

Also, resolution of same relative to bridges across the Ohio River—to the Committee on Commerce.

By Mr. J. M. CAMPBELL: Petition of State Grange No. 799, of Pennsylvania, asking for legislation to prohibit the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. CLEMENTS: Petition and papers relating to the claim of James A. Jefferson, of Bartow County, Georgia—to the Committee on War Claims.

By Mr. CURTIN: Memorial of Grange No. 434, State of Pennsylvania, praying for legislation to suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of Grange 151, State of Pennsylvania, praying Congress to enact such legislation as will suppress the manufacture and sale of all imitations of dairy products—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of Cincinnati Chamber of Commerce and of the Board of Trade and Transportation against the passage of House bill No. 6047 and Senate bill No. 1718—to the Committee on Commerce.

Also, memorial of Welcome Home Grange, Berks County, Pennsylvania, Edward K. Bohn, master, for legislation for the suppression of the manufacture and sale of impure dairy products—to the Committee on Agriculture.

Also, memorial of Penn National Bank, of Reading, Pa., asking for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, memorial of David T. Davis, president National Association of ex-Union Prisoners, asking for the passage of pension bill for same—to the Committee on Invalid Pensions.

Also, memorial of civil employes of the Army, against the passage of H. R. 6395—to the Committee on Military Affairs.

By Mr. GROUT: Petition of George W. Cleveland and 14 others, citizens of Georgia, praying for a tax on the manufacture and sale of oleo-margarine—to the Committee on Agriculture.

By Mr. HALSELL: Petition of V. M. Metcalf and others, of Kentucky, for the passage of the bill introduced by Mr. SCOTT to tax imitations of butter 10 cents on the pound, &c.—to the same committee.

By Mr. HEWITT: Petition of the Women's National Indian Association of New York, in favor of the passage of Senate bill 52—to the Committee on Indian Affairs.

By Mr. J. T. JOHNSTON: Petition of William McVey and 66 others, soldiers and citizens of Muskingum County, Ohio, asking for the passage of House bill 3320, pensioning Union soldiers, and for other purposes—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of Knights of Labor of Lincolnville, Me., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MORGAN: Papers relating to the claim of Charles G. Sanders, of Madison County, Mississippi—to the Committee on War Claims.

By Mr. MORRISON: Memorial of citizens of the eighteenth Illinois Congressional district, for the opening of Oklahoma for settlement—to the Committee on the Territories.

By Mr. NORWOOD: Petition of 75 citizens of Wayne County, Georgia, for the passage of the Blair bill—to the Committee on Education.

By Mr. J. J. O'NEILL: Memorial of the board of education of Kansas City, Mo., urging the passage of the Blair educational bill—to the same committee.

Also, memorial of civilian employes of the Army, protesting against that portion of House bill 6395 prohibiting payment of salaries in excess of \$1,600 per annum—to the Select Committee on Reform in the Civil Service.

Also, remonstrance of tobacco manufacturers of Saint Louis, Mo., against the passage of House bill 2522—to the Committee on Ways and Means.

By Mr. OWEN: Petition to grant a pension to Martha Page—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Dr. W. L. Schenck, of Osage City, Kans., against a national board of health—to the Committee on Appropriations.

By Mr. STORM: Remonstrance of Pennsylvania Grange No. 146, against the tariff bill now pending in the House—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: Petition of Mary Ann Pipkin, of John B. Inman, of Napoleon Miller, of F. A. Rippligle, of A. R. Thomas, of Felix G. Gibbs, and of Felix G. Gibbs, administrator of John W. Robinson, of Madison County; of Moses Smith, of John C. Trice, of Thomas G. Lipscomb, Allen K. Jones, and of James H. Trice, administrator of V. H. Trice, of Chester County; of R. J. Bomer, administrator of William Odam, of A. J. Williams, of F. L. McClanahan, of Decaturville, and of Quinby McFarland, of Spring Creek, Tenn., asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. STAHLNECKER: Paper of the committee of the Maritime Association of New York, and of the National Board of Steam Navigation, on the revival of shipping—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. VAN SCHAICK: Memorial of citizens of the fourth Congressional district of Wisconsin, including 323 members of Milwaukee Assembly No. 5716 Knights of Labor, against Chinese immigration—to the Committee on Foreign Affairs.

By Mr. A. J. WARNER: Joint resolution of the Legislature of Ohio relative to the building of a memorial structure at Marietta, Ohio, to commemorate the ordinance of 1787 and the settlement of the Northwest Territory—to the Committee on the Library.

By Mr. WHEELER: Petition of Mary A. Allen, widow of N. G. Allen, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHITING: Petition of citizens of Shelburne Falls, Mass., in favor of the redemption of the trade dollar—to the Committee on Coinage, Weights, and Measures.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies; the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. COMSTOCK: Of citizens of Kent County, Michigan.

By Mr. GILFILLAN: Of citizens of Anoka County, Minnesota.

By Mr. KING: Of citizens of Morehouse, Claiborne, and Bienville Counties, Louisiana.

SENATE.

THURSDAY, April 22, 1886.

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

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

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. Mr. President, I rise to a privileged motion. Tomorrow being Good Friday, I move that when the Senate adjourn today it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 29, information relative to the injury to Government works near Battery Island light by the recent ice flow from the Susquehanna River, together with an estimate of cost for repairs; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the General Assembly of the State of Ohio, favoring the passage of House bill 4902, increasing the pension of soldiers who have lost a leg or arm or hand, or part thereof, in the line of duty; which was ordered to lie on the table.

Mr. HARRISON presented the petition of H. B. Whittenberger and 126 others, ex-Union soldiers and citizens of Whitley County, Indiana; the petition of O. N. Mowrer and 311 others, ex-Union soldiers and citizens of Grant County, Indiana, and the petition of David Spencer and 185 others, ex-Union soldiers and citizens of Henry County, Indiana, praying for the passage of the bill (H. R. 3320) granting a pension to all United States soldiers of the war of the rebellion, and for other purposes; which were referred to the Committee on Pensions.

He also presented a memorial of Knights of Labor of Logansport, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Thomas Benson, late a private in Company A, Thirty-second Regiment Maine Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. McMILLAN. I present a resolution of the board of directors of the Saint Paul Chamber of Commerce, which, although not formally directed to the Senate, is evidently intended for their action, containing as it does information in regard to a matter pending before Congress. I ask that it may be received and read.

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

The paper was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

THE SAINT PAUL CHAMBER OF COMMERCE,
SECRETARY'S OFFICE,
Saint Paul, Minn., April 19, 1886.

DEAR SIR: At the meeting of the board of directors of the Saint Paul Chamber of Commerce, held this day, the following resolution was adopted, namely: "Resolved, That in the interest of the trade between the Mississippi Valley and the Central and South American states, we recommend that direct mail communication be encouraged between the United States and those countries, and that for the promotion of this object we urge upon our Congressmen, with those representing the other States in the Mississippi Valley, that Congress

make liberal appropriations to subsidize any steamship line that will establish such communication from the most available points."

Respectfully,

W. F. PHELPS, Secretary.

Mr. DOLPH presented a petition of the Chamber of Commerce of Tacoma, Wash., praying that an appropriation of \$10,000 be made to be expended by the United States Fish Commission in the introduction into the waters of Washington Territory of lobsters, Eastern oysters, shad, and other aquatic food products, and for the purpose of developing the native fish industry of the Territory; which was referred to the Committee on Fisheries.

Mr. CAMERON presented a petition of Grange No. 680, Patrons of Husbandry, of the State of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Grange No. 680, Patrons of Husbandry, of the State of Pennsylvania, remonstrating against the admission of all agricultural raw materials free of duty; which was referred to the Committee on Finance.

Mr. CONGER presented memorials of Knights of Labor of Iron River and Fort Gratiot, in the State of Michigan, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. BLACKBURN presented a memorial of Knights of Labor of Louisville, Ky., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRIS presented a memorial of Knights of Labor of Memphis, Tenn., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. VOORHEES. I present a petition numerous signed by citizens of, I think, every State and Territory in the United States, stating that the wage workers of the United States ask for the unlimited coinage of silver; that 412½ grains of silver be fixed in value as \$1; that that price be maintained without regard to the transactions of Wall street, New York; that the volume of currency be not contracted in any manner; that the power to contract the same be kept out of the hands of the national banks; and that silver certificates of the denomination of \$5 be issued on all silver stored in the mints in the form of standard dollars and subsidiary coin.

I move that the petition be referred to the Committee on Finance. The motion was agreed to.

Mr. VOORHEES presented memorials of Knights of Labor of Frankfort, South Bend, Fort Wayne, and Snoddy's Mill, in the State of Indiana, and memorials of Knights of Labor of Daviess and Delaware Counties, in the State of Indiana, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a memorial of citizens of Muncie, Ind., remonstrating against the employment on public works of prison labor under the contract system; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of John Costello and 43 others, citizens of New Britain, Hartford County, Connecticut, praying for the passage of the bill opening the Oklahoma territory to settlement; which was referred to the Committee on Indian Affairs.

PLYMOUTH NATIONAL MONUMENT.

Mr. HOAR. I am directed by the Committee on the Library to report an original bill in aid of the national monument at Plymouth, Mass.

The bill (S. 2224) in aid of the national monument at Plymouth, Mass., was read the first time by its title.

Mr. HOAR. I ask that the bill may be read at length for information, and then I shall ask unanimous consent that it may be put upon its passage at this time.

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

Whereas a national monument to the Pilgrim forefathers is in process of construction at Plymouth, Mass., consisting of a central figure of Faith and of four subordinate statues representing Morality, Education, Law, and Liberty, of which five the first three have already been erected: Therefore, *Be it enacted, &c.*, That the sum of \$15,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting said statue of liberty and the bas-relief accompanying the same, under the direction of the Secretary of State.

Mr. HOAR. I ask consent to say one word in explanation of the bill. The policy which the Committee on the Library have adopted, and which Congress has ratified wherever there has been a national appropriation in aid of these monuments, has been to require at least one-half the expense to be paid by the State or other locality or from private sources. Toward this monument I am told the sum of about \$120,000 has already been raised or is to be raised and expended for that purpose. The central figure has been contributed by a public-spirited citizen of the State of Massachusetts; and Connecticut and citizens throughout the country have contributed, as I am told, about \$120,000. I am not prepared to be exact in that statement. I have a list of the contributors here, but I have not footed it up. All that Congress is asked to do is to provide one of the four smaller statues at an expense of \$15,000.

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

Mr. VEST. I think it had better go to a committee. I do not understand it.

The PRESIDENT *pro tempore*. It is reported from the Committee on the Library.

Mr. VEST. Reported now?

The PRESIDENT *pro tempore*. Reported at this time.

Mr. MAXEY. I only want to say that very large appropriations of money have been paid out of the Treasury for monuments and I know of no good reason for it. I think we have carried it far enough. I suppose this is just as good as the rest of them. It would be useless to interpose objection to each bill, but I desire to place myself on record as opposed to the practice.

Mr. HOAR. Will the Senator speak a little louder, if he pleases?

Mr. MAXEY. I was simply remarking that we have in the last several years been making large appropriations out of the Treasury for the purpose of building monuments. In my judgment any great event in history which is worthy to be perpetuated in the memory of the American people will be perpetuated just about as well without a monument as with it, and so of the memory of any distinguished man.

I think that to be true, and I know of no reason why these appropriations should be made at all. I have never seen any stated. I have interposed no objection because I have thought it would be useless. This town is covered over with statues and monuments, for what good purpose I have never yet been able to see; and Congress is spreading them out now all over the country, wasting as I think the money of the people without good and sufficient reason and without good and sufficient consideration.

I only desire to say that much, not so far as this particular monument is concerned but generally. I suppose this is just about as good as any of the rest.

Mr. HOAR. Mr. President, I think I can make a statement which I am quite sure will remove the objection of any Senator in regard to this particular monument.

