colored by the sentiment that he was a son of the great State which I love and in which my life has been passed.

I had known something of Judge Burnes by reputation before he came to this Capitol, but my personal acquaintance with him commenced with the Forty-eighth Congress, when he and I both became members of the Committee on Appropriations of the House.

For four years we served together on that committee, and every successive step of his career during that period on that committee and in this Hall up to the day before his death, when we last conversed together for a few moments where I now stand, increased my esteem and affection for him as a man and my admiration for his abilities, unfaltering integrity, and high sense of justice.

The assignment of Judge Burnes to the Committee on Appropriations, the most important committee of the House, on his first entrance into Congress, indicates the reputation he had already acquired. He was made at the outset by Mr. RANDALL, then and still chairman of the committee, a gentleman whose large experience in Congress and admirable judgment of men rendered a mistake almost impossible, chairman of the subcommittee on the consular and diplomatic bill, and later on of the general deficiency bill, one of the most important of the fourteen great appropriation bills—a bill on which countless forces, official and unofficial, seek to crowd almost countless items, certified and uncertified, running back through many years, and swelling into vast millions. It is a bill every item of which requires painstaking, protracted, and patient labor. Judge Burnes, while actively participating in the preparation of the other great bills of that committee and the current business of the House, had that particular bill especially under his charge, and it is to be placed to his honor that in the many millions of dollars involved in that bill, covering a vast multitude of items and running back through many years in successive sessions of Congress, not an error or mistake has ever been found.

The real work of Congress is performed in the committee-rooms. The preparation of one of the great appropriation bills, especially one in which the result is expressed in large aggregates like the "budget of deficiencies," is the very drudgery of legislation, its results are simply expressed in great sums of money. None of the enthusiasm which gathers around the current proceedings of Senate or House give it animation. Nothing but a high sense of public duty could secure its faithful performance. Gentlemen around me know with what patient industry and fidelity Judge Burnes performed this necessary and valuable duty of legislation. When he brought the bill into the House with its aggregated millions of dollars he was the master of every detail, and was prepared to meet every motion to enlarge its volume. Not one of that great mass of discredited claims, which year after year seek a favorable opportunity to reach the Treasury, ever escaped his observation; yet a demand that was just, no matter how long it had been delayed, met with his prompt recognition.

In legislation Judge Burnes demanded not only just methods but undisguised frankness. During the Forty-eighth Congress a question incidentally arose as to a secret-service fund to be employed in negotiations with a foreign government for the benefit of ours, but he denounced the measure in words of burning eloquence as unworthy of a great and free people. Such methods of the state-craft of monarchies were unworthy of a Republic where the public mind, fully informed, should control events.

He was the very soul of justice and honor in legislation. He examined with the same patience and impartial fairness the small claim of the humblest citizen and the great claim of a powerful corporation. Circumstances occurred in the closing period of the Forty-ninth Congress that brought into full view his great qualities. Conditions arose of extraordinary embarrassment in relation to an important appropriation bill under Judge Burnes's control. In that contention gentlemen who were carefully noting the current of events saw him display high qualities of self-denial and fortitude worthy of a Roman senator in the golden age of that republic.

One of the great corporations which have grown out of the Federal policy of our age, greatly indebted to the United States, asserted a claim against the Government involving millions of dollars and demanded its payment, without reference to the just counter-claim of the United States of a vastly greater sum, but not yet technically due. After an exhaustive examination Judge Burnes reached the conclusion that it ought not, in justice, to be paid. Repeated conferences on the bill rendered it reasonably certain that unless Judge Burnes and his associate House conferees receded and permitted the payment of the claim the bill would fail. The bill involved very large sums that ought to be appropriated and about which there was no dispute; claims the most meritorious.

The situation was one of extreme embarrassment. To recede allowed the payment of millions which Judge Burnes thought ought not under the circumstances to be paid, to refuse to recede postponed payment of claims eminently just and meritorious—claims of soldiers of the late Union Army and their widows and orphan children, and other meritorious and necessary appropriations not in dispute; but Judge Burnes, sorely pressed, did not falter. The hour of final adjournment fixed by law rapidly approached and every influence which policy, interest, and power could suggest was brought to bear to induce him to recede from his position, but he stood by his convictions with the firmness of a rock which had defied for centuries the rage of the ocean.

He understood well the severe criticism he would encounter if the bill failed in his hands, for but few such events have occurred in our history, but he did not falter. He brought hastily into the House a bill embodying the most pressing and meritorious provisions of the bill in dispute, and on his motion it was instantly passed by the House and sent to the Senate. Almost at the last moment concession was made to his views, but it was too late and the bill failed. Happily no material public inconvenience resulted from its failure; the ends of justice were secured and this noble example will remain upon the records of Congress forever of unfaltering firmness in the performance of a public duty.

Judge Burnes possessed the qualities, firmness of purpose, and intellectual power which under favorable conditions and with larger experience in statesmanship would have made him one of the foremost men of our age. His truth, moderation, and sense of justice as displayed in this Hall would have steadily advanced him in the respect, admiration, and confidence of his countrymen; his unassuming manners, his patience and forbearance, and above all his unflinching industry, great talents and attainments and high sense of fairness and honor made him of great value in the public service, and with prolonged life would have given him a commanding position in the councils of his country. He was of the order of men who under favorable circumstances become, as it were, landmarks in history.

I will seek to express the opinion I have formed of Judge Burnes by a comparison.

The historians relate that the Roman senate, wearied by the protracted war it had waged on the opulent city of Numantia, in Spain (I quote from Bancroft), which had for years resisted the Roman arms with invincible fortitude, deputed Tiberius Gracchus, celebrated for his truth and moderation, with plenary powers, to that city. While a fierce conflict between the invading army and the beleaguered city was impending it was announced that Tiberius Gracchus, a messenger of the Roman senate, was approaching the ramparts; the assault ceased, the gates of the city were thrown open, the citizens with their wives and children "thronged round his steps, hung on his arms, and clung to his hands." They led him into their city and—

bade him take from their public stores whatever treasures he desired; he took but a handful of incense and offered it to the gods. They requested him to establish the basis of peace, and he framed a treaty on principles of mutual independence.

Of course the conditions of human life which rendered this incident in history possible do not exist in our living age, and has not for ages past, and yet I think I may fairly indulge in the comparison I wish to make. As I have seen James N. Burnes in the committee-room and in this Hall, observing his high sense of truth, justice, and honor, the spirit he uniformly displayed of kindness and moderation, the simple dignity of his deportment, the generous and humane temper of his mind and heart, the benevolent expression of his face, I feel that I can say with safety that under like conditions he would have inspired the same high confidence and furnished the same absolute assurance of justice as did on that historical occasion the illustrious citizen of Rome.

In the death of James N. Burnes many of us have lost a friend we loved and admired, this House one of its most valuable members, his

State and the nation a great citizen whose high merit is fully attested by the record he has made in this Capitol. That record will remain a monument of enduring honor to his memory.

Mr. BUTTERWORTH. Mr. Speaker, it is appointed to all men once to die, but when that death will come or how or where is not revealed to flesh and blood. Each life is for our instruction and each death is to us a warning and a lesson. What death involves we do not know, beyond this, that the eyes cease to see, the ears no longer hear, the lips are dumb, the heart is pulseless, and the wheels of life stand still. I have watched with the dying, and been alone with the dead, and have felt that sense of dread which comes to us when we contemplate the fact, that even in health we are skirting the confines of "the valley of the shadow."

Whether death ends all conscious existence I do not know, but I have an unwavering faith that this life is but the germ of an immortality. However and wherever we exist this conscious intelligence still survives. As I have stood in the presence of the dead I have found myself, almost unconsciously, repeating the words of Cato's soliloquy:

Plato, thou reasonest well;
Else whence this pleasing hope, this fond desire,
This longing after immortality?
Or whence this secret dread and inward horror
Of falling into naught? Why shrinks the soul
Back on itself, and startles at destruction?
'Tis the Divinity that stirs within us.

The death of the aged and infirm is so in the natural course of things that while it saddens it may not shock us. The dissolution that follows wasting disease and painful illness we are prepared to meet; but when one in the fullness of life, the zenith of strong manhood, is, without premonition, struck down, we stand appalled in the presence of the sudden calamity. Such a death most forcibly reminds us that we are mortal. In the life, the labor, and the sudden death of James N. Burnes there is for each of us an impressive lesson. Others will speak of his life and services, his trials and triumphs. It is my part to refer only to the manner of his death and the impression left upon my mind by the sad occurrence. It seems meet that I should do so, as I was with him when he first felt the shock that foreshadowed his speedy dissolution and was among the last to converse with him.

On the morning of the 23d of January last I met our deceased friend in the Appropriations Committee room. Mr. RANDALL, being indisposed, was absent temporarily, and had requested Mr. Burnes to preside at the meeting of the committee. Whether the hand of affliction had been laid upon him then I do not know, but I never saw a picture of more perfect health than he presented. As you know, he was a man of stalwart frame, a giant in strength, and of indomitable will. I never met him when his intellectual faculties seemed clearer than on that morning.