Congress has already appropriated for some fifteen or twenty public monuments of this kind, at Yorktown and all over the country, as Senators know. The State of Massachusetts, which has had within her limited territory certainly her fair share of such historic spots, has never appealed to Congress for any aid in commemorating them. Bunker Hill monument, at a cost of some sixty or eighty thousand dollars, the beautiful monument at Concord, that superb statue of the minute-man, the monuments at Lexington and monuments at other places have been built by the citizens of that State from their own resources, although they have contributed heartily and without hesitation to all the national monuments erected by the nation all over the country.

Mr. MORRILL. And at Bennington?

Mr. HOAR. And at Bennington among others, and Yorktown, and so on. I did not undertake to name them.

Now, this monument at Plymouth commemorates what everybody agrees is one of the most interesting and important events in the history of the human race. It is not merely national; it is universal. It is the landing of the spirit of liberty and the spirit of religion upon this new continent, those two spirits to which this continent is forever to be dedicated. As I have already said, the large cost of this superb monument has been contributed by the State of Massachusetts and by private sources, except the contribution of the State of Connecticut, and Congress is asked to contribute simply this one statue of liberty at the small cost of \$15,000. It is not that Massachusetts needs any help in erecting this monument to a great event in the history of humanity. It is that the nation may be fairly represented and may have a part in the commemoration that this bill is suggested.

Mr. COCKRELL. I have uniformly opposed appropriations for these monuments and celebrations. When the Yorktown monument project was before the Senate, which was among the first since I have been a member of the body, I opposed that, and opposed it to the best of my ability, but failed to defeat its passage. One or two subsequent cases came before the Senate and I opposed them. I am opposed to the whole system and plan of the National Government appropriating the people's money for the purposes contemplated by the Yorktown and other monuments.

Mr. MAXEY. I wish to add only this to what I said before: I remember in Victor Hugo's *Notre Dame* the most graphic and beautiful description of the relative merits of the book of granite, as he styles it, that is to say, the perpetuation of great deeds and the history of great men through statues and monuments and great achievements in architecture, and a comparison of that with the wonderful art of printing, or, as he styles it, the great battle between the book of granite and the book of paper, the work of Guttenberg four hundred and fifty years ago.

Now, that which is attempted to be perpetuated by a monument, by architecture, by a statue, is in its very nature local. It applies only to the immediate class of people who can see the object and can comprehend the lessons attempted to be taught by that work, by that book of granite as he styles it. But, sir, when it is put in print it is scattered to the four winds of the earth, and every nation of the earth may find the description, may read and comprehend the purpose and design of that which is attempted and designed to be perpetuated, whether it be the

memory of a man or of a great event. So I think that practically the book of paper has slain the book of granite. As was said in that work, while the whole world was whitened with works of architecture, which was then the only book, the book before printing was discovered, yet today the world learns through books and not through works of granite or of marble.

The money which is placed in the Treasury of the United States is to be taken out of the hard earnings of the people for wise purposes—to carry on and conduct this Government; not, as I think, for the purpose of being expended in works of art, however valuable they may be in and of themselves, but for the purpose of carrying on the Government.

I desire to assure the Senator from Massachusetts that what I say has no reference whatever to his special measure. I am speaking because I do not believe in the principle at all, and I have never believed in it. I have no doubt this is as worthy as any of the rest, and I interpose no objection whatever to the consideration of the bill. I only desired to say what I have said that my own views may be placed on record.

Mr. HARRIS. I desire to say, and I do it chiefly because I think in respect of these appropriations there has seldom if ever been a division of the Senate, that from the beginning of my service here I have been in sympathy with the views expressed by the Senator from Texas [Mr. MAXEY] and the Senator from Missouri [Mr. COCKRELL] in respect of these appropriations.

This proposition has quite as much merit, if indeed not more merit, in my judgment, than any one of those which have preceded it. While I have no desire to see the State of Massachusetts discriminated against in respect of this or any other measure, I have habitually opposed these appropriations and expect to oppose them. If this were a proposition to erect a monument in my own State I should actively and earnestly oppose it.

That is all I desire to say, simply to put myself right upon the record.

Mr. VOORHEES. Mr. President, it is difficult for me to conceive of a civilized government without monuments. I can not comprehend a civilization of that kind, marking no place and perpetuating the memory of no one who has achieved great deeds. With the greatest possible respect for the sentiments which have just been uttered, they would reach a conclusion appalling to my mind; the Washington Monument would never have stood where it stands now, and all the things that the American people most cherish in and about this Capitol and elsewhere would not be here.

I can not understand the sentiment which would deny to Saratoga a monument to the great achievements there performed. I can not understand opposition to the Yorktown celebration, nor can I understand opposition to an appeal, not, as the Senator from Massachusetts well said, because his State needs this money, but an appeal to this Government to be represented in a monument at Plymouth Rock. The Senator from Massachusetts said correctly that it is not a matter of money; but looking back to the history of this country and all that has come from the event that this monument proposes to commemorate, it would seem strange to the student of history if the United States Government let pass such an opportunity to have some part in commemorating that great event which has done so much for the civilization of the world.

I know very well it is not necessary to make these remarks, but being upon the Committee on the Library, from which the bill emanates, I did not feel that it was right to remain silent while this measure seems to receive some opposition. I am quite sure that the Senators on this side of the Chamber who have expressed themselves are acting upon a general principle which does not exceptionally develop itself against a monument at Plymouth Rock. But whether their ideas apply to one measure or to all, I do not share them. I believe this Government is engaged in a noble work when it is adorning and perpetuating the places where human virtue has had its highest illustrations. I believe the time will come when the encampment at Valley Forge will be made a national park and kept as it is now with its lines of intrenchments and fortifications just as visible and as well defined as they were when Washington's suffering troops marched out of them; and I believe that in adorning and perpetuating these places we are teaching the generations who will come after us the wisest lessons possible; we are teaching them pages of splendid history. When the eye salutes a statue or a towering monument marking where men gave their lives for liberty, for justice, for law, it is an instruction which elevates and glorifies the nature of man and makes better citizens and wiser legislators.

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

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble.

The preamble was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them without amendment:

A bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota;

A bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn.;

A bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keitsburg, in the State of Illinois, and for other purposes;

A bill (H. R. 3371) authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes;

A bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin; and

A bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; and

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally with an amendment:

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin; and

A bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 1123) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a pile ponton railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota;

A bill (S. 985) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; and

A bill (S. 1230) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River.

Mr. McMILLAN. I desire to give notice to the Senate that on Tuesday next, at the conclusion of the morning business, I shall ask the Senate to take up and dispose of the bridge bills upon the Calendar, those which I have just reported and some other bills reported from the same committee on former days.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1306) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas, reported it with amendments.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 780) to regulate appointments in the Marine-Hospital Service of the United States, reported it with amendments.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States relative to certain outrages committed upon subjects of China in Wyoming Territory in September last, reported a bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885; which was read twice by its title.

Mr. MORGAN. I shall ask the Senate at an early day to consider the bill. It is a matter of importance to the two governments.

Several SENATORS. Let us consider it now.

Mr. MORGAN. I prefer to have it printed before it is considered.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 2127) for the relief of Jonathan D. Stevenson, of California, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah, reported it with amendments, and moved that it be recommitted to the Committee on Indian Affairs as amended; which was agreed to.

Mr. SEWELL, from the Committee on the Library, reported an

amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon:

A bill (S. 677) for the relief of Seth Calvin; and

A bill (S. 826) granting a pension to Charles W. Beeman.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar with the adverse reports of the committee.

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

A bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; and

A bill (H. R. 6502) granting a pension to Lucy Ann Drew.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 924) granting a pension to Ellen Shea, reported it with an amendment, and submitted a report thereon.

Mr. HOAR. I submit the views of the minority of the Judiciary Committee on the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes, which by order of the Senate the other day is to be printed with the report of the majority.

The views of the minority were received and ordered to be printed.

SEUL CHOIX POINT LIGHT-HOUSE.

Mr. CONGER. By order of the Committee on Commerce I report back the bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan. A similar bill, a Senate bill, passed the Senate a few days ago, and as the bill is very short and the report is very brief, I ask for its consideration at this time.

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

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

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That there be established a light-house at or near Seul Choix Point, on the northern shore of Lake Michigan, Michigan, the cost of which shall not exceed the sum of \$15,000.

Mr. CONGER. The report of the Light-House Board is but a few lines, and I ask that that be read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

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

REPORT ON INTEROCEANIC CANAL.

Mr. MANDERSON, from the Committee on Printing, to whom the subject was referred, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the usual number of Senate Executive Document No. 99, first session, Forty-ninth Congress, being the report of Mr. Menocal on the interoceanic canal, be printed, omitting the photographic illustrations.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2226) granting a pension to Archibald Mooney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAXEY introduced a bill (S. 2227) for the relief of the estates of Henry and Grenville K. Cheatham; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 2228) granting a pension to Samuel F. Rowe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2229) for the relief of William C. Shimonech; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2230) granting a pension to Mrs. Sarah Young; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 2231) for the relief of John L. Rhea, executor of Samuel Rhea, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 2232) granting a pension to Mary Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2233) granting a pension to John P. McElroy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2234) granting a pension to Sarah Canaday; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2235) granting a pension to Polly Brown;

which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2236) to amend an act entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER (by request) introduced a bill (S. 2237) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. MITCHELL, of Oregon (by request), introduced a bill (S. 2238) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MAXEY, it was

Ordered, That the petition of Henry and Grenville K. Cheatham be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of James Fountain on the files be transmitted to the Committee on War Claims of the House of Representatives for use by that committee.

Ordered, That the papers in the case of John Howze on the files be transmitted to the Committee on War Claims of the House of Representatives for use by that committee.

Mr. COCKRELL. I have been informed that there have been no adverse reports in those cases.

PURCHASE OF GUTHERS'S PAINTING.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing for the Government the picture painted by Carl Guthers, "Farming in Dakota."

REPORT ON INTEROCEANIC CANAL.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the report of Mr. Menocal on the Interoceanic Canal, Senate Executive Document No. 99, first session, Forty-ninth Congress; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 2,000 copies for the use of the Navy Department; and such additional number shall contain the plates, maps, and photographic illustrations.

REPRINTING A BILL.

Mr. BLAIR. The print is exhausted of the bill (S. 1495) to limit ownership of lands now belonging to the public domain. I give notice to the Senator from Nebraska [Mr. VAN WYCK] that I desire to move the bill as an amendment to the bill (S. 1812) to provide for taxation of railroad grant lands and for other purposes. I ask that the bill may be reprinted.

Mr. VAN WYCK. I have no objection to its being reprinted, but I do not desire to have that bill considered by the Senate without considering the bill of which I shall ask the consideration this morning.

Mr. BLAIR. Oh, no; the Senator does not understand me. I shall propose Senate bill 1495 as an amendment to the Senator's bill.

The PRESIDENT *pro tempore*. The order to reprint the bill will be made if there be no objection.

HENRY SHIVELY.

Mr. BLAIR. I move that the Senate proceed to the consideration of the pension bills which by mistake were left over yesterday.

Mr. VAN WYCK. I desire to amend that motion by—

Mr. ALLISON and others. You can not amend it.

Mr. BLAIR. That is not in order. I will say, which I presume will relieve my friend, that there were five or six pension cases omitted yesterday, against the passage of which, as far as I know, there is no objection. They were passed over because the papers were not in possession of the Chief Clerk. They are now in his possession, and I only wish to occupy the attention of the Senate while those bills are being disposed of.

Mr. VAN WYCK. Very well, I yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to proceed to the consideration of five or six pension bills which were not at the desk yesterday at the proper time. Is there objection? The Chair hears none and the bills will be stated in their order.

The bill (S. 1257) granting a pension to Henry Shively was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Shively, late first lieutenant of Company D, Twelfth Kansas Volunteer Cavalry.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Kansas," to strike out the words "volunteer cavalry" and insert "volunteers."

The amendment was agreed to.

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

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

MRS. HANNAH BABB HUTCHINS.

The bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Hannah Babb Hutchins, late an Army nurse, and to pay her a pension of \$25 per month from and after the passage of this act.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN N. RUNYAN.

The bill (S. 860) granting an increase of pension to John N. Runyan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John N. Runyan, late of Company A, Seventy-fourth Regiment Indiana Volunteer Infantry, at the rate of \$50 per month, in lieu of the \$30 per month heretofore allowed him, as specified in pension certificate 38861.

The amendment was agreed to.

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

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

SARAH E. BASSETT.

The bill (S. 1152) granting a pension to Sarah E. Bassett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, to insert the word "twelve" in the blank before dollars; so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Bassett, daughter of Julius Bassett, late captain of Company A, Fifteenth Regiment Connecticut Volunteers, and to pay her a pension of \$12 per month.

The amendment was agreed to.

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

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

DR. A. LANNING.

The bill (S. 1102) granting an increase of pension to Dr. A. Lanning was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Dr. A. Lanning, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, at the rate of \$50 per month, in lieu of the \$30 per month heretofore allowed him.

The amendment was agreed to.

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

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

WILLIAM G. SCHOONOVER.

The bill (H. R. 3390) to place the name of William G. Schoonover on the pension-roll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to change the name "Schoonover" to "Schoonover," so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William G. Schoonover, father of James C. Schoonover, late of Company E, One hundred and fourth Illinois, who died of wounds at Chattanooga, on the 27th day of June, 1864, in general hospital, ward numbered 6.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to place the name of William G. Schoonover on the pension-roll."

LIQUOR TRAFFIC.

Mr. BLAIR. I desire to give notice that on Monday next, at the conclusion of the ordinary morning business, I shall ask the indulgence of the Senate to proceed to the consideration of the joint resolution (S. R.

6) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages, for the purpose of making a few remarks upon the subject.

DANIEL B. CLARK.

Mr. CULLOM. I have discovered since yesterday that the Senate passed then a bill (H. R. 414) granting a pension to Daniel B. Clark, and it turns out that the person named has died since the bill was introduced in the other House and passed there. I desire to move to reconsider the vote by which the bill was passed, and then I wish to ask the Senate to put upon its passage the bill (H. R. 6429) granting a pension to Eunice E. Clark, which is a bill giving the pension to the widow.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider will be entered and the bill will be recalled from the other House. When the bill is here the Senator can call it up at any time.

Mr. CULLOM. The bill is held in the Secretary's office.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. I move that the Senate proceed to the consideration of Senate bill 1812, Calendar number 313.

Mr. BLAIR. I ask unanimous consent to say a word before the motion is put.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands. This motion not being debatable, the Senator from New Hampshire asks unanimous consent of the Senate to make some observations on the motion. Is there objection? The Chair hears none.

Mr. BLAIR. I do not desire to detain the Senate, and I certainly do not ask for any unreasonable delay in the consideration of this bill, but I am satisfied that it has not attracted the attention of the Senate at all. It is, however, I think, one of the most important bills that we are likely to discuss and dispose of. It is one which in its operation, as I believe, in its present form will practically sequester the land grants which have been made to the various corporations that have received those grants and have availed themselves of their credit for the construction of their several roads. Before a bill of that importance is disposed of it should be discussed at length.

I myself desire to offer several vitally important amendments, and I wish to discuss the main bill itself. My engagements have been such that I have found it entirely impossible to prepare myself in any suitable way for the discussion of the subject. I am confident that I am as well prepared as the Senate can be for its consideration, because I hardly think that the bill has as yet been considered outside of the committee at all.

The Senator from Nebraska was anxious to pass the bill yesterday without discussion, and I suppose he is in haste for its disposition now, but it concerns the action of the Government with the great transcontinental railways. During the last twenty years millions upon millions of money have been invested in them, very largely by those who live in the portion of the country which I come from myself. Much of it has already been lost for the development of the great West, and this bill is calculated to shake, as I think, in a great degree the public faith and public credit and to bring discredit upon the Government.

Mr. HARRIS. I should like to ask the Senator from New Hampshire, if he will allow me to do so, whether he thinks it proper to avail himself of the unanimous consent asked upon a motion to proceed to consider a bill to consume the time of the Senate in debating the merits of the proposition?

Mr. BLAIR. I am certainly giving my reasons why I think this bill ought not to be taken up, as I have a right to do by the unanimous consent of the Senate. I do not understand that I am pursuing a course at all unusual when a consent of this kind is given. I hope the Senate will not proceed at this time to the consideration of this bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska [Mr. VAN WYCK] to take up the bill (S. 1812) to provide for taxation of railroad-grant lands.

The motion was agreed to.

OLD COUNTY JAIL PREMISES IN DUBUQUE.

Mr. ALLISON. Before the bill is read I ask the Senator from Nebraska to yield to me for a moment that I may call up for passage a bill which passed the House unanimously and is purely of a local character and will only take a moment to pass the Senate. It is Calendar number 415, House bill 4493. It is a unanimous report of the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes.

The preamble recites that by an act of Congress approved June 15, 1844, a grant was made to the county of Dubuque, Territory of Iowa, in the following words: "That the following-described pieces or parcels of land are hereby granted and given to the county of Dubuque, in the Territory of Iowa, to wit: Two lots and a half lying and being situate in the town of Dubuque, on the northwest corner of Seventh and Locust

streets, in said county, being the same land upon which the old county jail now stands, and is designated on the Government plat of said town as 'public square;' that through a clerical error, the jail lot or public square was described as being on the northwest corner of Seventh and Locust streets, when it was in fact on the northeast corner thereof; and that the county of Dubuque, under the powers conferred by the act, sold to John and Thomas Burton the tract situated on the northeast corner of Seventh and Locust streets on which the old county jail stood, and designated on the Government plat of the town as "public square," the same being a rectangular tract fronting 114 feet on Seventh street and 127 feet and 11 inches on Locust street; but in the deed from the county to John and Thomas Burton the same clerical error was made as to the corner on which the tract was situated as was made in the act.

As curative of the error, the bill provides that the rectangular tract of land on the northeast corner of Seventh and Locust streets, in the city of Dubuque, fronting 114 feet on Seventh street, and 127 feet and 11 inches on Locust street, being the premises on which the old county jail formerly stood, and designated on the Government plat as "public square," shall be granted and the title thereto confirmed in and to the county of Dubuque, and its grantees, John and Thomas Burton, their heirs and assigns forever.

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

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble.

The preamble was agreed to.

EUNICE E. CLARK.

Mr. CULLOM. The bill to which I referred a while ago has been procured by the Secretary, and I should like to move to reconsider the vote by which that bill was passed yesterday and have it disposed of.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to reconsider the vote by which the bill (H. R. 414) granting a pension to Daniel B. Clark was passed.

The motion was agreed to.

Mr. CULLOM. I move now to postpone the bill indefinitely.

The motion was agreed to.

Mr. CULLOM. Now I move to discharge the Committee on Pensions from the further consideration of House bill 6429, which is to give to the widow the pension that the bill just disposed of granted to the soldier.

Mr. BLAIR. I should like to ask the Senator the cause of death?

Mr. CULLOM. I have not learned the facts. The man has recently died. I believe it was from paralysis, from which he was suffering for years.

Mr. BLAIR. Does the Senator understand that the disease was the result of service?

Mr. CULLOM. The result of service. I have the report in my hand, which shows the facts.

There being no objection, the Committee on Pensions were discharged from the further consideration of the bill (H. R. 6429) granting a pension to Eunice E. Clark, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to place on the pension-roll the name of Eunice E. Clark, widow of Daniel B. Clark, late of Company A, First Ohio Cavalry.

Mr. EDMUNDS. Is that reported just now? I should like to hear the report read.

Mr. HARRIS. I ask if the whole bill was read?

The PRESIDENT *pro tempore*. It was.

Mr. HARRIS. Then I think the bill is very imperfect. Let it be read again.

The Chief Clerk read the bill.

Mr. HARRIS. It does not specify what rate or according to the limitations of law.

Mr. CULLOM. I do not know but that the bill ought to be amended. Let it be amended so as to give her the pension that the husband was given by the bill just disposed of.

Mr. BLAIR. The Senator will allow me. To cover everything let him say, "according to the provisions and limitations of the pension laws."

The PRESIDENT *pro tempore*. The usual language is, "subject to the provisions and limitations of the pension laws."

Mr. CULLOM. I have no objection to that. I move that amendment.

The amendment was agreed to.

Mr. EDMUNDS. Now let us hear the report read.

The Chief Clerk read the following report, submitted by Mr. NEECE in the House of Representatives April 6, 1886:

The Committee on Invalid Pensions, to whom was referred House bill No. 6429, having considered the same, report:

That this committee, on January 12, 1886, reported favorably on House bill 414, a bill to pension Daniel B. Clark, which bill has since passed this House and is now pending in the Senate; that since the passage of said bill 414 the said Daniel B. Clark has died from his disease, which was fairly traceable to his Army service. The said Eunice E. Clark being his wife, and who has nursed said soldier, who had been helpless for the last four years, requiring her entire time to care for him, your committee is of the opinion that she should be placed on the pension-roll, and therefore recommend that said bill do pass. Said report made on House bill 414 is hereby adopted and made a part hereof.

"The Committee on Invalid Pensions, to whom was referred bill H. R. 414, beg leave to submit the following report:

"Daniel B. Clark enlisted in Company A, First Regiment of Ohio Cavalry, and was discharged at Nashville, Tenn., for disability, September 17, 1864. He was a prisoner of war from August 29, 1862, to September 13, 1862. A pension is claimed for heart disease and piles contracted while a prisoner of war. The evidence is as follows: Simon Dorran, a private of the same company and regiment, and also a fellow-prisoner, testifies said Clark had diarrhea and piles while he was a prisoner of war. Capt. Noah Jones, who was the captain of Clark's company, also William P. Cleaveland, a member of said company, both testify that Clark, after he returned from prison, was unable to do duty on account of disease or disability, which disease they understood Clark contracted while a prisoner of war. Dr. Milton Dunlap, of Greenfield, Ohio, testified that he treated said Clark in 1862, but he can not now remember for what disease. It also appears that after Clark was a prisoner of war he returned to his home near Greenfield, Ohio, on furlough. John Blain testifies that Clark was a sound man at the time of enlistment; that he was at Clark's home in Ross County, Ohio, in 1862; that Clark was at home sick, and complained of pain in his breast, and that at that time Dr. Dunlap treated him.

"Dr. W. H. Wear testifies that he met said Clark in 1865, and had frequent talks with him about his trouble, and that Clark at the time was suffering from heart disease, pleuritis, and piles; and that since 1872 he has been said Clark's family physician, and has treated him for said diseases, and that said diseases still continue, and that said Clark is totally disabled. Doctor McDavitt testifies that he treated said Clark in 1880 for heart disease and pleuritis. Doctor Compton says he knows said Clark, and that he treated him since 1872 frequently for heart disease and piles.

"Dr. A. F. Eidson testifies that he treated said Clark from August, 1865, to April, 1871, for heart disease and piles. The board of medical examiners who examined him in 1881 say he is totally disabled from the effects of heart disease and piles. A number of witnesses testify to Clark's soundness at the time of his enlistment, and to his being sick ever since he was a prisoner of war. Evidence introduced before the committee show said Clark to be totally disabled at this time, confined to his bed or invalid chair, and unable to walk, or to talk so he can be understood without great difficulty.

"Your committee recommend that said bill do pass with the following amendment:

"Strike out the words 'at the rate of thirty dollars per month' and insert 'subject to the provisions and limitations of the pension laws.'"

Mr. EDMUNDS. Now I should like to hear the bill read to see whether it is in such a form that the poor woman will get anything.

The Chief Clerk read the bill as amended.

Mr. EDMUNDS. It appears—and I speak for inquiry—that under the limitations and provisions of the pension laws her husband in his lifetime was not entitled to a pension, because he did not come within the strict provisions of the pension laws on the evidence. Now therefore it is not like the case of a widow of a soldier who died from wounds or disease contracted in the service, but it is the widow of a private citizen who had been a soldier, as I understand it, and therefore I am afraid if you leave it as it is now that the Secretary of the Interior and the Secretary of the Treasury will not pay her anything. I think the sum ought to be stated, for safety.