When the committee adjourned, he preceded me to the floor of the House. A few moments after I had taken my seat, I turned and called to ask him some question concerning the pending bill. He answered, and, rising from his seat, walked to the head of the center aisle, in front of the Speaker, to meet me. I asked him a question concerning a provision in the bill, whether it was reached. He said, "Not yet." At that moment he raised his hand to his face and said to me, "Ben, there's something the matter with my tongue, I find difficulty in speaking." At the same time I noticed a nervous twitching of the muscles of his face, and deeming that he was seized with some nervous affection which the fresh air and his resolute will might throw off, I said to him, "Come with me into the open air."

He took my arm, and we walked together out to the east front of the Capitol. As we passed along he seemed to be struggling to control the muscular action of one side, and I said to him, "Burnes, bring your will power to bear, and you can drive this trouble from you." I saw he was making the effort. On reaching the open air, he felt somewhat better. For some minutes we walked up and down, conversing about the unnatural feeling that seemed to be taking possession of him. I proposed to go for a physician. He resolutely declined to have me do so, and said it was nothing and would pass off in a moment.

I urged him to let me bring him some stimulant; that he also declined. I urged him to go with me in a carriage to his physician, Dr. Sowers; he positively refused, and those who knew James N. Burnes will understand that when he said "no" he meant it, and he would be an aggressive friend who would persist in doing that which Burnes forbade.

At his suggestion we walked from the east end of the Capitol to the consultation room of the Appropriations Committee. On reaching there I again suggested that, as he did not feel better, I should at once summon a physician. He refused to permit me to do so. I insisted then that he should take some stimulant to warm him. He consented, and I left, and meeting his colleague General HATCH, asked him to assist, and in a few minutes Mr. HATCH obtained some brandy, and Mr. Burnes took a small portion. This seemed to revive him. We stood there alone, while he seemed to be struggling to throw off the influence that oppressed him. I have never seen such a struggle between the will and the physical man. Twice he dropped the cigar which he held in his hand. I said, "Burnes, let your cigar go, you do not want it." "No,"

he said, and stooped down as if to compel the hand that was yielding reluctant obedience to respond to the mandate of his will.

Twice he picked the cigar up, and twice it fell from his hand. At last he seemed fully to realize the nature of the struggle in which he was engaged. Putting one hand upon my shoulder, he said, realizing as I did not the danger which was present, "Ben, it is hard to quit the battle now," and after a moment's silence he said again, "I hate to leave the field now." I then understood what he meant, but did not dream that he knew, and I am sure I did not, that he was stricken, and that speedy dissolution was imminent.

He said again with earnestness, but having difficulty with his articulation, "I have much to do, and I hate to quit the battle now."

I said to him in reply, "Why, Burnes, you are good for twenty years yet." He shook his head in a manner which left no doubt that he felt that his hour had come. In a moment he reviewed the work he had done, and surveyed the ungathered harvest which spread out before him, and contemplated the labor unperformed and to which he was about to lend his willing hand. But it could not be. Then for the first time I observed that indomitable will of his for a moment seemed to yield.

I again said, as if intending to disregard his wish, "I will go for a physician, or take you to one." He still earnestly refused to let me go. He doubtless knew all human aid was vain.

I then asked him to lie down upon the lounge. He did so, and at that moment our colleague upon the committee [Mr. RYAN] entered the room, and seemed to realize in a moment Mr. Burnes's condition. He said, "We must call a physician at once," and in a moment Dr. GALLINGER, Dr. DAVIS, and Dr. ATKINSON, members of the House, entered the room.

Dr. GALLINGER made an inquiry or two, and in a moment diagnosed the case. The quick, practiced eye of the physician revealed to him that James N. Burnes was stricken in death.

He said quietly to friends, "It is only a question of a little time."

Burnes was paralyzed. A blood-vessel in the brain had burst, and he was past all human aid. He was carefully and tenderly removed to his rooms at Willard's Hotel, was kindly cared for, but in a few hours he was dead. His son, who was visiting his father, hurried to his side. It was touching to see that stalwart, strong young man, standing by the side of his stricken father, eager to do something for his relief, anxious to engage in a desperate struggle to wrest him from the grasp of the destroyer.

I knew how he felt, for not many months before I had held in my arms a boy that I loved dearer than my own life. Death seemed to be tearing him from my grasp. I remember, in my agony, feeling the desire that death should take on some physical form or shape and let me fight him for my boy.

So that faithful son stood by the side of his honored father, devoted, yet powerless to help or save. The family at home learned at the same time of his illness, and his death, which followed immediately. It is difficult for us to realize in full measure the agony of that bereaved family in the loss of a husband and father.

I know the home of Burnes was a Christian home, and I am persuaded that, in the presence of such affliction as came to the members of that household, the voice of the Master was heard speaking the words of comfort, "Let not your heart be troubled. Ye believe in God; believe also in Me. In my Father's house are many mansions. If it were not so, I would have told you. I go to prepare a place for you." I do not know what faith Burnes had. He was conscious of his approach to the "valley of the shadow," but whether he went with unfaltering step, upheld by Christian faith, I do not know. I judge of the man as I knew him. His heart was generous, and to me at least he proved by works his faith, and his works were such as to give assurance that although he made no profession before the world yet he had Christian faith.

Of his usefulness and labors in public and private life it is not my purpose to speak. That task will devolve upon others. I have spoken of his last hours. This much I may add: I stood by the coffin in which he lay; he seemed to have settled into a peaceful slumber; and in that presence the uncertain tenure by which we hold to life was deeply impressed upon me. I seemed to hear, in language not audible to mortal ears, but none the less palpable to my understanding, "Do thy work to-day; for thee there may be no to-morrow." The chaplain had finished the prayer for the repose of the dead and invoked a blessing upon the living, when we left our friend in care of those who were to bear his mortal remains to their final rest within the borders of the State which had honored him with trust and confidence, and which he had in nowise betrayed. We saw the form of our friend shrouded for the tomb, but in the presence of that change called death we felt that we could say of James N. Burnes, "It is well with him."

Mr. SAYERS. Mr. Speaker, on the 23d day of last month the House was startled by the announcement that one of its most distinguished members, James N. Burnes, had been stricken with paralysis while in the performance of his duties and in attendance at the Capitol. For this sad intelligence no one was prepared. During the morning he was with his committee—that of Appropriations—taking, as

was his custom, an active and influential part in its deliberations. He appeared to be in excellent spirits, and there was not the faintest shadow upon his countenance or speech or action of the event which was to come so soon and in such form. To the observer death seemed to be afar from him as he sat with us and assisted us for about two hours in the preparation of the measure which was then claiming our attention.

He walked from the committee-room, apparently in splendid health, seated himself at his desk, prepared an amendment to the bill which the House was considering, and arising to confer with a friend was smitten with the first symptoms of the attack which was to terminate so fatally and in so short a time.

He was borne from the Capitol in a most critical condition to his hotel, and before the morrow's sun had risen he had taken his final departure from the scenes and circumstances of this life. That he anticipated the probability of any early death and was not altogether unprepared for the suddenness of its coming may be inferred from conversations with his intimate friends.

During the former session of the present Congress, and especially toward its close, he was very busily engaged both day and night, and proceeding from here to the district which he represented, he immediately entered upon a very active canvass, which he personally conducted until the election. He returned to the Capitol last December with his strength somewhat impaired, and was soon afterward taken seriously ill. Recovering, he resumed his Congressional duties with his wonted industry and activity, and continued in their constant discharge until the very moment of his last illness. It may be literally said of him that he died with his harness on—in the very midst of his labors—in the actual performance of the high functions to which he had been called by reason of his abilities, his splendid services, and the judicious partiality of those among whom he had lived and wrought for so many years.

Mr. Burnes was a busy, an active, a practical, and a prosperous man. The successes which marked his career were not the chances of fortune, but rather the results of toil, sagacity, courage, and inflexible determination. He was self-reliant and self-confident, and full to the overflowing of resource. He thought for himself; he acted for himself. His plans were carefully considered, and when matured, he pushed them on boldly and skillfully to their accomplishment. The tendency of his mind was not in a single direction, nor was it limited in its aspirations or undertakings. Any enterprise which promised gratification to his ambition and usefulness to humanity was sure to meet with favor at his hands. Possessing an intellectuality capable of the highest and of the finest polish, he was nevertheless a man of action. A theorist, a philosopher, a lover of literature, he was also eminently practical in all his aims and efforts. He was endowed with a most excellent judgment, which under the most trying circumstances never lost its just equipoise nor failed to serve him as a sure, a safe, and a ready counselor. He never lost his presence of mind, but met and grappled with difficulties as they arose without hesitation or fear.

To the activity, strength, and diversity of his mental endowments were added graces of deportment and character which contributed in no small degree to his advancement in life. He was easy to be approached, courteous in bearing, affable in manners, true to friendship, faithful to promises, and considerate to those with whom he was connected, without regard to station in life. These lovable qualities added very materially to his strength and influence with men. He was wealthy, without being ostentatious. His liberality was not accompanied by selfish extravagance. Possessing all of these high and varied qualities of mind and heart, it is not a wonder that he became a recognized leader and won for himself complete success in all his undertakings.

He was a necessity to those with whom his life and labors were cast, and it was therefore not a strange or unaccountable circumstance that on the cold, wintry, Sabbath evening of his funeral thousands were gathered to witness the long-extended cortege which bore his remains to their resting place, and that the people at his own home and in his own State, without regard to party, class, or distinction, united in paying to him the last tribute which can be offered to humanity. A man had gone from them who had accomplished many great and useful enterprises, and whom they had delighted to honor with their confidence and esteem.

It has been said that the life of Mr. Burnes was begun amidst straitened circumstances and that the scholastic and professional education which he attained came to him through the kindly aid of his kinspeople. If this be true, his subsequent career illustrates not only the great strength of character which he possessed and without which he could not have been so successful, but also the exceeding value of our political and civil institutions, and of the social characteristics of our people. His career, amid all the varied vicissitudes of his life, can not but animate ambitious poverty to the loftiest exertion, in the confident expectation that success surely awaits the toiler in every department of honorable activity, even though the beginning be obscure and humble.

James Nelson Burnes was born in Indiana in the year 1827, and was therefore in his sixty-second year when he died. As to his early life I have no information further than that he received a common-school and high-school education, and that he was graduated at the Harvard Law School

in 1853. He then resided in Missouri, and immediately began the practice of his profession in that State, which he diligently pursued until 1868 with great success, gaining much reputation as an advocate. From 1868 to 1872 he presided upon the bench, and in that high and delicate position he acquitted himself with great credit, thus adding to his reputation as a practitioner the broader and more enduring fame of an honest and an able judge. In both of these capacities his record is without blemish and is a source of great pride and satisfaction to his friends and relatives. Every obligation which was imposed upon him by virtue of these relations to society and to individuals was met and discharged with scrupulous fidelity.

Retiring from the bench, he entered upon an entirely different sphere, in which was put to the test not only the experience and information which he had previously acquired but also those other great qualities of mind and character which were still latent to the public eye, even to those who had been nearest to him and thought that they knew him best.

Looking around him, he saw that the great West presented an inviting field for the building of railways and that the demands of commerce would increase with the growth of population and with the development of the country. The opportunity was before him and he did not hesitate to follow the dictates of his judgment. Others of greater experience in such matters were consulted, but they hesitated to make the venture.

But Mr. Burnes was self-reliant and possessed the courage of his convictions, and, without previous training or technical skill, he embarked in the dangerous enterprise of railway construction, which was to call forth his best energies and the exercise of an indomitable will. Failure might prove to him an utter wreck of fortune and of character as it had often occurred to so many who had enjoyed far greater advantages and had had far better and far brighter prospects than he.

The word "failure" was not written in his vocabulary. It was a strange word to him—a word with which he was not to become personally familiar. He had considered, and having considered it was, with him to act. He was the organizer and the first president of the Western and Atchison Railroad Company, which built the first railway in that section of the country, except the Hannibal and St. Joseph. Succeeding in that enterprise, he organized another company, and was the moving spirit in the construction of the Chicago and Southwestern Railway, from Leavenworth, Kans., to Ottumwa, Iowa, and now forming a part of the Chicago, Rock Island and Pacific Railway.

Principally to him and to his efforts is due the construction of the bridge across the Missouri River at Atchison, in Kansas, and that, too, during a season of great financial disaster and panic.

He was a member of the original Town Company of Leavenworth and Atchison, and was still interested in the organization at the time of his death.

Who, Mr. Speaker, can estimate the advantages that have accrued to the great States of Missouri, Kansas, Nebraska, and Iowa, and to other communities because of the completion of these enterprises in which Mr. Burnes was a leader? It must have been, indeed, a proud moment to him when that great concourse of people met at Atchison on the 25th day of September, 1875, to celebrate the completion of their bridge. He had actively assisted in bringing to them these instrumentalities of commerce, and they were there to express their appreciation of their value to themselves and to their posterity.

An address of much power and eloquence was delivered on that memorable occasion by a distinguished gentleman, now the Presiding Officer of the Senate of the United States, in the course of which he said:

But there is one other man to whom, more than all perhaps, this is due, a man in whose great brain the idea was first conceived, in whom it originated, and who has pushed it forward to its triumphant conclusion, a man who is not only one of the first and master minds in Missouri, but also one of the master minds in the Northwest and of this continent; and I say further that full justice will not be done him until at the eastern approach of that bridge stands a statue in bronze of Col. James N. Burnes, of Missouri.

This was a merited tribute to a deserving man, who had, by his enterprise, his courage, and his industry vastly enhanced the material wealth of his people, thereby conferring, in the most substantial and enduring form, benefits of incalculable value and variety, not only to the present, but to all future generations.

But, sir, it was as a member of this House that Mr. Burnes was best known to the great majority of us. Elected to the Forty-eighth Congress, he was assigned to the Committee on Appropriations, where he remained until he died. His practice as a lawyer and his experience as a judge, combined with his large and varied capacity as a man of affairs, enabled him to readily comprehend the character of the duties to which he had been appointed.

At the very commencement of his service he began to thoroughly equip himself for the work which was before him. The administration of the Government in all its details received his continued and careful attention, and wherever a mischief appeared he sought to apply a remedy. It is entirely safe to say that he contributed largely to such legislation as has been permitted on the appropriation bills since he became a member of this House. In his recommendations of expenditures he was economical but not niggardly, believing that the Govern-

ment should have a sufficiency for proper and efficient administration, but no more than was enough.

Methodical and industrious in his mental habits, he made himself very thorough in his knowledge of every question that he undertook to consider. With him it was an inflexible rule to withhold his judgment until all means for information had been entirely exhausted. Careful and painstaking in his investigations, his conclusions were but seldom, if ever, erroneous. He soon acquired the confidence not only of the committee but of the House also, and in matters of expenditure he was, at the time of his death, a recognized authority. He spoke but seldom, and then only upon such subjects as he had completely mastered. His utterances for that reason always received attention, and he but seldom failed to carry the majority with him. His popularity was continually on the increase and his influence rapidly enlarging. It was a steady growth, not spasmodic. He was regarded by every one who knew him as a well-equipped legislator—as one whom it was entirely safe to follow upon measures which he had in charge. He acquired much reputation during the former session of the present Congress. The responsibility under which he then labored was greater and heavier than ever before. How well he met that responsibility we all know. His strength seemed to increase with the weight of the burden imposed, and his exertions quickened to the demands which were made upon his energies. At the close of the session his character as a wise, honest, and courageous legislator was firmly established.

The past was secure, and the future appeared full of promise. He had fully demonstrated to the satisfaction of all his entire fitness for the high position to which his services had carried him in the estimation of his colleagues and of the country. No one who knew him will deny to Mr. Burnes the possession, in a very large degree, of a high order of ability for public affairs. He was not content with the mastery of the principles upon which a question rested and to which it owed its vitality; he also strove to possess himself of the details of its application to correct government. He regarded matters of legislation rather from a practical than a theoretical standpoint, and for that reason his opinions were entitled to great weight. Had he lived for some years longer it is quite certain that his reputation would have grown to national proportions and that leadership in the councils of his party would have been cheerfully accorded him.

But, Mr. Speaker, the most interesting feature of Mr. Burnes's character are to be drawn from his social and domestic relations. He had many, very many friends, who were attached to him by the strongest ties. His genial and kindly nature made it pleasant, indeed, to be with him, and the enjoyment of his society was not relinquished without regret. What more beautiful and instructive lesson could be taught than that which is to be found in the close and affectionate relationship which existed between D. D. Burnes, C. F. Burnes, and James N. Burnes—three brothers? In business affairs they were partners, owning everything in common and never disagreeing in the matter of property, or in its acquirement, disposition, and management.

D. D. Burnes dying more than twenty years ago, the affections of the survivors were extended, in all their strength, to his children, and the six orphans—minors all of them—occupied the very same place as their father in the love of their uncles. They were tenderly cared for during the years of their minority, and are to-day co-sharers in the joint property of the three brothers. They dwell beneath the same roof and sit around a common board.

Probably a more touching address has never been heard than those few and simple words, which were spoken by the last surviving brother—one of the three—to the Congressional committee, who accompanied his remains to St. Joseph. He spoke of their business and of their domestic relations and of the undying attachment which bound each to the other, concluding with the statement that the strongest of the three had fallen—from whose decision touching any matter of whatever kind no appeal was ever taken.

Mr. Speaker, James N. Burnes did not live in vain. He was no idler in the great vineyard in which humanity has been called to labor. From the first to the last he was a worker. The productions of his hands are to be seen in many places, nor will they soon pass away and be forgotten, now that he is no longer with us. They will survive him to bless those for whom they were conceived and accomplished, and they will remain fitting and never-fading memorials of his great usefulness. Mr. Burnes had an abiding confidence in the sublime truths of the Christian religion, and it is indeed gratifying to know that, in the midst of the pressing engagements of a busy and an active career, he did not forget those higher and more important duties which pertain to the life which is eternal.

Mr. MORRILL. Mr. Speaker, while I can hardly hope to add to the eloquent tributes that have been paid to the memory of our distinguished friend who has so recently gone from our midst, I feel that I can not let the occasion pass without offering my testimony to the valuable services, eminent ability, and high character of our lamented associate.