Mr. BLAIR. That is the universal form, but it will do no harm to state the sum if it seems better to the Senator from Vermont. I suppose five thousand bills have passed in precisely the same form since the war.

The PRESIDENT *pro tempore*. It is manifest on the face of the bill that as the husband himself would not have been entitled to a pension, the widow will not get the pension as it now stands.

Mr. CULLOM. I was inclined to fear that myself. I will move to insert "at the rate of \$12 per month."

Mr. BLAIR. The rank of the officer was captain. As the bill now stands she would get pension at the rate of \$20 per month. I hope the Senator will not amend it so as to reduce the amount.

Mr. CULLOM. I supposed he was a private soldier. I move to make the rate \$20 per month.

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

The CHIEF CLERK. The amendment is to insert before the words "subject to the provisions and limitations of the pension law" the words "at the rate of \$20 per month."

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TAXATION OF RAILROAD-GRANT LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. ALLISON. I think the bill is of sufficient importance to require some explanation. I hope the Senator from Nebraska will give us a brief explanation, at least, of what is the purpose of the bill.

Mr. VAN WYCK. The question presented in this bill has been the subject of consideration by Congress for many years. In the Forty-seventh Congress bills for this purpose were introduced in both branches, and in one branch not only reported favorably, but I think passed. In the Forty-eighth Congress action was taken by both Houses, and in the Senate a favorable report was made upon the subject and the bill was made a special order and was placed upon the Calendar and was subject to consideration, and was the next bill in order at the time of the expiration of the Forty-eighth Congress. In this, the Forty-ninth Congress, bills were introduced in both Houses, and the other House has already passed a bill upon the subject, not the same bill as this, but a bill to reach this object, the taxation of unpatented railroad lands.

The Committee on Public Lands, having had several bills under consideration, after an ample and full discussion reported the bill now under consideration.

So it is not correct, as the Senator from New Hampshire [Mr. BLAIR] has said, to suppose that this matter has not been considered by Congress, when in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses it has been considered. It has not only been considered during that time by Congress, but it has been considered by the people of the United States for many years before that time; and the non-action of Congress has been a marvel, only explainable by reason of that subtle and mysterious influence which has so often controlled subjects of this kind. It has been a matter of deep concern and consideration and mystery on the part of the American people that railroad companies should hold undisputed title to millions of acres and yet be exempt from taxation, and not only themselves exempt from taxation, but actually allowed to sell the lands to which for years they had title, and as a consideration for a greater price say to the purchasers, "These lands for years shall be exempt from taxation," and why? Because, unfortunately, in the early history of railroad-grant legislation it was provided that the railroad companies should not obtain patents for the lands granted until they had paid the cost of surveying, selecting, and conveying the lands. Instead of being a burden to the railroad companies, it was a great benefit to them, because while under the previous acts the companies might have been compelled to take their patents by the existing provision, railroad companies are not forced to take their patents, and all they have to do is to remain quiet and refuse to pay the two or three cents per acre required by the law, and still be in the undisturbed possession, mortgage the lands, sell them in the market, the purchasers receiving the same benefit that the companies were entitled to until the railroad companies take their patents, which will be in their discretion, when they can do it conveniently.

The question is now to remedy this great evil. The proposition of the House of Representatives is confined, as some of the propositions in this body were, to the roads organized in 1862, extending across the State of Iowa, known as the Union and Central Pacific Railroads. There is no reason why the same provision should not extend to all the land-grant roads. Therefore it is that the committee of the Senate adopted a bill providing that this principle should extend to all railroad companies having land grants from the United States, and that only such lands should be taxed as are conterminous to the finished road, not going beyond it, and that only such lands should be taxed as lie in organized counties, so that all possible rights are secured to the railroad companies.

I do not understand the suggestion of the Senator from New Hampshire when he says that this bill is confiscation. No confiscation follows. If property is used, it is only asked that it shall be subject to the same rate of taxation at the same valuation as the land of individuals, nothing more.

Mr. President, I do not deem it necessary to say anything further on this subject. I believe I have explained why and how this difficulty originated which we seek to remedy, that the remedy is merely subjecting the property of railroad companies to taxation as the property of a citizen, no more, and we trust it will be no less.

Mr. BLAIR. Mr. President—

Mr. VAN WYCK. The Senator will allow me a moment more. I desire to say that in the same connection I shall ask the consideration of the House bill to which I have referred in order that the Senate bill may be adopted as a substitute for the House bill.

Mr. BLAIR. Mr. President, the discussion of this matter by the Senator from Nebraska would seem to indicate that it is one of very trifling importance, and that the astonishment must be that the bill was not enacted years ago rather than at this late day it should be subjected to even the slightest criticism.

There is a certain superficial appearance of propriety in the Senator's suggestion that the lands of these corporations held under grants from the General Government should be subjected to taxation, because the lands of individuals holding from the Government whenever the title passes from the Government to individuals are subjected to that burden. But I believe that a little thought on this point will indicate how slight is the real substance of it.

The great mass of these lands to-day are in precisely the same condition as are the sections of land still remaining a portion of the public domain; and no human being can suggest any reason why the local communities just being initiated should have the general and indefinite power of taxation upon these railroad lands unless they should also be allowed the same unlimited right of taxation upon the public lands with which they are connected, being of precisely the same general character.

Only a few years ago the entire national domain west of the Mississippi River, with a very few exceptions, was a vast waste, unimproved, almost uninhabited by man, and if inhabited, by reason of the lack of transportation, almost inaccessible; and we all remember how the circumstances of the war made it almost imperative upon the Government that we should establish by land immediate connection with our Western possessions. We remember how the great European powers threatened an alliance with the confederacy and were likely by their maritime supremacy to take from us the Pacific coast. That stimulated and re-

sulted in the construction of the first great transcontinental line of railroad. All the way from its eastern terminus to the Pacific coast, as we all remember, it was in a comparatively uninhabited country. It was over public land, a portion of the public domain, all of which was subject to disposition at the rate of \$1.25 per acre, but there was nobody to take possession of it. It was unimproved property; it yielded no income, and was a source of benefit to nobody, to the nation or to individuals, and it was of course not subject to any taxation. No principle upon which taxation could be levied on property at all was applicable to this vast portion of the national domain. Before the necessary connection could be made with the Pacific coast, by which this territory could be preserved as an integral part of the Union at large, it was necessary that either by public expenditure imposed upon the entire country, all the property of the entire country, or by the encouragement of private capital, this vast region should be traversed by some form of communication, and the only available form was by way of railroad transportation. The Government elected, and I presume every one believes elected wisely, that its first route of transportation—and the same was continued further on—should be stimulated and encouraged in its construction by inviting private capital; and the land grant adjoining the line of the Union Pacific and the Central Pacific Railroad was made for that purpose. On the strength of the land grant as a security money was raised with which the railroad was constructed. The same plan was adopted with regard to the Northern Pacific Railroad, the same with the Atlantic and Pacific now in process of construction. The great line by way of New Orleans, Texas, and the Southern Territories to San Francisco and to other points on the Pacific coast was encouraged in its construction and the construction was accomplished by the same pledge of a portion of the public lands.

These corporations were authorized necessarily to place the lands granted them as security, and those securities were sold on the market, and thus capital was obtained with which the roads themselves were built. Until recently, until these roads were substantially constructed, until every incumbrance was created upon the land grants connected with all these lines of communication, until these incumbrances were fastened upon the grants and money had been raised on the faith thereof, I venture to say that no human being ever heard a suggestion that these lands were under any circumstances, so long as the title remained in the corporations, at least, to be subject to Federal or to State taxation. In that way the public faith became pledged, as I think, to the corporations, to the assignees of the corporations, to the bondholders, to the persons interested in the various companies' mortgages—pledged that the security of the lands should be available for the discharge of these incumbrances without subjection to local taxation or State taxation so long as the lands remained in the legal possession of the corporations themselves.

In regard to one great transcontinental railroad, as is known by the Senate, the country itself has taken a very heavy pecuniary liability—is practically liable for the first mortgage of the company, as well as for its own bonds issued to the company. Under these circumstances this bill now comes to the front, and it proposes to take all these land grants, whether their value has been enhanced by the improvement which results from the construction of the roads or not, and to subject all these land grants indiscriminately to an undefined and unrestrained power of local taxation.

What may be the motive behind this every Senator is at liberty, of course, to surmise for himself. It must be seen that whatsoever value there is to these grants has been placed there by the enlistment of capital obtained in the way I have spoken of.

It is also an apparent and undisputed fact that a very large proportion, much the larger proportion, of all these lands are as yet practically out of the market. It is known to be the fact that it is the policy of every one of these great roads to dispose of the land grant as rapidly as it possibly can and make the proceeds of the sections disposed of available in the discharge of the land-grant bonds. That is the general policy pursued by these companies, and so far as I know there is but a very slight danger of abuse in this direction on the part of any of the companies. So there is not any general complaint, there is no cause of general complaint, existing of the character which the Senator from Nebraska has adduced before the Senate.

It was shown before the committee in evidence or in citations from the public records of the country, from the reports of the Land Office, and from other reliable sources, that the Central Pacific Railroad, which is one largely affected by this bill, has been clamoring for years for the conveyance of its land grant more rapidly than it could receive it from the General Government, and that it has made its deposits rather in excess of the actual charge for the surveying and selection and conveyance of lands. It is in no imaginable sense under any default in this regard; nor has the Government, so far as I know or believe, any serious right of complaint in regard to any of these corporations for any delinquency in their having advanced the necessary funds to defray the slight expenses of surveying, of selection, and of conveyance to the companies.

These delays have arisen from various causes. Almost universally the causes have been owing to the lack of a sufficient working force in the land offices to transact the necessary business, and many delays have arisen by reason of the further fact that serious questions have arisen

as to the character of the lands to be conveyed under the land grants themselves. It will be remembered that the Government reserved to itself all mineral lands, reserved from the operation of the grants all lands where rights by homestead or pre-emption had been initiated. In some other cases there were reservations, and the land grants were not operative where these conditions existed.

Now, the question whether land is of a mineral character or not, and so is or is not conveyed by the grant, has been in many instances one that has led to protracted disputes, and vast masses of land have as yet not been conveyed to the companies although all the conditions have been complied with on the part of the companies, for the reason that the United States has not yet been able to say whether those lands were properly selected or not on the part of the companies. So generally the fact that the lands have not been conveyed more rapidly is not the fault of the companies, but it is a fault inherent in the nature of things because of controversies arising by reason of these reservations in the original grants.

Now, sir, let us consider this matter a little more closely. I have alluded to the fact that this vast extent of country was valueless to the General Government, valueless save as a portion of the earth itself to the people of the United States without development, and without development such as is dependent on lines of transportation. I have alluded to the further fact that the great mass of this country still remains in its original condition, practically public land not as yet marketable, purchasers not there, purchasers not available, as valueless to the companies to-day as it was when the original grants were made for the realization of money to pay taxes or pay bonds, valuable only as it is a pledge of faith, a security for the future. The whole policy of the Government was based on the idea that these companies were to hold the lands, that they were to be subject to no burdens in the way of taxation, either national or State, until such period of time as they should be able to find a market for them so that they might realize something from them themselves.

I am anxious that this bill shall be so framed that whenever it is shown that by reason of the construction of these roads and the disposition of adjoining or adjacent property to settlers, the value of the land is enhanced beyond the price fixed by the Government, that is, \$2.50 an acre, at which the companies are allowed to sell their lands, whenever there has been an increase of valuation beyond that sum, at which it must be held by the railroad until it can be disposed of at that rate, whenever there is a creation of values beyond that \$2.50 an acre, it should be taxed, and I would be glad to support such an amendment. Indeed I will offer an amendment to this bill that shall make any valuation by a proper tribunal beyond the \$2.50 an acre subject to taxation in behalf of the State or Territory or the local community; but anything beyond that, I think, would be a violation of the public faith, and a thing which ought not to be done.