For more than thirty years we have lived in adjoining districts, separated only by the river that marks the boundaries of our respective States. For the greater part of that time we have been acquaintances and friends. The interests of our respective constituents were largely

identical. Our people are bound closely together by intimate business relations, and each felt that in working for his own district he was advancing the interests of the other. Himself a large property-holder in one of the principal cities of my State, he was regarded as being as closely identified with its interests, and was as well known to its people, as to those of his own city.

It is an especial gratification to me to be able to say, after six years of association with him on this floor, we having together entered the Forty-eighth Congress, that I have always found him ready and active in the support of all measures which I have introduced for the benefit of the people whom I represent. Though occupying seats on the opposite sides of this Hall, our relations were always harmonious and cordial. During his term of service in this House I have always been able to rely upon his intelligent interest in and hearty support of all measures intended to promote the welfare of the people of Kansas. That they appreciated his efforts in their behalf is shown by the unanimous adoption by the upper branch of our Legislature, composed almost entirely of those belonging to an opposite political party, of the following resolutions of sympathy and regret at his untimely death. They testify to the estimation in which he was held by the people wherever he was known:

Whereas the people of Kansas learn with profound regret of the death of Congressman James N. Burnes, of Missouri: Therefore,

Be it resolved by the senate of Kansas, That in the death of Colonel Burnes this State has lost a firm supporter, the West a loyal friend and just legislator, and the country at large an honest, wise, and prudent statesman.

Resolved, That the sympathy and condolence of this body be extended to the family of Colonel Burnes in their affliction.

Resolved, That the secretary of the senate be instructed to send a copy of these resolutions to the family of the deceased statesman.

All of Mr. Burnes's active life was spent in Western Missouri, where he was taken in early childhood. At that time that section of the State was but sparsely settled. Railroads were unknown; the early settlers were poor; and amid the privations and hardships of pioneer life his early manhood was spent. Endowed with a hardy frame, a robust constitution, and a splendid intellect, he was ambitious not only to secure for himself a competency, but to establish a name among those with whom his lot had been cast. To this end he strove to develop the resources of his great State, and his labors for what he believed to be the best interests of her people were unceasing.

While bold and self-reliant, he was never unnecessarily aggressive, nor unmindful of the feelings and rights of others. Marking out his course, he pursued it with all the energy of his nature. Fighting his battles with undaunted courage and yielding nothing to force or blandishment, he pressed forward with an indomitable will, surmounting all obstacles. He knew no such word as fail. Kind, generous, and considerate, always affable and courteous, he never wantonly gave pain to others. To the poor he was a generous, thoughtful, and true friend, and was ever helpful to those who needed and deserved aid.

As a member of this House he occupied from the first a foremost position. Able to grapple successfully with all questions which were presented, however comprehensive in their scope, he worked untiringly for the success of what he believed to be right and for the highest and best interests of his country. He was always at his post of duty. It was inborn in his very nature to do what he did with all his might.

To his political party in his State he was a tower of strength. A wise and judicious leader, and at the same time a brave and fearless champion, his loss will be severely felt in the political contests of his section of the country. While intensely devoted to his party, and ready to labor unceasingly and with all his might for its success, he was in no sense a bitter partisan. On the contrary, he was always courteous to his opponents and tolerant of the views of those who differed from him.

Mr. Burnes had many warm, true friends on this side of the House, a fact which he often spoke of with feelings of gratification, and which is well attested by the unanimous expressions of grief at his loss which have come from my political associates here.

Eminently a man of affairs, deeply interested in business and politics, our dead associate was at the same time a tender husband, an affectionate father, and a trustful, confiding brother and friend. The partner of his life and home, for years a confirmed invalid, found in him not only a sturdy champion and protector, but also a tender confidant who valued her counsels and appreciated the genuine worth which affliction only served to bring out in brighter colors. Henceforth her widowed heart will turn for consolation to gracious and loving memories of him who has gone, cheered and sustained by the sweet faith of the Christian that when a few more years have passed the ties so rudely sundered will be reunited never again to be severed, and that beyond the river, in that better land, they will enjoy each other's society forever.

Our friend fell at the post of duty and in the midst of his labors. The end befitted the nature and qualities of the man. Pursuing the methods of a life crowded with activities, a mortal blow fell upon him, and before the light of another morning had come he had "crossed the river and was at rest."

Mr. Speaker, I can conceive of no more felicitous ending of a busy and burdened life than to have the golden cord severed before age has dimmed the faculties or disease enfeebled the vital energies. Thus to

depart, in the midst of cheerful employments and in the enjoyment of the confidence and trust of our fellow-men, is indeed to enter into rest.

Mr. STONE, of Missouri. Mr. Speaker, I was introduced to Colonel Burnes in 1874, at the capitol of our State. Our homes were in different sections of the State, about 200 miles apart. After our acquaintance began we met more or less frequently, but I knew him only in a general way. Our meetings were accidental or at some important conventions of the people, where both of us happened to be on public business. Our greetings were such only as are usually incident to such occasions. I speak now of a time preceding my election to Congress. He had served here the term before I came and had been re-elected. When I came to Washington I met with all those petty annoyances which spring from a lack of experience and knowledge and which are common to some extent, I presume, to all novitiates.

Colonel Burnes had been here long enough to become familiar with the ways and methods of our national public life. He came to me voluntarily and often and made suggestions which were useful, and rendered me many little services that were valuable. This was not done in a patronizing way, but with such a modest frankness and with such a glow of natural kindness as to remove every suggestion of impertinence. Whatever he did in this respect was done in a manner so easy, so graceful, so natural, that it seemed to be wholly without design, and created a pleasing sense of gratitude without any special weight of obligation.

These little courtesies attracted me to him and afforded me a fortunate and gratifying opportunity to cultivate his friendship. I came to know him well, almost to the verge of familiarity. We were much together, and had between us many little confidences. We were close friends. I never made any special study of his history, his life, or his character; but I knew the man Burnes well. What I knew of him was not the result of psychological study. I never set him on a pedestal before me to mark out the perfect lines and the imperfect, the strong points and the weak points of his character. I could not, and I would not if I could, lay the cold steel of unfeeling criticism and analysis to the life and character of any man who was my friend, and whose memory is dear to me. I would not test the life-work of any man, warm-hearted, impulsive, aspiring, whose life has been passed in the midst of great activities, by the superfine standard of a dreamer or a moralist.

This man was human, and had many of the frailties and weaknesses of our mortality. I could not have loved him else. But his faults were either the waste of an overflowing companionableness, which in him was genial and attractive to an extraordinary degree, or they were faults which came bristling up when the fierce lion in the man was aroused. When pursuing "the even tenor of his way," when at his natural level, he was as free from fault and as safely armored against criticism as any man. But he found pleasure in his friends. He loved their laughter, their songs, their humorous sayings, their familiar banterings, and all the sweet abandon of boon companionship. These traits may sometimes have led him beyond the straight line of a punctilious and over-morbid orthodoxy, but never into any species of debauchery or excess. He was well poised and guarded himself well enough. His faults in this respect, if faults they were, were simply the overflow of a generous, kindly, companionable man—one who could recognize the obligations of morality without a tinge of asceticism, and who could observe all the just proprieties without engaging in any Pecksniffian pretense.

He had iron in his blood, too. He was a dangerous man to wrong. He knew how to remember, how to resent, how to revenge. A fallen foe or repentant one, he was ready always to forgive. Accessible at all times to honorable reconciliation, an open foe did well to guard with caution and watch with apprehension. He was fruitful of resource, adroit in attack, masterful in defense, relentless in pursuit. His enemies, whether those who had done him a positive wrong or those who stood as obstacles in the way of his great purposes, had never any reason to doubt that sooner or later an opportunity would come to test his mettle. He fought as occasion required, but honorably. Some who stood against him, in their most promising periods of apparent safety, have suddenly felt their foundations sinking and seen the fabric of their strength falling about them, without comprehending the cause of disaster. Others he has confronted and sprung upon with the roar and crush of a lion, impatient of restraint, and swept them away at once. While his enemy stood upon his feet to strike and defy, he had in his blood the merciless instinct of battle and in his brain the inspiration of the warrior. But when the sun went down upon a battle finished there came back to his heart the gentleness of a woman and a longing to forgive and be forgiven. These things may have been faults. If so, he had them.

He was a man of brains. He was a man of force and power at all times and under all circumstances. He has been associated with many great and important enterprises, social, commercial, and political, and in all of them was a potent if not a dominant factor. His public work here is well known to us and to the country. Patient in research, persistent in industry, equipped with an enormous fund of valuable information, scrupulously desiring and bravely determined to do what his deliberate judgment dictated was right, possessing the unbounded confidence of his associates in the sincerity of his purposes and the in-

tegrity of his manhood, strong in debate, aggressive when need be, yielding when he could, firm as a rock when principle was involved, but courteous always, it is no marvel that he won high place and great influence in this Hall and at this capital, and impressed his thought and individuality upon the legislation and policies of his country.

He was strong, forceful, ambitious. To a great eminence he climbed, and ere he fell unfurled his standard high among the green waving banners of fame. But fall he did, as fall we must. In the midst of his labor, usefulness, and rising power he sank from our sight and from the world. While his power was growing, his renown spreading, his fame ripening, he fell here at his post of duty. With loving hands we bore him away and laid him to rest among the great oaks, the sugar-maple, the weeping-willows, the flowers, and the cold, white monuments in that city of the dead on a hill-top above the city where he lived. Away from the scenes of his labors and triumphs. Away from his friends and his loved ones. Away from his home—that home as I saw it and heard of it, with all its deep pathos and wealth of love. Oh, the pitiful, clinging love of the invalid wife! Oh, the marvelous love of the brothers living and of the orphaned children of the brother dead! Oh, the unfeigned devotion of his own manly sons! Oh, the sad faces and pathetic tears of their little ones! All—wife, brothers, nieces, children, and grandchildren—lived, as they have lived for many years, under one expansive roof.

The memory of it all—of all the sweet confidence, companionship, helpfulness, and love of the home-life of my departed friend—returns to me now, mellowed and sanctified by the soft radiance of something too beautiful and too sacred to tell in speech, and which, as I saw it and heard it, lifted me up, and still lifts me up, as if I had felt the electric touch of something divine and heavenly! Bore him away from this beautiful world and this wonderful life! We laid him down sleeping where the dead sleep, and left him. When the spring comes the oak and the maple will put on their green garniture again, the flowers will unfold their many-tinted beauties to the sun, and the willow will go on sighing to the end. But his heavy eyelids will never lift again that his eyes may brighten at the sight of beauty or grow moist at the sound of a sigh.

Is this the end? Is this sleeping, nerveless, crumbling statue the end of this remarkable man, who lived, loved, wrought so much? Oh, how that question has been sent walling down all the ages! How, through all the cycles since man was born, has he stood in the light of the present, and of the past also, as it comes shadowing up—stood upon the verge of the future, peering into the darkness wistfully, questioning, ever questioning, "Is this the end?" Stand here and cry into the future as you may, no answer will ever come back to you. None ever has come back from the darkness of the future. Our only answer is in the present—in what we see about us, in what we feel, and think and are—and in the testimonies of the past. Climb to any height you will, dig to any depth you can, stretch wide your wings and soar—

From star to star,
From world to luminous world, as far
As the universe stretches its flaming wall—

and pour your plaintive cry through all the spheres, and the same dumb silence will greet you. But we know and feel that if this is the end, then life is a sorry thing indeed. Is it hardly worth the living? I do not know. I am not sure. This I do know, that there is in me, as in you, a feeling, which is independent of mere desire—a strange consciousness that is not connected with any sense of fear or hope—that there is something in us that is not "of the earth earthy;" that is not of this mortality, mortal. I take hold of this. And because of this divine principle in our being we should recall with increased reverence the memories of our mothers, and thank them for the strange stories, the wonderful stories, of the past and of the hereafter which they taught us at their knees.

I do not believe that the great life of our lamented friend ended for all time when we laid that casket away at St. Joseph amid the tears and lamentations of the people. He lived nobly, achieved greatly, died bravely. The awful mystery of death has been solved to him. In a little while we shall pass over also, and may be we shall clasp hands again.

O holy hope! and high humility—
High as the arching heavens above!
These are your walks, and you have shown them me,
To kindle my cold love.

Mr. RYAN. Mr. Speaker, the duties which crowd upon us here afford me but a moment to speak of my departed friend. Of his birth, of the incidents of his youth, of the struggles, privations, and vicissitudes of his young manhood, of his achievements in private life and the larger successes of his public career, of those qualities of heart and mind which brightened his home and signalized his relations to his neighbors and to his friends, others here to-day have spoken in terms of just appreciation.

Were the time at my command, I also would gladly dwell upon these pleasing recollections, for it is a pleasure, even under the most afflictive circumstances, to recall what was good and great in the character and personal traits of those whom we loved and honored in life. It may fairly be said of him who is gone that from youth to death his

daily life was an illustration of qualities that extort admiration, and which would, if emulated, encourage the rising generation in the pursuit of the most exalted objects of ambition, modulated by prudence and supported by dauntless courage and tireless industry.

Memorial exercises would be but idle ceremonies if they were merely to afford opportunity for public expression of personal sorrow for the loss of some dear friend or the sudden quenching of some cherished spirit. They are held for another and a wiser purpose. Commemorating thus publicly eminent qualities, whether of soul or of intellect, or of both united, they become an incentive to the emulation of the living, making them better men and women. They stimulate in youth and dawning manhood a worthy ambition to thrive, to achieve, to excel. They are calculated to contribute to the fashioning of a higher order of society, and to a greater, stronger, nobler nationality. Guided by an unseen but potent influence, they become an inspiration, and the world is made the better for them.

I might speak in tearful tones of the warm friendship that existed between the distinguished dead and myself. I might properly refer to the fact that for several years we were assigned to the same committee and followed the same paths of duty, and that our pleasant relations during these years were never for a moment interrupted, though we often disagreed touching public methods and policies. Then, too, I might recall the agreeable conversation, now so indelibly impressed upon my memory, that I had with him about 10 o'clock of the morning of the day he was stricken—the vigor of his strictures upon certain abuses, the vivacity, humor, and sparkling satire that marked his utterances.

I might remind my colleagues of the committee of the characteristic force and clearness with which he discussed pending matters up to nearly if not quite noon of that fatal day. Moreover, I might give expression in words to the intensity of the emotions I experienced when, being informed by my friend from Ohio [Mr. BUTTERWORTH] that he was lying ill in the committee-room, I immediately hastened to him and found him, as I then feared and as the sad event proved, fatally stricken. To dwell upon these and kindred incidents and reflections would be grateful to my own feelings, but it would hardly subserve those higher and better purposes to which I should gladly hope these brief observations might contribute.

The character of Mr. Burnes was rich in qualities which commend themselves to the approval and admiration of the worthiest of mankind, and so become a pattern for imitation. Chief among these were ambition, industry, and courage. From early boyhood he was inspired by a restless ambition. To advance—to make secure the victory of to-day and strive for another to-morrow—to hold the eminence attained by patient endeavor or heroic struggle until there were none to dispute, and then to strike out for higher ground—this was the dominating feature of his character, as seen and known by those with whom he had been associated for the greater part of his active life. As usual with ambitious men, he felt himself equal to whatever he undertook, and thus he succeeded where other men of equal talents, but with less of the force and genius to impel and guide them, signally failed.

This ruling trait of his mental and moral organization was successfully and always ministered to by an industry that was as tireless as it was phenomenal. His was indeed a busy life. Whether struggling for the first successes which laid the foundation of wealth and honors, or holding in his strong and capable hands the reins which controlled his widely-expanded affairs, or striving for the honors and opportunities which political triumphs sometimes but not always bring, he was the soul of patient, persevering, unrelenting industry. He had no faith in a future to be evolved from the "chapter of accidents," or to be secured through the smiles of a blind but propitious destiny; but he had confidence in his good right arm and active brain, and through their constant and skillful employment he nobly succeeded.

Possibly, however—for who can assign to each ingredient in the grand alchemy of human achievement its precise share of credit?—the ambition and the industry of our late associate might have failed to bring him victory had not these qualities been supplemented and reinforced by a courage that was equal to any and every emergency.

In the crude and unripened civilization of what was in the early days of Mr. Burnes the frontier, there was constant occasion for the useful exercise of this martial element of his nature; and no one who knew him can doubt the fullness of the measure in which it was developed in him, nor the calm determination with which it was applied to all the exigencies of his career.

Not yet an old man, scarcely even beyond the prime of manhood, we may only conjecture as to the heights he might still have gained, the triumphs he might still have secured had his life been extended to the Psalmist's limit. Abandoning this field of speculation, we may take pride in what he accomplished, in that influence for good which a successful life impresses upon the community in which it is spent and the world with which it is brought in contact, as well as indulge in tender recollections of the generosity, kindness, and good-fellowship that made association with him here delightful. In the long hereafter these grateful recollections will remain to comfort us in some degree for his too early departure.

Mr. MANSUR. Mr. Speaker, James Nelson Burnes is dead. The loved home and family shall know him on earth no more. The community that honored him while living laments his loss as that of her foremost citizen. The great council of the nation is in session, and with touching words and appropriate ceremonies bears honorable testimony to the wisdom, the ability, the prudence, and political purity of the life of their late associate. Thrice fortunate was he—in the accumulation of wealth, in the attainment of political honors, and in the manner of his death.

Born in Indiana, he was taken when a child to the Platte purchase in Missouri. No educational facilities being in existence there, he was selected from a band of brothers by their sire to be their leader in learning as he was in intellect. The father, a rugged man of the frontier, was one of great intellect—if tradition be true, even more so than the son—and possessed of a will as firm, as unyielding, as tenacious as that of Andrew Jackson, with a superb courage that had no superior on the Western border, yet of little learning; his fame will forever live in the memory of the old pioneers of the Platte purchase as an unfading glory. All these traits of character were inherited, and, coupled with the learning of Harvard College, belonged to James Nelson Burnes. From his start in life he was a leader.

For twenty-five years he gave himself to the accumulation of a fortune. He was a success. He died a millionaire. To win this on the border of civilization means the ability to win ten times that in Wall street or Boston. In the pursuit of wealth he suffered no obstacle to turn him aside, and in this period of life he made whatever of enemies his career knew; but in spite of enemies and obstacles he strode his pathway to fortune, a veritable giant among his fellows, building railroads, erecting iron bridges over the "Great Muddy," founding towns, creating banks, and developing his region round about, whether in Kansas or in Missouri. Possessed of a magnificent physique, great good health, and the build and strength of an athlete, he strode his pathway only to conquer and win.