The Senator from Nebraska found some fault with my expression that this bill proposes a practical sequestration of these public lands. Why is it not a sequestration? Wherever the companies are able to sell, almost without exception they sell at the price limited by law already. As I stated, the bill should be amended, and I do not suppose there will be any objection anywhere that the bill should be amended so that any excessive valuation of lands not disposed of should be subject to taxation; but the great mass of this land can not be sold as yet. Under the stimulus of the utmost effort of the corporations to increase settlement they have been unable to sell these lands. Now, suppose that they are subject to taxation as the bill proposes, that they are subjected to taxation according to the will of the local community in an organized county. The Senator talks as though the fact that the bill restricts this taxation to such communities as have been legally organized was a protection. The Senator knows even better than I, for he lives there, that these Territories are already almost universally organized into counties. What is the first thing done in a Territory as inhabitants gather? Any dozen or fifteen inhabitants petition for the organization of a county, have their limits defined by the local Legislature, and the first thing they do after they have perfected their county organization is to locate the county seat. They proceed next to provide for the erection of expensive public buildings, and they issue their bonds, and they make all the land included in the county by virtue of local laws subject to the taxation necessary to construct these buildings and to discharge other debts of the local community. The worst frauds we have heard of in the Territory of Dakota and in other Territories have grown out of this action, legal in form but vicious and hurtful and fraudulent in practice, on account of these county organizations. And the Senator proposes that these land grants, not in the States to be sure, where the ordinary processes of the law and the ordinary methods of procedure would be likely to be more equitable, but throughout the Territories, where the great mass of these lands lie, land grants owned by corporations and individuals living at a great distance, having no part in local action, shall be subjected to such impositions as the local communities may see fit to place upon them.

Take this idea in connection with the abuses which we know have hitherto existed and been perpetrated time and time again by these county organizations upon the property in which others were interested as well as themselves locally, what would be likely to be their course of action in

the imposition of taxes for the purpose of actually sequestering these vast tracts of land which as yet the companies can not dispose of under any circumstances? Any one can see that these corporations will be taken at the utmost disadvantage.

I think it is proper to state here in connection with the imposition likely to be placed upon them the probable fact, which is a public fact, that nearly all these corporations to-day have great difficulty in paying their running expenses, to say nothing of any income on the stock of the corporations. Take the Northern Pacific Railroad, for instance, which has now reached Puget Sound, with the exception of some 25 miles I believe of the main line. The main line is now 2,400 or 2,500 miles in length. That corporation, if I recollect aright, after paying its running expenses and after discharging the interest on its bonds, had remaining for distribution only \$100,000 last year. Take that as an illustration of the operation of this act generally. They have \$100,000, say, remaining which should be available for dividends to the stockholders after paying running expenses and interest on bonds. If their lands, their grant amounting I think to nearly 50,000,000 acres, of which I suppose not more than one-fifth, probably not one-fifth, has been disposed of—if the 40,000,000 acres remaining are subject to local taxation under the provisions of this bill, what will be the effect? I have not had time, as I stated earlier when I asked a little delay, to make a calculation with sufficient accuracy so that I can say to the Senate just what would be the effect of taxation upon the 40,000,000 acres of the land grant of the Northern Pacific; but we will suppose that the land is valued by the local communities at the sum which the United States valued it at and at which it is required to be sold, \$2.50 an acre, and if the tax imposed should be no more than 2 mills on the hundred dollars of value it will be found that the actual taxation imposed upon that road from year to year would not be less than half a million dollars. At all events the amount of taxation would be largely in excess of the surplus remaining to the corporation after paying running expenses and the fixed charges on its bonds.

Suppose these lands are taxed at the local valuation to the amount of a half million dollars a year—and in all human probability it would exceed that sum—how is the corporation to pay it? The result would be that the very first year the company would be bankrupt, unless the bondholders, unless outside parties or the Government itself interested in the matter, saw fit to raise the money, or the corporation itself should increase its charges for transportation of freight and passengers, so that the whole community would virtually pay the taxation. The result would be that the very first year every acre of this vast land grant would be confiscated under the power of local taxation, and confiscated in the interest of whom?

The complaint is that these vast tracts of land are now locked up in the hands of these corporations. Who is to appear at the tax sales and bid off these lands? The corporation is not able to do it. Individuals resident in all parts of the country would appear at these sales and would obtain the title to the lands; capitalists, land-grabbers, and speculators from all parts of the country would find under the practical operation of this bill a perfect bonanza; and if a man were at liberty to surmise motives and to point out the direction from which this bill may possibly have come, he would be justified, I think, in suggesting that this is a bill in the interest not of the people locally, not of the corporations, not of the Government, but of individuals—wealthy individuals who desire through its provisions to accumulate in themselves the ownership of these vast tracts of land; for you will observe, Mr. President, that under this tax title all other sorts of title are cut off, and these lands will inevitably become vested in comparatively a few individuals—it may be in great syndicates of capitalists—and we shall therefore have parted with all claim upon these lands and have vested substantially in these individuals the enormous amounts of lands, coming, as I recollect, in all to nearly 200,000,000 acres, in men who are likely to use them simply for speculative purposes.

I know a little of the operation of this sort of thing in my own State. To be sure, there is not a great deal of land there, but what there is is of some account to us. The time is rapidly coming in this country when land, even in the smallest quantities, is to be of great consequence to the individual here in the United States. The individual non-resident landholder is the worst form of hindrance that there is to the development of any country. It is from him and his ownership that are developed all the evils of what is called landlordism abroad, and it is from him that we have to apprehend precisely the same evils, and they are rapidly developing already in our own country.

I think the Senate should pause and the country should pause and consider whether, even in the interest of "the dear people" themselves, it is not worth while to examine more carefully into the provisions and the unavoidable results of this bill. The Senator from Nebraska is himself a very considerable land-holder and himself a gentleman of wealth. I wish he were present to tell us how much he is interested or will be likely to be interested in the practical working and results of this bill. I insist that it should be ascertained how many heavy capitalists in all parts of the country are interested in the practical operations of this bill and the confiscation of these land grants for the benefit of wealthy individuals. I wish that could be ascertained exactly. If it could be and the masses of the people of this country

came to understand the land-grant question as it is and not as it is put by designing men who are behind this agitation and robbery as I believe—if the masses of the people came to understand, as they will understand when the bill gets into operation, that the effect, to say nothing of the motive, is to lock up these lands interminably in the hands of speculators and land sharks, they would hold Congress, they would hold the whole Government, hereafter to a more rigid accountability than we are at present apprehending.

I do not want to take a great deal of time; it is nearly 2 o'clock, when I suppose another order of business will be before the Senate; but I desire before this bill is disposed of to offer sundry amendments, and in order that they may be printed and taken under the consideration of the Senate, I will now read them during the few moments of time which are remaining before 2 o'clock.

I wish all the public lands now remaining in the United States to be subjected to provisions that shall forever insure them to small individual owners. I am persuaded that there is a tendency in this country, which is illustrated by alarming facts, to the accumulation of the land, which is the liberty of the people, in the hands of comparatively few individuals. We find these illustrations in the States. The evil is developing enormously in the Territories through the public lands outside these grants. I some time since introduced and had referred to the Committee on Public Lands a bill the provisions of which I propose to attach to the one under discussion as an amendment.

Sec. — That no natural person or persons or partnership shall hereafter acquire, hold, or own, either by virtue of the laws relating to the disposition of the public lands, or by grant, assignment, purchase, descent, or by any other method by which title to land may be acquired, more than 320 acres of agricultural lands nor more than 640 acres of any description of lands which shall belong to the public domain, on or after the passage of this act; and hereafter all patents and evidences of title to any portion of the public domain to which this act shall apply shall recite the provisions hereof.

Sec. — That all lands acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by due process of law.

Of course, Mr. President, where the title has already been parted with and vested in individuals, it is impossible for the Government to exercise any control over it save by the power of taxation. It has become a vested right. All the force of the country, moral force and physical force, must be and always will be concentrated for the protection of vested rights in this country or in any country subject to the government of law. But the provisions which I propose to offer as an amendment to this bill are wider than simply the land grants concerned. They cover the entire public domain and will insure to our population in all time to come these small holdings which are indispensable to the vigorous, hardy yeomanry which is the surest defense of a State.

A provision of that kind of course can not reach the land grants themselves, and so I desire that other amendments may be made to the bill so as to reach the land grants in case they are to be sequestered or in any way are to be eliminated from their present control and pass to that of individuals. I will not undertake to state now the amendment on that point, because that will have to be determined as the bill is discussed and as amendments are offered. But before the bill is passed I shall desire to offer this amendment:

Tax titles derived under this act shall be subject to any valid mortgage made by authority of the United States prior to the passage of this act.

I think anything like due consideration of the public faith requires that the mortgages already made, by virtue of which the money was obtained that built the roads and made the adjoining sections available at all, that created the local communities whom it is now proposed to endow with this power of confiscation—that those mortgages, those incumbrances should be protected as against the imposition of taxes under the provisions of this bill. I desire also to offer the following amendment:

The power of taxation on the part of the State or Territory exercised by virtue of the provisions of this act shall apply only to a just valuation of the land as compared with other like property adjacent thereto and in excess of \$2.50 per acre, the price fixed for the adjacent sections of the public lands.

I have adverted very briefly to the reasons which will induce me to offer that amendment. I desire also to offer this further amendment:

The provisions of this act shall not apply to sections of land which do not lie adjacent to other sections of land actually occupied and improved, or to sections of land entry upon which has been made under the land laws of the United States.

The principle involved in this amendment I have adverted to, and it is this: That the lands must not be subjected to taxation until there is improvement by virtue of the grant itself, the building up of the community which results from the grant itself. Where there has been such improvement, the Government lands will be likely to have been occupied, as they have been occupied, and there is for that reason increased valuation; there let the land of the railroad corporation be subjected to taxation like that of the individual who is improving his land, because in such case there is undoubtedly an enhancement of value beyond the \$2.50 per acre and the corporation should be held subject to taxation for that; but nothing should be done to encourage the corporation in withholding the land from market for the purpose of a future rise. They ought to sell it to individuals and for the improvement of the community, as rapidly as that can be done, at \$2.50 per acre.

I also desire to offer the following proviso, to be inserted at the proper place:

That in any sale of lands under the provisions of this act the United States may become a purchaser, and in such case the land sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

Under the provisions of this bill the United States will be no purchaser, land-grabbers will get every acre, and it will be in a much worse condition so far as the public—

The PRESIDENT *pro tempore*. The Senator from New Hampshire will please suspend. It is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 1532) to regulate commerce.

Mr. BLAIR. I ask leave to read my amendment. I will make no comment.

Mr. EDMUNDS. I want to offer an amendment and have it read.

Mr. BLAIR. Is not the Senator willing I shall put in mine in connection?

Mr. EDMUNDS. Oh, yes.

Mr. BLAIR. I wish to add this proviso:

That the valuation of this land on which the same shall be subjected to taxation shall be subject to revision by the Secretary of the Interior.

I also propose the following amendment:

That under the provisions of this act no individual purchaser shall acquire more than 160 acres of land, nor shall any of the land so disposed of ever be sold in larger parcels than 160 acres unless the same shall be used for agricultural purposes.

The other amendments make the amount 320 in one case, and in cases of pasture land 640. I shall also offer this amendment:

The provisions of this act shall apply only to lands within the jurisdiction of a State and not to lands within any of the Territories.

Mr. TELLER. I move that all these amendments be printed.

The motion was agreed to.

Mr. EDMUNDS. I ask unanimous consent to now offer, before this bill goes over, an amendment, which I send to the desk, to come after the word "provide," in line 12.

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

The CHIEF CLERK. In line 12 of section 1, after the word "provide," it is proposed to insert:

And to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands.

Mr. EDMUNDS. That will be the pending question.

Mr. ALLISON. I desire to offer an amendment in line 4. It may not be necessary on a further explanation of the bill. I propose to insert, after the word "taxation," the words "hereafter levied."

The PRESIDENT *pro tempore*. The pending amendment is the amendment offered by the Senator from Vermont [Mr. EDMUNDS]. The Senator from Iowa [Mr. ALLISON] gives notice of another amendment.

Mr. VAN WYCK. I give notice that I shall ask for the consideration of this bill on the next legislative day, on Monday morning.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

Mr. CULLOM. I do not desire to address the Senate to-day, as the bill now before the Senate for consideration has been three times read I believe and is before the Senate for amendment. I have explained the provisions of the bill as far as I was able to do so a few days ago, and do not care to make any further remarks upon it at present.

Mr. ALLISON. I believe a number of amendments have been proposed.

The PRESIDENT *pro tempore*. None of the amendments of which notice has been given have been proposed.

Mr. SEWELL. I desire to have the amendments read which I submitted.

The PRESIDENT *pro tempore*. Which amendment does the Senator offer?

Mr. SEWELL. I should like to have them all read.

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

The CHIEF CLERK. It is proposed to add as a new section the following:

Sec. — That no person or corporation shall have authority to engage in interstate commerce, after three months from the passage of this act, without having procured a license for that purpose from the board of commissioners herein provided; and one of the conditions of such license shall be the acceptance of this act by such person or corporation, and of such regulations as said board may lawfully make in pursuance thereof. And where any route over which interstate commerce shall be carried between the several States and Territories of the United States includes as a part thereof a railway or water route outside of the United States, no license shall issue for the transportation of interstate commerce over such route unless the railway company or companies controlling the portions of such route situated within the United States become responsible for and guarantee the observance by those controlling the portion of the route outside thereof of the terms and conditions of such license. And when any transportation company or companies shall carry traffic between any points over a route or routes located entirely within one State, in competition with other companies whose lines between said points are located in more than one State, such company shall, as a condition precedent to the granting of such license, agree to establish the rates between such points, and post schedules thereof, in the manner prescribed in and be subject to the provisions of the fifth section of this act. Such license shall be renewable each year, and may be suspended by the said board for cause, after full hearing, and upon the final judg-

ment of a court of competent jurisdiction may be revoked by the said board for a violation of its terms or of the provisions of this act.

The PRESIDENT *pro tempore*. The Senator from New Jersey offers the amendment which has been read.

Mr. CULLOM. I understood that the Secretary was to read all the Senator's amendments for information. Which amendment is now before the Senate?

The PRESIDENT *pro tempore*. Only one amendment can be offered at a time. The one pending is that just read.

Mr. PLATT. I should like to make a suggestion to the Senator from New Jersey. I see that he uses in line 4 of his amendment the language "the board of commissioners," and in several other places "the board," but the word used all through the bill is "commission." I think he ought to change his amendment.

Mr. SEWELL. I will put it in that form and I will substitute the amendment I now send up for the one offered, which conforms to the language used in the bill generally.

Mr. CULLOM. The Senator had better withdraw the amendment already offered.

Mr. SEWELL. I will substitute this for it.

The PRESIDENT *pro tempore*. The Senator from New Jersey withdraws the amendment which has been read and offers a modified amendment, which will be read.

The CHIEF CLERK. The proposed amendment is to insert after section 5, as a new section, and change the numbers of succeeding sections accordingly, the following:

SEC. 6. That from and after ninety days after this act shall take effect it shall be unlawful for any common carrier, subject to the provisions of this act, to engage in the transportation of passengers or property without having first procured from the commission established by this act a license authorizing such carrier to engage in such transportation, and one of the conditions of such license shall be the acceptance of this act by such common carrier and of such regulations as said commission may lawfully make in pursuance thereof. And where any route over which traffic shall be carried between the several States and Territories of the United States includes as a part thereof a railway or water route outside of the United States, no license shall issue for the transportation of passengers or property over such route unless the common carrier or carriers controlling the portions of such route situated within the United States become responsible for and guarantee the observance by those controlling the portion of the route outside thereof of the terms and conditions of such license. And when any common carrier or carriers shall carry traffic between any points over a route or routes located entirely within one State in competition with other companies whose lines between said points are located in more than one State, such carrier or carriers shall, as a condition precedent to the granting of such license, agree to establish and publish the rates between such points in the manner prescribed in, and be subject to all the provisions of, the fifth section of this act. All licenses issued shall be renewable each year, and may be suspended by the said commission for cause after full hearing, and upon the final judgment of a court of competent jurisdiction may be revoked by the said commission for a violation of its terms or of the provisions of this act.

Mr. SEWELL. The changes between that and the amendment I first offered are simply to conform to the language used in the bill, changing "corporation" to "common carrier," and matters of that kind. The general scope of the amendment is to bring within the provisions of the act railroad lines that traverse Canada in competition with our lines running east and west, without which an act of this kind would be burdensome on the interstate commerce of our routes. We should be left at the mercy of competition by Canadian lines if they were not governed by our laws, as they would not be without the adoption of this amendment. If the bill were passed as it is, it would tie the hands of our great lines running east and west under the charters of our States, and surrender the field to the Canadian lines.

In addition to that, this amendment would bring within the provisions of this interstate-commerce act as proposed the lines that run through one State in competition with lines that run through two or three States to the same point. I will give the instance of the New York Central running to a point on the lakes, both its starting-point and its terminus being within one State. It would not be within the provisions of the act without this amendment. There are lines running through New Jersey, New York, and Pennsylvania to and from the same points which come within the provisions of the act. That would be one instance where it would work to the disadvantage of the general railroad interests of the country. The New York line would be governed by the State law, while the lines running through New Jersey and other States would be governed by the interstate-commerce act of Congress. I submit that it would be a great injustice to those lines to oblige them to come under this act, and leave the line running in one State to be perfectly free to act in the matter of competition, in the matter of rates, and in the changes of their schedules as they saw fit.

Mr. INGALLS. Is this amendment in print?

The PRESIDENT *pro tempore*. It has been somewhat modified, but the original is in print. The question is on the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. MILLER. I suggest that this amendment lie over and be printed. Undoubtedly there will be another day for this bill. I confess I do not entirely understand the scope of the amendment. Certainly the case cited by the Senator as to a road in New York running from New York city to the lakes is not exactly correct, because the bill as it now stands controls the transportation of all interstate commerce wherever the railroad company connects with or forms a continuous

line to another State, or where part of it is by rail and part of it by water. So any New York line connecting with a line of steamers upon the lakes would come directly under the provisions of the bill as it now stands, and it is not subject to the objection presented by the Senator.

Mr. SEWELL. The Senator from New York fails to understand my explanation. There are some lines that run through one State to a given point, while another line reaching the same competing point runs through two or three States. The latter would come under the provisions of this interstate-commerce bill, while the line running through one State would not come under the provisions of the bill without this amendment.

Mr. MILLER. May I ask the Senator a question? Is it possible that Congress can legislate upon a line confined entirely to the limits of one State for the business upon that line not going any farther or connected with any line beyond it? If the object of the amendment is to produce that result, it seems to me that it should have a good deal of consideration before Congress shall undertake to assume any such authority as that. If the amendment proposes to do that thing, it had better be considered very carefully by the Senate before it acts upon it, or it had better reject it at the start.

Mr. McMILLAN. If this amendment is to go over and be printed, I desire to offer another amendment.

The PRESIDING OFFICER (Mr. FRYE in the chair). An amendment to the pending amendment?

Mr. McMILLAN. No, sir, an amendment to the bill, so that it can be printed.

The PRESIDING OFFICER. The Senator from Minnesota proposes an amendment which he asks to have printed. That order will be made.

Mr. ALLISON. Let it be read.

The PRESIDING OFFICER. The proposed amendment will be read for information.

The CHIEF CLERK. The proposed amendment is to insert after the word "lake," in line 13 of section 4, the words:

Or by a parallel railroad not within the jurisdiction of the United States.

Mr. CULLOM. The amendment offered by the Senator from New Jersey [Mr. SEWELL] is exactly the printed amendment that is upon the tables of the Senators, except that as now presented it is amended to conform in the use of terms with the other provisions of the bill. So I think there is no difficulty in Senators seeing what the amendment means without having any delay on account of it. I would like to proceed with the consideration of this bill and dispose of amendments either by rejecting them or adopting them as rapidly as a proper consideration of them will justify. If we are going to call up these amendments now and have them printed and laid over, substantially we adjourn the consideration of the subject.

Mr. MILLER. I do not desire to make any request that the bill be postponed or that the amendments lie over. So far as I am concerned, I am prepared as one of the committee to meet them now. If the Senator from New Jersey thinks his amendment is one of great importance and should be acted on, it certainly can not be acted on intelligently by the body at this time. It is not understood by the Senate at all.

Mr. CULLOM. I will make another suggestion, if the Senator from New York will allow me. If this amendment should be adopted at all, it would be an entirely new section. It can be put in the bill, if the Senate sees proper to put it in, at some future stage of the consideration of the bill as well as at present.

Mr. INGALLS. Will the Senator permit me to ask him if this amendment has received the consideration of the committee?

Mr. CULLOM. This amendment substantially was before the committee and rejected.

Mr. INGALLS. Then I understand this amendment is here with an adverse report from the committee.

Mr. CULLOM. I state the simple truth.

Mr. INGALLS. I mean has it been reported upon by the committee to the Senate?

Mr. CULLOM. The committee simply considered the amendment, or the substance of it, and rejected it.

Mr. INGALLS. In committee?

Mr. CULLOM. In committee.

Mr. INGALLS. And reported it to the Senate rejected?

Mr. CULLOM. And reported the bill without any such provision in it. The bill now before the Senate for consideration does not contain such a provision.

Mr. INGALLS. Did the bill as originally introduced contain a provision similar in terms to this?

Mr. CULLOM. The proposition was originally before the committee and was considered by the committee and rejected, if I may be allowed to refer to what was done in committee.

I desire to indicate again that if there is any hesitation in reference to the consideration of this provision to-day, it will form, if adopted, an entirely new section, and can be considered at a future time if the bill is not disposed of to-day, so that we may go on now with the consideration of the bill as it stands.

Mr. INGALLS. Will not the Senator be good enough, as this matter has been considered by the committee of which he is chairman, to

state the grounds upon which it was adversely considered by the committee?

Mr. CULLOM. The committee did not believe that such a provision was practicable and that it could be put into execution within any reasonable time. Therefore the committee believed that as this was an initiatory measure, the first bill proposing to regulate interstate transportation, we ought not to undertake to incorporate all the provisions which anybody might think were necessary in order to make a perfect bill.

So far as I am individually concerned, I will take the liberty of saying that I was inclined to believe that if such a provision could be executed it might be of public utility, in the light of what the Senator from New Jersey suggests, so that the roads running through Canada should not get any advantage on account of our attempt to regulate interstate commerce in the United States.

Mr. INGALLS. May I ask the Senator upon what ground in the opinion of the committee it could be claimed that Congress could exercise jurisdiction over a railroad both of whose termini were within the limits of a State?

Mr. CULLOM. The committee has not undertaken to exercise any such jurisdiction.

Mr. MILLER. I will suggest to the chairman that that portion of the amendment certainly never was considered by the committee favorably, or, as I understand, by any member of the committee.

Mr. CULLOM. Not at all, so far as that feature of it is concerned. The only subject that was considered by the committee in connection with the license question was in view of the fact, taking the Grand Trunk road for instance, which begins in Chicago, runs to the Detroit River, then runs through Canada, and then down to Portland, Me., whether there ought not to be some provision which would require license at the ends of the road in the United States to do interstate business, so that when a through bill of lading was issued at Chicago by the Grand Trunk Railroad for goods to be shipped to Portland, running through Canada, whether by such a provision we could not get control of that through bill of lading so as to take away the advantage which a Canadian road would have over an American road in case there was no such legislation enacted.

Mr. ALLISON. Did the committee decide that Congress could take no note of these foreign corporations acting in connection with our own roads?

Mr. CULLOM. Not at all.

Mr. ALLISON. There is no provision in the bill relating to that subject?

Mr. CULLOM. Not any further than will be found in the first section of the bill in undertaking to regulate foreign commerce so far as interstate shipments by rail are concerned, which is mentioned in the first section of the bill.