When about forty-five years of age a great change came over him. His fortune was made. Financially he was a great leader in his whole region. He now became ambitious of political honors. It was at this period of his life I first became acquainted with him. In his new field of conquest he revolutionized his life from the stern, unyielding taskmaster, demanding the ounce of blood to the uttermost that the law gave to him, and from knowing no friend, except as self-interest dictated, he became the reverse of all this, and was the kind, considerate friend, the lover of humanity, the polite, affable gentleman and entertainer, and wise counselor that you, his associates here, knew him to be. I first met him at the capital of Missouri in the struggle for Senator in the winter of 1874.

Possessed at that time of a reputation as broad as the State for a haughty temper, an almost cruel tenacity of purpose, an imperial will, and an uncertain friend, yet such was the charm of his manners, his unswerving courteousness, his unvarying politeness, and his tact and hospitality in the open rooms kept by him that he had become the most lovable among men. So that on his advent practically in State politics, after the late war, in three weeks' time this (former) reputation was so overthrown and the new one so established in the minds of those at the capital, his popularity so developed and established, that on the night the Democratic caucus was held in the chamber of the representatives, which resulted in the first nomination of Senator FRANCIS MARION COCKRELL, on a mock caucus for Senator being called and held in the senate chamber at the other end of the capitol, by the third house, popularly so called, composed of the lobby, with adherents present of all rivals for the then pending Democratic Senatorial nomination, as well as officers of the State government, of all grades and honors, with distinguished men of all political parties from all sections of the State present, all anxiously awaiting the result of the real caucus at the other end, whereupon all present resolved themselves into a caucus of the third house to elect a United States Senator; and upon the second ballot, if I remember correctly, Hon. James Nelson Burnes was declared the candidate of the third house for the United States Senator. Although little regarded at the time, yet, in the light of all his past life and prior existing prejudice, in my opinion Hon. James N. Burnes never achieved a greater victory than this.

From that time forward his position in our State politics as one of our great leaders was assured. In all the State conventions of his party, as well as in his Congressional district, he became a leading factor, and since then he has undoubtedly been the true friend, tried leader, consummate statesman, and accomplished gentleman we all know him to have been. Thenceforward he was a power in the State. In 1882 he was elected to the Forty-eighth Congress, and successively thereafter to the Forty-ninth, the Fiftieth, and the Fifty-first Congresses, and each time by an enlarged majority. I shall not speak of his life and services as a member of this House, except to declare our State, our people, and our party alike were proud of him, but shall leave his services in Congress to be a topic for those who knew him longer and more intimately in these associations than I have.

A kind disposition and charitable heart may be instanced in two matters and directions: First, a brother dying with little wealth left

a large family of children; their Uncle James adopted them as his own; reared them; educated them; treated them in all respects as his own children. They know him to be the kind, considerate, thoughtful friend and father he was to them.

Again, while at St. Joseph I saw among the floral offerings on his bier and in the room one sent with a card from a grateful widow and her children, whom our friend had in a time of great necessity aided and saved from much distress. But why further dilate on these phases of his character? All his associates at Washington know him to have been possessed of these graces that so highly adorn human character.

He above the rest,
In shape and gesture proudly eminent,
Stood like a tower.

At times there was a quiet touch of humor in his composition, of which I think I was the last victim. On the Monday before his death there was a question pending on a roll-call of vital importance to the fate of the bill to organize Oklahoma Territory, a bill in which I have taken more interest than any other pending in this Congress. As the roll-call proceeded I watched it with great interest. When his name was called, although in his seat, he did not vote on the first call. Full of anxiety, I went to him and said, "Colonel, why did you not vote?" He looked up into my face, for he was seated and I was standing, and said, "No one has told me yet how to vote." I said, "Pshaw! Colonel, you know how to vote. You do not need to be told how to vote." Observing my anxiety, he again and laughingly said, "It is a fact; no one has told me yet how to vote." At this I thought he was chaffing me and left him. An hour or two afterward, like the courteous gentleman he was, he purposely came across the Hall to my seat and said, "Charlie, you thought I was joking you awhile ago. The truth is, I had just taken my seat, and did not know what bill was pending when you came to me, and hence at that time no one had told me how to vote." To the truth of which I laughingly assented.

I have said he was fortunate in his death. Like all vigorous-minded, stout athletes, rejoicing at all times in health and strength, the fear of a long, lingering illness, to result in death, was peculiarly distasteful, and he often expressed the desire that when his time to die came it might be quickly and without physical suffering. His wish was granted. Stricken in a moment, to become forever unconscious, in this building where his greatest fame was achieved, and to die in a few hours thereafter. His last words were: "I have much to do; I hate to quit the battle now."

Of heroic mold and imperial will, there is to be found no trace of fear of death in this lament. It is a simple expression, drawn from his consciousness of ability yet to do and achieve much, if permitted by Providence to live out the full span of life decreed to man. On the contrary, he had no fear of death. To his more intimate friends, during the last year of his life, he frequently spoke of his being sure that he was even in the "valley of the shadow of death." And this so frequently that his friends now know that premonitions, amounting in him to almost positive knowledge, of his early death were in his mind at all times during the latter months of his life; divers times he so expressed himself to me. A marked instance of it is found in the note sent to Hon. SAMUEL J. RANDALL, on the Saturday prior to his death, when in the chair on the occasion of our obsequies to one of our late associates, wherein he said to his friend RANDALL that it would not be long before he would be called on to perform a like service for him.

Yet these premonitions did not interfere with his sense of duty nor his work. Nor did this abate his cheerfulness or cloud his temper, and to the last he was the considerate statesman, the polite gentleman, and the courteous friend.

In his death he is lamented by all men. He was buried in the open presence of nearly every inhabitant of the proud city in which he lived, on the coldest, bleakest day of the passing winter—a most touching testimonial of the universal esteem in which he was held.

In memory—

Thou art not in the grave confined;
Death can not claim the immortal mind.

Mr. CLARDY. Mr. Speaker, it was Lord Bacon's aspiration that his name and memory might be left to men's charitable speeches, to foreign nations, and to the next ages.

More fortunate than he, James N. Burnes could have invoked the verdict of those who have lived where he has lived, and who know the record of his life as well as the judgment of the members of this House with whom he was most intimately associated. The action of the Legislature of his own State, when his death was announced, the beautiful tributes of affectionate regard for his memory paid by the people of all classes in the great Commonwealth he loved so well, the unbroken voice of grief that has found expression in every newspaper in the State show that there his name and memory are forever safe, while the touching eulogies pronounced to-day are an assurance that he gained for himself the place in the affections of his later associates that he so deservedly held in the hearts of the people at home.

As was said of Lord Palmerston, Colonel Burnes's great attraction in public was the blending of social ease, kindness, and humor with the temper of a strong, hard man of the world. He was an able lawyer, a successful financier, and a masculine politician.

It is seldom that a man appears on the world's stage who possesses the elements of character which enable him to achieve success in more than one pursuit. There is a passage in one of Lucian's Dialogues where Jupiter complains to Cupid that he has never been beloved; and Cupid advises him to lay aside his agis and his thunderbolts, and to place a garland on his head and to walk with a soft step and assume an obsequious deportment. Jupiter replies that he is unable to resign his dignity. Then Cupid tells him he must leave off desiring to be loved; he can not be Jupiter and Adonis. But Colonel Burnes was singularly endowed. He won distinction as a lawyer, afterwards became one of the most successful financiers in the country, and later on an eminent statesman.

Whether as a lawyer, a banker, or a politician he was the same affable, agreeable, courteous gentleman. And to the possession of these attributes may in large degree, I think, be ascribed his success. His courtesy and kindness of manner manifested themselves at all times and everywhere. He was as regardful of the feelings of the newsboys on the street or the servants at the hotel as he was of those of the most distinguished member of this House. His friendships were strong and uncalculating, and he inspired their objects with a responsive feeling.

In them were embraced persons in all stations and positions in life, the rich and the poor, the old and the young. Some of us noted the beautiful friendship between him and little Sammy Randall, the son of our distinguished friend from Pennsylvania. All of us who were present at Willard's Hotel in this city, where he had lived for six years, will recall the scene of anguish among the servants when his death was made known. In his intercourse with equals and inferiors he was the most amiable gentleman I ever knew.

But, Mr. Speaker, there is near the city of St. Joseph, in Missouri, a little spot our friend used to call "home;" and to him and his dear ones there it was all that word implies. Here it was that his amiability and his love shone forth in all their splendor and sublimity.

In this happy home—it was a happy home until so recently invaded by the great destroyer—are to be found six children, the sons and daughters of a deceased brother, who, upon the death of their father, were made members of Colonel Burnes's household, and since he has gone, I am informed, it has been ascertained that these orphaned ones are to enjoy in equal parts with his own children Colonel Burnes's magnificent estate.

Colonel Burnes, like the younger Adams, as was said by the gentleman from Massachusetts [Mr. LONG], fell at his post of duty in this House.

He passed away almost in our sight.

Life! I know not what thou art,
But this I know, that thou and I must part;
And when or where or how we met,
I own to me's a secret yet.

Life! we've been long together,
Through pleasant and through cloudy weather.
'Tis hard to part when friends are dear,
Perhaps 'twill cost a sigh, a tear—
Then steal away—give little warning,
Choose thine own time, say not "Good night!"
But in some brighter clime bid me "Good morning!"

Mr. WALKER. Mr. Speaker, "the silver cord is loosed and the pitcher is broken at the fountain." The clay of James Nelson Burnes "is covered thick with other clay;" 'twas but—

The vase of earth, the trembling clod,
Constrained to hold the breath of God—

but his immortal spark has been borne back to its divine origin, there, let us hope, to be relumed by the "Living Light" and, with all the ills of earth expunged, to shine in ineffable glory through eternity.

The beautiful and commendable custom that devotes a day to the memory of a deceased member has been long established, and while it is true that it can no way add to the virtues of the dead, yet it softens the hearts of the living and fills their minds with earnest thoughts of the life after death. To-day the legislative business of this great body is suspended that we may bear faithful and willing witness to the merits of James Nelson Burnes and to his usefulness as a member, though nothing we may say can add to the high esteem in which he is held by the members of this House.

Missouri mourns his loss. In life he served her faithfully, ably, and with honor, and in death, though missed, he will not be forgotten. His virtues were positive and aggressive, seeking to establish truth and to destroy error. As a partisan he was strong, persistent, praiseworthy, and he admired the same traits in the opposition.

In every conflict in Congress between parties he fought with a courage and skill rarely equaled and seldom surpassed. His life and its achievements are an excellent example of the splendid possibilities of American citizenship. Born in Indiana, a State that has produced many distinguished sons, he possessed in a large degree the firmness and faithfulness of Hendricks, the unbending will and defiant daring of Morton, and much of the persuasive eloquence of Voorhees.

Taken to Missouri when a little boy, he early learned to love the State of his adoption and to labor for her advancement with an ever-increasing zeal and an energy that never flagged. His character was

cast in the broad mold of the boundless West—in the great State of Missouri, a State possessed of empire. Within her limits grow the hardy grains of the North and the sun-kissed flowers of the South. Here the kings of American agriculture, corn, cotton, wheat, hold joint sway with the queens of American enterprise, commerce, manufacturing, and mining. Here, too, the constant touch and rub and commingling of cavalier with puritan has brightened the best of each and produced characteristics more nearly American perhaps than can be found elsewhere. When to such characteristics we add the ennobling influence of education we can easily see why Mr. Burnes was so superbly fitted to represent in the Congress every interest of his constituency, his State, and his country. He was sympathetic, charitable, generous, and just. To his friends he was faithful and from his foes he did not shrink.

Here in this House, where there is so much of wit and learning, so much of wisdom and of law, here where the fiercest political battles are fought, here where the intellectual giants of the Republic struggle for political supremacy, Mr. Burnes, in his short service of six years, won a position, wielded a power, and attained a distinction accorded to but few. Judged by fair standards, his life was a well-rounded success. In the great battle for worldly competence he was a master. His firm grasp of economic principles and financial problems fully attested the high order of his abilities.

In politics he strove for place, not to gratify personal pride, but as a means whereby he could better serve his people and his country. He had ambition, but it was an ambition to improve the condition of man; an ambition to more firmly establish in the hearts and minds of the people the great principles by which he thought this country should be governed, and of which he was such an able champion. His faith in Jeffersonian theories was never shaken. He believed that the prosperity of our country and the perpetuity of our institutions depended upon them, and so believing he supported earnestly, logically, and powerfully with purse, pen, and voice the great cause of Democracy.

Mr. Burnes was tolerant, even considerate, of the opinions of those who were opposed to him politically, and many of his warmest personal friends are on the Republican side of this Chamber. When his eyes closed in death they rested on that filial and affectionate son, who had come but a few days before from his distant home so that he might be with and watch beside his father, that father having had premonitions of approaching dissolution. The message he had to send was the saddest the son can send the mother, the death of the father, but her great grief must have been lessened by the thought that her husband was "sustained and soothed" in the hour of his departure by the presence of one of their children.

On some fond breast the parting soul relies,
Some pious drops the closing eye requires.

Mr. Speaker, I saw him lying cold in death, and upon his lips—

The spoiler had set the seal of silence.
But there beamed a smile,
So fixed, so holy, from that manly brow,
Death gazed, and left it there.
He dared not steal
The signet ring of heaven.

Of the many sad associations that cling about this historic Hall, none cast such sadness athwart my memory as the sudden stop, the abrupt ending of the earthly career of James Nelson Burnes. His chair is empty, his deep voice is hushed forever, his name is dropped from the roll, he is dead; but he will live in the hearts of those who knew him best, for "they are they" who loved him most.

Heaven's justice in the sudden shock that parts us from a friend is veiled from human ken, but when we remember "So 'twas willed where will and power are one," we bow with unshaken faith in the goodness and wisdom of "Him who doeth all things well." Knowing that however incomplete and imperfect our earthly career may be, that "if in the heart there is naught condemns us," we shall attain in the life to come a completeness and a perfection beyond the conception of earthly wisdom, for while "it doth not yet appear what we shall be, we know we shall be like Him."

Mr. DOUGHERTY. Mr. Speaker, all well-informed and intelligent men are admonished by a maxim older than our language that they should say nothing of the dead except that which is good. No man who knew James N. Burnes or who was accurately informed as to his worth and his walk in life could truthfully say anything that would be harsh of him, living or dead. Of huge physical mold, the qualities of his mind were in singular consonance with his physical power. Well known to every member of this body without exception, and by reputation not an unknown man in this great country, of which he was a distinguished citizen, when he is judged by the standard which humanity has set up for itself it will be admitted that in every respect he was a man and a gentleman.

Often, seeing him rise in this Chamber and being recognized by the Speaker as "the gentleman from Missouri," have I looked upon him and felt the full significance of the term as applied to him. Kind, true, modest, and brave, he stood in this Hall with perhaps few peers and certainly no superiors. Able, devoted to the interests of his constituents and to the traditions and institutions of his country, having

high hopes for its future, while for months the shadow of his impending doom hung over him like a pall, he never faltered in pursuing the line of what he conceived to be his duty. He had, as we all know, an admonition that his life of usefulness was soon to terminate; but he went unflinchingly forward and met the arch enemy of the human race with that same fortitude and fearlessness with which he had met and overcome the difficulties of an eventful, useful, and charitable life.

I think that I was placed in a position where I could judge of the qualities of a man like Mr. Burnes. Coming to the Forty-ninth Congress as one of its younger members, I frequently sought his advice, which was always cheerfully given. And I can say now that so long as I kept in the line of the policy which he suggested I think I made few, if any, mistakes.

Honest, upright, not fearing to look any man in the face, he did not fear to meet the hereafter. He has crossed over the river. Though taken from us suddenly, I believe that no man has been taken from this House by the ruthless grasp of the hand of death who has been more sincerely regretted than James N. Burnes. When his great heart ceased to beat every honest man had lost a friend. When the intelligence of his death flashed along the wires of the great West, of the civilization and citizenship of which he was so fair a type, it carried sorrow to many hearts, because, by virtue of his great qualities, he was not an unknown man; and in time to come, when those who knew him and knew of him pass by the spot sacred as the resting place of the mortal remains of James N. Burnes, they will pause and "memory will drop a tear among the flowers as affection strews them over his grave."

Mr. MCADOO. Mr. Speaker, in the presence of the great dead whom we have honored and loved in his lifetime words seem very weak. A profound and holy silence is more fitting to the occasion than any speech.

I became a member of this body in the Forty-eighth Congress with the deceased, James Nelson Burnes; and from that day until the moment of his death I was honored in no small degree with his friendship, and to some extent with his confidence. He was really a great man. You would single him out in a multitude by his strong, attractive face. With a tremendous physical frame—a fit temple for the magnificent enginery of his mind—he was marked in his life, so far as I could observe and from what I have heard of him, by an unusual singleness of purpose, by an indomitable will, by a perseverance seldom equaled among men. He was a very frank and sincere man, and was characterized by a bluntness of speech when opinions were drawn from him. He was a hater of cant and insincerity in all its forms. Were hypocrisy enthroned as high as the Himalayas, with the whole of mankind prostrate before it, the sturdy, honest limbs of James Nelson Burnes would not "crook the pregnant hinges of the knee."

He would stand erect in his iron manhood, unbent and unbending. He had remarkable sagacity and took clear, practical views of all questions. He had withal a subtle mind; but misty, metaphysical disquisition had little part in his stormy, rugged, manly life. His aim was to get, as it were, at the marrow of things, and measure his labor by results. He was in a proper way a very proud man. You could burn him over a slow fire at the stake before he would profess a friendship he did not feel or recant a conviction he held. Storms may rage, but only God can move mountains. Every idle wave may play with the vagabond sands, but the sea in a million years may lash itself with little impression against the granite rocks. He was like a good, strong, iron-ribbed ship, deep in whose hold pulsate the giant, relentless, untiring, undaunted, monster engines that drive her through gale and calm to a destined port. His firm hand never wavered for hurricane or fierce lightning-bolt, but steadily kept her headed for whatever haven his deep purpose had chosen. Only God and his messenger, Death, could relax that grip in the wheel-spokes.