Mr. SEWELL. Will the Senator from Illinois state to the Senate that he expects a through line on our side to compete with a Canadian line unless we have some control over the termini of that line? How is it possible with a line in the center giving rebates and drawbacks which you wish to govern by this bill for the lines chartered by our States running parallel to compete for our interstate business?

Mr. CULLOM. It is pretty difficult to control a road in a foreign country, I admit, and it may be that there is no possible legislation which will accomplish that end; but I am not inclined to believe there is that danger to American commerce resulting from the fact that there is a Canada road which very many interested in railroad operations here believe will underbid our lines. So far as I am concerned I am anxious to throw around the American roads all possible safeguards that we can consistently enforce to protect them from injury while we are regulating them, knowing the fact that there are roads outside of this country for which we can not legislate. I do not know myself, even if we should adopt a license system, whether after that were done it would be possible to control shipments going through Canada so that the shippers might not if they desired to do it get some advantage; but the committee thought that while there might be some merit in this amendment, yet there are fifteen hundred railroads in this country, and that if we undertake to start the operation of this law by a system of licensing all the roads in this country it would be probably another year before we could get ready to operate under the law at all; so that the judgment of the committee was that it would be impolitic to insert such a provision in the bill at this time.

Mr. CONGER. Mr. President, my attention has just been called to this amendment. Without thoroughly understanding its provisions, it seems to me the amendment may be made to control almost every water communication for the transportation of freight in the United States. That is probably its object. The Senator from New Jersey undoubtedly desires to throw on all-rail routes the immense products of the West and compel shipments to go through the magnificent State of New Jersey, whether the shippers will or not. That is a very commendable object for the Senator from New Jersey. Unfortunately for New Jersey the dimensions of the State were made originally so small that there are other ways of getting from the great West to the great East without going through New Jersey.

All here will bear witness to the fact, every man who has thought at

all upon the subject or has traveled a little must say, that wherever New Jersey could control any traffic or any passenger fare through that State, it has laid its mailed hand upon the people and compelled contributions to the State of New Jersey to carry on its government, feed its paupers, educate its people, and do all by charging contributions upon men, women, and children passengers. All the human family who have been happy enough to travel through that delightful region of the universe New Jersey used to pay tribute to New Jersey for all possible and conceivable objects of State government. They ran along for years charging a dollar a head for going through that paradise of the world, I do not know but more, on any railroad. If a foot-passenger had to cross a bridge that belonged to a railroad company, he had to pay his dollar to the railroad company for the benefit of the State or else go around several miles in that delectable State, and he must either ford the stream if fordable, swim across it if he were a swimmer, drown if he attempted it without being a swimmer, or pay his dollar to the railroad company for the benefit of the State.

Within the limited and comparatively well-known dimensions of the State of New Jersey, stretching as it does, unfortunately for the rest of the people of the United States, north and south so that we must go through part of it or go around a good deal of it, I would be perfectly willing that the State of New Jersey should control its own railroads, arrange its own freights, impose its own fares, tax passengers or tax articles of commerce and production even from the West, from my own State, that go through it, without let or hindrance, because in the dispensations of Divine Providence it was thought expedient to have some other outlet to the rest of the world that could be made available outside of New Jersey. In regard to such subjects as this the only redeeming thing there is about New Jersey is that it does not swell to such magnificent proportions as to compel everybody to go through it.

I speak with all respect for old New Jersey, the home of my ancestors. By all the associations of kindred and ancestry and old home residence I should be glad to join the Senator from New Jersey in his attack upon all the great and beneficial industries and communications and transportations of all the vast country lying to the west if I could do it without such detriment and such injury to the interest of every producer, of every shipper, of every consumer of the United States and in the markets of the world as could possibly be borne at all. But his proposition, as Dogberry said about a similar proposition a great many years ago, is "tolerable and not to be endured." No man can even glance over this amendment without seeing that it is sacrificing the whole country to New Jersey.

What will be the effect of the first provision?

That no person or corporation shall have authority to engage in interstate commerce after three months from the passage of this act—

Perhaps I ought to express in passing the extreme gratification I feel that there is a limit of three months' existence without the enforcement of this law—

without having procured a license for that purpose from the board of commissioners herein provided.

No man away far up the Tennessee can load his barge and pursue his journey down among the mountains and the valleys and over the Muscle Shoals and past Chattanooga and into the Ohio and down to New Orleans, engaged in interstate commerce as that would be, running through several States, without going first somewhere and getting a license from the commission provided for in the bill which is reported by the Senator from Illinois. No man dare load a boat on any river in the United States with the produce of a State to take into another State, whether it is a canoe or a dugout, a batteau, a barge, a steamboat, or a scow—I speak of a scow with great respect, for scows are common on the Western rivers, at any rate—without getting this license. That may or may not be possible to do; it would be unfortunate to these small traders, certainly; and yet they are in the bill. No ship-owner on our great lakes could start from Duluth, or Ontonagon, or Marquette, or Green Bay, or Milwaukee, or Racine, or Chicago even, with his little hooker loaded with produce there, and go down to Toledo, or Cleveland, or Buffalo, or Detroit, or Oswego with the freight which he had on board his vessel without first getting a license to go.

Mr. PLATT. One could not drive a stage from Wheeling to Bellaire without a license.

Mr. CONGER. No; one could not drive a stage across the Ohio there; but I am not talking now about land companies. I made some remarks about passengers getting through New Jersey. I tried to avoid the culminating point of that argument by saying that there were other ways to go around New Jersey of which the good people of the United States have availed themselves and are availing themselves year by year. They did so at least until some of the old restrictions imposed upon freights and passengers were removed, perhaps by the advice of my friend the Senator from New Jersey. Controlling as he does the railroads of that State with his influence over them in the councils of the administration of railroad men in that State, perhaps by his advice he so made the laws of New Jersey, modified, civilized, regenerated, almost Christianized, as to enable New Jersey to come back into the family of States again with some decent laws in regard to the rest of the citizens of the United States.

But I am now on the subject of water transportation and I leave the

subject of land transportation to the Senator from Connecticut who made the happy suggestion to me just now. I was saying that no man could, without a license from these commissioners, take his vessel, or barge, or bateau, or steamboat on any of the navigable waters of the United States. By a law of the United States those are navigable waters which have navigable water communication with other parts of the country and other States; that is under our law for the security of life on steamboats. No man can use the property he has in boats to transport freight from one State to another on any navigable river, or any river not navigable, in the interstate and common-law sense, a highway under the laws of the United States and of the States, on any of our great lakes, on the Mississippi, on the Missouri, on the Columbia, on the Blackwater, on any river anywhere, without first going to these commissioners and, on some terms, I do not know what or how or at what expense, getting a license from them to trade.

Sir, has it come to this, that the narrow, restricted views of New Jersey in regard to passengers and freight are to be extended over the broad domain? Is that the evolution theory by which hinderances and obstructions and impositions are to be placed upon the growing and increasing commerce and intercommunication between the States of this Union? Is that the evolution theory by which New Jersey shall evolve this idea, dear to itself at one time, dear to itself now I should suppose from the manner in which this amendment is presented here, and shall extend it over the great mass of the domain of the United States, from the Atlantic to the Pacific, and become the law of the land, and put under subjection every vessel-owner, yes, every cartman who goes over the boundary of a State, every common carrier; for the amendment is comprehensive in its language.

I will say for the Senator from New Jersey that without going into any details whatever he has the gift with one sweeping clause of overturning all the statute laws and reaching out to control all manner of subjects with the smallest number of words and in the most hidden and occult manner of any Senator on this floor. It is a common remark among my brother Senators that in the little nutshell of a paragraph the Senator from New Jersey introduces, in connection with railroads and with transportation, comparatively innocent little remarks or propositions that no one can understand, which make sweeping changes in the whole commercial interests of the country. He has done it before and tries to do it again. If I had that adroitness and that skill in the construction of sentences which the Senator from New Jersey has evinced in the preparation of this amendment, I could rival Talleyrand any day, who said that the object of language was to conceal thought, to conceal the truth. The object of this amendment is to revolutionize and put under control and compel the procuring of licenses by every ship and every vessel-owner on all the waters, rivers, lakes, and the ocean itself, because we have to go out 3 miles by the common law on water to get out into the ocean.

I do not think the Senator from New Jersey can satisfy the Senate the amendment applying to all common carriers, carriers of freight, transporters of produce—that it is for the interest of the people of our States, of those who navigate our lakes and our rivers, of those who carry as cheaply as can be carried the vast produce of the West and of the South to market—that it is for the interest of our constituents that they be subjected to any such restriction, to any such requirement as that. Under the common laws and obligations of commerce and transportation in the United States, well known and well defined, men carry on their business and carry the productions of the vast West to the East and return the productions of the East to the West with a constantly diminishing expense, cheaper and cheaper, so that the producer may receive profits which would otherwise go to the transporter, and that the consumer may receive from the vast granaries of the West the overflowing provisions of that region for the support of himself and his family at a cheaper rate in the East.

I do not know that I understand the proposition. Hidden beneath the soft, flowing language which scarcely casts a ripple upon the shore of this amendment, there seems to me to be an absolute revolution of all our old, accustomed laws, and modes, and measures of transportation. Except that it is printed, except that it seems to have been printed under the authority of Congress, except that it has been introduced with a name attached to it of an honorable Senator, I could scarcely believe that any man would have the temerity, unless by way of a joke, to present such a proposition to the Senate, to say nothing of fastening on the vast body of the American people such a proposition. I take it that it is a joke. I take it that it is a quiet, pleasant, gentlemanly way of throwing ridicule upon the bill itself perhaps, or upon the subject-matter. I take it that not seeing any other way to prevent some little provision being made by which the transportation of commerce by great railroad corporations may be to a small extent modified and controlled by the National Government, as it has been modified and controlled to some extent by the States, the railroad magnates have taken this way and induced my friend here to present a proposition so ridiculous in itself, so overflowing with ridicule, so swelling and enlarging and bursting its bounds by the inherent ridiculousness of the proposition, that it shall in some manner float over and fasten itself upon the bill, which is supposed to be a serious one, now in the hands of the Senator from Illinois.

If that be its object it is an inopportune time for the great evolution theory. It is not a matter of unconcern to my constituents; it is not a matter of little concern to the States of the great Northwest, teeming with produce, whose fields furnish the millions of bushels of wheat and corn and oats and grain of other kinds for the markets of the world and for the consumption of our Eastern brethren; it is not a matter of unconcern to the miners who delve beneath the ground in the dark caves of the earth and procure the copper and the iron which they ship to the markets of the world; it is not a matter of unconcern to the fishermen on the borders of our lakes; it is not a matter of unconcern to the hardy men who spend the winter in bringing down from its lofty heights the towering pine, and cutting it into logs and driving it down the rivers, and manufacturing it in the mills, and preparing it for market and for use for all the various purposes of the community, for homes, for barns, for store-houses, for all those things for which the lumber of the Northwest is used; it is no matter of unconcern to them that their industry and their products, that all these men and hundreds of others that I could name, shall be subject to the little paltry restriction in the amendment, that whoever takes from the place where they have labored to produce these products and carries them to the market where they can sell them and realize the price of their labor must hunt up somewhere a commission and humbly beg of them a license to travel on the great highways which God meant for man to go upon without let and without hinderance, ay, and without license too, from anybody on earth. That is what this amendment says—they shall have a license, a license to go on God's highway, a license to float down the rivers which have been forming through the past ages for the use of man, a license to move their vessels and their steamboats and carry the produce of themselves or their neighbors to market.

I have heard of many kinds of restrictions upon the freedom and ability of men to follow their ordinary pursuits. I do not speak of star chambers, I do not speak of bulldozing, I do not speak of kukluxism, I do not speak of mobs, I do not speak of strikes, and I do not speak of the suppression of laboring men here and of laboring men there; those things are local; they may be, thank God, temporary, and we hope they will; they may be avoided; they may be controlled; they affect but a part of our citizens at a time; but I never yet have known of any legal clause which compelled a vast body of the American people, the whole of them interested either in production and cheap transportation or in consumption and the cheap acquirement of property, to be subjected to the license system of three commissioners appointed by the President, I think, in this bill and confirmed by the Senate—three commissioners. "Five commissioners," I am told.