When he became a member of this House he showed in his labors here the characteristics which had made up his fortune and his fame in his adopted State. He was an honest workman. He undertook the business of membership of this House and of his committee as the hard, practical task of an honest servant of the people. His work here speaks for itself. He was, as has been stated, placed upon the Committee on Appropriations, a committee which deals with all the vast details of this tremendous Government.

From the first day he entered that committee until the day he died he undertook the mastery of those minute details. He labored hard and faithfully, and he gave to this House and the country, as the result of those labors, honest workmanship and a magnificent example. No superficial, sham workmanship for him. When he said he knew the facts of a case it meant that he had laboriously mastered the same. He seemed to be constantly impressed with the divine injunction to work while it was day, as "the night cometh, when no man can work."

I am not surprised at these splendid tributes to his memory. In a mad world of paste-board idols the very angels must look down with something akin to admiration at a great, true, soulful, earnest, honest man, with warm, red blood in his big heart, and a deep, unchangeable purpose in his firm, unyielding mind, doing his full duty to his God, his country, and his fellow-men. Next to a Pharisee he detested a snob, and was intensely American. His heart and sympathies were not con-

finer to any narrow circle, but went out in deep, strong currents to the masses of his countrymen. He thought first of them and their welfare, and cared little for the opinions of self-assertive little penny-whistlers who claim to make public opinion.

Mr. Burnes, although of rugged temperament and strong convictions, was a man very tender and kind of heart. I have myself been frequently the recipient of kindnesses at his hands. As has been said so aptly and eloquently by the gentleman from Massachusetts [Mr. LONG], underneath the iron exterior and the strength of his will there was a simple sweetness and a depth of profound pathos that few except those who knew him intimately could fathom or understand.

Mr. Burnes died, as it were, sword in hand on the field of battle. For months before his death he walked the path of duty accompanied knowingly by the dread messenger. He never flinched in the face of the summons which he knew awaited him. During those months we saw him here going in and out every day, his face a little more firmly set, those iron jaws clinched a little more strongly; but the same courtesy, the same kindness, the same charity for those that differed with him, the same urbanity characterized all his actions. This great giant man, with his massive frame, with his powerful, leonine head, with his sturdy intellect, with the iron in his blood, went day by day drudging at the details of the business of this House, faithful to the last.

"I hate," he said, "to leave the field." Ay, big heart, so much work yet to do! So many evils yet confronting your great sword in your strong arm. The hosts of dishonesty, cant, and darkness still pouring in the field, taking the places of those you have felled with those giant arms. Your soul sighs regret to leave such a field. Oh, for one more blow at the father of lies; once more to pull down the banner of fraud and error, and pave the way for God's truth, and make life more sweet and pure for honest, earnest men. Peace, warrior, fighting wrong and idleness, peace! Heaven's bugles call you off the field. The great Commander summons you quickly to His awful presence. You have earned release. Henceforth you shall have sweet repose. You have "fought the fight." Earth is better that you have lived, and your battle shall not cease, for God recruits His legions more rapidly than any earthly king.

Our words are weak, O comrade, to tell how much we miss you. We saw you in the calm—sweet, modest, and tender as a woman; we saw you in the struggle, when your great depths were stirred—fierce as the lion, majestic and irresistible as the awful forces of nature; and best of all, we saw you in calm and storm a brave, true man. We shall grasp our own swords with stronger grasp that you have lived so well, fought so hard, and died so bravely. Your life was a splendid lesson flaming in the very skies. The verities still live. Justice and truth are yet in heaven and do finally obtain on earth. The powers of light are stronger than those of darkness, and the path of duty is nobler and grander than the path of pleasure.

No man can stand here and tell me that this was solely the result of human ambition. I know nothing about the religious convictions of Mr. Burnes; I know not what form his faith took; but I do know that a brave, strong man like that, who can calmly pursue his duty day by day and night by night, though bearing in his hand the summons of the great Executioner, that man had evidently a strong, abiding, everlasting faith. I can believe that he was like the prophet who said that—

Although the fig tree shall not blossom, neither shall fruit be in the vines; the labor of the olive shall fail, and the fields shall yield no meat; the flock shall be cut off from the fold, and there shall be no herd in the stalls: Yet I will rejoice in the Lord, I will joy in the God of my salvation.

Mr. COX. Mr. Speaker, Tennyson, in his "In Memoriam," in a touching tribute to his friend, wrote: "That he wept a loss forever new." In my service here I have had to meet so many bereavements that although not unaccustomed to their recurrence and to the sadness of such occasions, I feel that in the loss of my personal friend, Mr. Burnes, we weep a "loss forever new."

I left him to go home to New York for a needed respite, and stopped off at Philadelphia to fill an appointment. That morning, when about to pursue my journey home, I found in the morning journals the news of the sudden and irreparable loss of my friend. I retraced my route in order to lay my heart near that which so lately throbbed in the body of my beloved friend and in sympathy with his colleagues, family, and friends.

It is no time now, sir, to speak of the sterling public and private virtues of the late member from Missouri. Other members will review his life in its beginnings and surroundings. He was of robust and manly mold, in character as well as frame. He was dutiful beyond most men. He fell at his post as the people's sentinel of the Treasury. He felt where it is meet men in his public relation should fall—whether in field or forum.

I could not, without misconception, fail to make some expression of private sorrow, for he was my dear friend, affectionate and gentle and was ever solicitous of my success and comfort in all that makes up life here, and I may say my little diplomatic life abroad.

When I resolved to go away upon a different service, and a long tour, he smoothed by his legislative as well as by his kindly care my departure; and in my absence, by his cheerful and radiant humor in his correspondence, he made exile tolerable and my return delightful.

His views of public affairs were discriminating and large. His quali-

ties were those of frankness and honesty. His decision of character was linked with a tenderness of heart which none knew better than his colleagues on the Appropriations Committee and his other friends in this Chamber. We can do no less here and now than to bestow proper eulogy, and thus warm the hearts of his bereaved friends, and by a pause in our proceedings contemplate his goodness and thus honor his memory.

Mr. GROSVENOR withholds his remarks for revision. [See Appendix.]

Mr. ALLEN, of Mississippi, withholds his remarks for revision. [See Appendix.]

Mr. WADE withholds his remarks for revision. [See Appendix.]

Mr. FORAN withholds his remarks for revision. [See Appendix.]

Mr. HEARD withholds his remarks for revision. [See Appendix.]

Mr. HATCH. Mr. Speaker, I now ask a vote on the adoption of the resolutions already submitted.

The resolutions were unanimously adopted; and in accordance therewith (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DE LANO: A bill (H. R. 12638) granting an increase of pension to Matthew C. Griswold—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 12639) for the relief of J. C. Peebles—to the Committee on War Claims.

PETITIONS, ETC.

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

By Mr. ADAMS: Petition against raising the duty on degreas—to the Committee on Ways and Means.

By Mr. G. A. ANDERSON: Petition of G. W. Champion and 71 others, citizens of Greene County, Illinois, for the passage of the per diem rated pension bill—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: Petition of heirs of John W. Prewett, of Tuscaloosa County, Alabama, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. E. BROWN: Memorial of George H. Thomas Post, Grand Army of the Republic, of Cincinnati, Ohio, for completion of records of the war of the rebellion—to the Committee on Printing.

By Mr. DUBOIS: Memorial of the Idaho Legislature, praying for the passage of the Outhwaite bill—to the Committee on the Territories.

By Mr. FORNEY: Petition of the heirs of Alemuth Byers, of St. Clair County, Alabama, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. HARE: Petition of sundry citizens of the Pan Handle of Texas, for the establishment of a Federal court at Henrietta, Tex.—to the Committee on the Judiciary.

By Mr. HERBERT: Petition of William E. McGehee, of Montgomery County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MCKENNA: Resolution of the Legislature of California for the improvement of the Eel River—to the Committee on Rivers and Harbors.

By Mr. MCKINLEY: Petition of William H. Raff, for the early publication of the records of the late war—to the Committee on Printing.

By Mr. MILLIKEN: Petition of Paul Wing and others, for laws providing for arbitration instead of war—to the Committee on Foreign Affairs.

By Mr. OSBORNE: Resolutions of the Tobacco Exchange of Richmond, Va., urging the removal of the tax on manufactured tobacco—to the Committee on Ways and Means.

By Mr. OUTHWAITE: Resolution of W. H. Elliott Post, No. 420, Grand Army of the Republic, for an appropriation for printing war records, etc.—to the Committee on Appropriations.

Also (by request), petition of 25 citizens of the Thirteenth district of Ohio, in favor of prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RANDALL: Petition of the Board of Trade of Lancaster, Pa., for the repeal of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. ROBERTSON: Petition of Sarah A. Klempeter, of Baton Rouge, La., for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of G. L. Fowler Post, No. 153, Grand Army of the Republic, of Ohio, for appropriation to complete the publication of the records of the war—to the Committee on Printing.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. S. I. HOPKINS: Of Rev. William E. Hatcher and other citizens of the United States.

By Mr. MONTGOMERY: Of citizens of the Fourth district of Kentucky.