So much the worse. I never heard of all the vast industries of the nation being submitted for control to a license to trade or not trade, to go or not go, to point the prow onward or inward, to turn the helm this way or that, to go in on the great waters of the land where the winds or the powers of steam or the more humble man who propels his boat laden with freight by a pole as he gets it down the rivers—I never before heard that all that great vast system of industry and all the productions of this vast land should be made subject to the caprice or to the will or even to the sober judgment of any five men that the President might select or any five men that this Senate might confirm, composed of the great men of the land it is true, composed of men who, when they die, our country will find that wisdom has died with them undoubtedly—but sometimes men make mistakes, not intentionally or course, but from lack of information and knowledge. So the Senate may confirm men from New Jersey—think of it!—with such views as are embodied in this amendment, thinking it their duty to stick this man on this lake and that man on that river, interfering with the flatboat and even with the Senator from North Carolina as he is taking the phosphates down the Cape Fear River and the French Broad and all those rivers that he has urged Congress to make appropriations to improve so that the overflowing productions of that land may not lie idle in the glorious State of North Carolina, but may get by these water communications to the market. With the trouble already on the poor boatman there, he is asked to vote to compel his constituent before he starts from away up the waters at the uttermost navigable portions of those rivers, as far up as the rivers themselves have capacity for valuable floatage on barges, to get a license! The Senator has persuaded Congress to make appropriations to make available those streams up among the mountains of his State, and now a man must send out from Carolina to his Senator, humbly beseeching him to procure from this commission a permit to go down the French Broad! Or perhaps the Senator from Georgia will get that permission for one of his constituents to go down the Cape Fear River.

I know the people of that country are intelligent, as they are all over the nation, but it would take more than three months for the laboring men on those rivers, with their boats of whatever dimensions, to find out that there was such an irreconcilable folly perpetrated by the Congress of the United States as should compel them to go away off and use all the diplomatic arts and powers and influence of their Senators and Representatives to find out first where these five men were and then to bring influence to show that they were not offensive partisans and were worthy of a license.

I am drawing a picture I know that horrifies the Senator from North

Carolina. I see by his countenance already that no such proposition as that will be allowed to affect the navigation of the Cape Fear or the French Broad, because I have been upon the Committee on Commerce with the Senator from North Carolina long enough to know that if he has any one thing dear to his heart it is the improvement of the navigation of the rivers of his own State, so that men may carry their produce cheaply and without license from anybody. Contrary to his old convictions, the Senator from North Carolina has of late years seen the importance of cheap transportation and cheap navigation, so that it has overcome his old life-long constitutional scruples about internal improvements in his State. The time was when Carolina would not receive money from the General Government. But my friend from Carolina has overcome that scruple. He does not ask it himself, because he is too modest to do that, but if the Committee on Commerce force appropriations to improve these rivers so that his people can bring down their boats, he is willing quietly to let them pass and let them go into the bill. But neither he nor any other man through whose State runs a river, or on whose borders is a lake, or whose shores are laved and washed by the ocean itself—none of those people can vote for such a proposition as this.

If the appeal were to the Senator from Nevada, away up in the mountains above the storm-clouds, in a region where there is neither river, nor lake, nor rain, nor dew, nor transportation—plenty of hollows in which there might be lakes and might be rivers, but no water—it would not be unreasonable to ask him to vote for such a proposition as this. Some of my friends from the prairies, if there be any such, through which no river runs, might be willing to forego the old transportation of boats through the dew and let this provision pass, but they would have to get a license.

But, sir, I rose without fear of the result and I feel that there is no necessity for further remark upon the knowledge which every Senator on this floor has. Nevada is a State which is perched up too near heaven and has too much gold and silver to need anything else; and there they have no rivers, and no water, and no rain, and no dew, but clear, naked, glittering gold and silver. No other State has a Senator here that would vote for this thing except the Senator from New Jersey, who is in a State where rivers run and where the ocean laves the shore and where it has all the privileges and blessings of water communication that any State can have in this Union, but which has not its representative here of rivers, which has no representative here of its steamboats, which has no one here to call the long roll of the classical names of its canal-boats, but has here the spirit which would prompt an amendment like that now offered. Nevada and New Jersey may possibly vote for such a proposition. If there is any other Senator whose State has no rivers, and no lakes, and no seashore, and no water communication, we may lose a vote or two for this amendment; otherwise this amendment is doomed to the sleep that knows no waking, not even to be honored by funeral obsequies; and so I leave it.

Mr. SEWELL. Mr. President, the Senator from Michigan covered a wide field in his remarks on this subject, in which I will not attempt to follow him. The bent of my mind runs in a business line and right to the point to which I wish to arrive.

The only object of this amendment was to bring the competing lines in Canada, so far as their termini within our States are concerned—was in order to have their business which originates within our States under the same control that the bill places upon the American roads.

I had no idea of touching water communication, not a particle of it. I represent a State that, next to the State of Maine, builds more vessels than any other State in the country and that has the largest water transportation running through it of any State in the Union at the present day, not excepting the Mississippi River, and certainly I should not do anything to interfere with my constituents in that way. We build more vessels and carry more freight on our vessels than any State in this Union to-day through our own waters.

As I said before, if you take the four great trunk lines which terminate in New Jersey, constituting say 40,000 miles of railroad, one-third of all your mileage; taking these lines and their connections, they represent a capital, in the proportion that the number of miles bears to the whole, of probably \$2,500,000,000. Those great corporations have their termini in my State. Their employes alone amount to not less than twenty-five thousand people; and the families that they support are not much less than 10 per cent. of our population. So we get a living for 10 per cent. of the population in New Jersey indirectly through the great corporations that traverse our State and that spread out all the way from New Jersey to Cincinnati, Saint Louis, Chicago, and so on farther west.

This bill, if it becomes a law without some control of the competing lines in Canada which I suggest and which is the only thing I desire to attain by this amendment, would depreciate that property to such an extent that it would be a public calamity.

A large portion of the population of this country to-day exists on the securities issued by railroad corporations, which I suppose amount to seven or eight billion dollars; and every man who has anything for himself or for his family must necessarily have a small amount of investments of that kind.

Now, is it reasonable to suppose that the American Congress will de-

liberately sacrifice the rights and the investments of those citizens when it has the power to place the same restrictions on connecting lines through Canada under this amendment that it has on the roads chartered by its own States? I did not suppose there would be any objection to this part of the amendment. I think one part that I referred to in relation to the lines in New York running through one State is a fair subject for a difference of opinion, and I expected to have that attacked by some of the Senators who think differently from myself as far as that part of the amendment is concerned; but the main proposition, to control the competing lines in Canada, I did not suppose would meet with any opposition.

The Senator from Michigan has alluded to the State of New Jersey, as he has been in the habit of doing on former occasions, and her system of taxation. I beg to say that what he has said would leave a false impression. The State of New Jersey never taxes anybody unequally. The State of New Jersey to-day is as free as any State in the Union for any set of men to build railroads, and her taxation is just as light as that of any other State. In the early days of railroads, when the first charters were issued, it was considered a fair mode of taxation that a railroad corporation should pay taxes in proportion to the business it did, and I consider it so to-day. It is only a means of arriving at the basis of taxation. New Jersey once taxed her own passengers and the passengers who passed through the State 10 cents each, and 10 cents a ton on freight going through the State. She did not tax outsiders as much as her own people, because if a citizen went 30 miles in the State he paid just as much as the man who went from Philadelphia to New York, 90 miles. That is true of all other taxes. But the matter was agitated all over the country, and the State changed her mode of taxation, and is getting just as much tax now as she did then, although some other States, I understand, still retain this mode of computing railroad taxation. New Jersey never charged, as stated by the Senator from Michigan, a dollar a head on passengers.

As I said, Mr. President, I had no idea of interfering in any way with the class of traffic mentioned by the Senator from Michigan, and I shall be glad, so far as this amendment is concerned, if the main features of it that I refer to may be adopted, and eliminate from it anything that would interfere with what he desires to protect, and which I have fully as much interest in protecting as he possibly has.

Mr. MILLER. Mr. President, the Senator from Michigan [Mr. CONGER] undoubtedly demolished the proposition which he spoke against, and I do not think that any further argument upon that line would be needed if any such proposition was now before the Senate; but the proposition of the Senator from New Jersey [Mr. SEWELL] was not the one which the Senator from Michigan discussed. We are all delighted with his eloquence and his argument in destroying the man of straw which he had set up. I think he was entirely successful in so doing. The amendment of the Senator from New Jersey, however, does not meet with my approval, even in the modified shape in which it is now before the Senate. Undoubtedly his chief object in offering it was to secure control over the trunk lines of railroads which enter the territory of the United States and then pass through the Dominion of Canada. But it was believed by the committee that we had secured that object substantially by the bill as it now stands, and I think it is quite as well secured in the bill as it now stands as it would be if the amendment of the Senator from New Jersey should be adopted.

The objections to and the difficulties in the way of issuing a license to every common carrier under this bill it seems to me would be so great as to prevent the commission ever successfully carrying out the provisions of the bill if the amendment should be adopted. It will be seen that the first section of this bill provides that all railroad companies doing an interstate-commerce business or doing a business which extends from the United States into any of the adjacent foreign countries is brought under its control. The language is:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used for a continuous carriage or shipment, from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country.

It was believed by the committee that that would control all through shipments passing over the trunk-lines of Canada. For instance, what is known as the Grand Trunk Railroad, receiving its freight in the United States at Chicago and carrying it through Canada to Portland, Me., or to Boston, or to New York over connecting railroads in the United States, would be as thoroughly controlled by all the provisions of this bill as any of the great through trunk-lines which are entirely located within the bounds of the United States. Quite likely it would not be able to reach freights which starting from Chicago should stop at some point in Canada, and I do not know that we are at all concerned in attempting to reach or control such transportation as that. But I have no doubt that all the other provisions of this bill can be enforced against those companies or their agents and their connecting lines in the United

States, for certainly the Grand Trunk Railroad of Canada can do nothing in transporting grain from Chicago to Portland, Me., save as it operates through connecting lines running from Chicago to the Canadian frontier and again from Canada to Portland, Me. After a shipment leaves the Dominion of Canada our control over it, it seems to me, is absolute and perfect.

Mr. SEWELL. Will the Senator allow me to interrupt him there?

Mr. MILLER. Certainly.

Mr. SEWELL. How can you control the Grand Trunk Railroad outside of the United States, unless you have a provision of this kind in the bill?

Mr. MILLER. This bill, of course, would cover the shipments of freight through Canada starting in the United States, passing through Canada, and coming again into the United States. As I have said before, it probably can not be made to apply to the transportation of freight from Chicago, for instance, to some point in Canada and there stopping. If the Grand Trunk Railroad saw fit to give a drawback or a rebate to freight thus disposed of, stopping within its own territory, I doubt very much if we could reach it; but if freight should be transported through Canada into the United States, coming into any of our States, I have not any doubt at all that the provisions of this bill can be enforced against the connecting line in the United States and that they would be held under this bill, and if they were punished under it they would see to it that the connecting line in Canada carried out rigorously the provisions of this act. I do not see how the Grand Trunk Railroad is to allow any rebate to a shipper in the United States when the grain starts from some point in the United States and is landed at another point in the United States; its transactions are entirely with the connecting roads; they are not with the individual shipper at all. The agents of the American line make the rate in Chicago, and the produce is delivered to the agent of a United States road at Portland or at Boston or at New York, and I think there can be no difficulty about reaching such shipments.

Mr. SEWELL. But that does not cover the point. The Grand Trunk road could give a drawback, while the terminal lines in the United States would say they had nothing at all to do with it.

I will state as a matter of information to-day that this line is picking up at Chicago all the dressed-meat business of the West and is doing it through two individuals, making the greatest monopoly in this country to-day by the very system of drawbacks which this bill is designed to reach. It is throwing all that business in the West to-day into the hands of two men, and the sellers of beef have to go and pay their price for it simply because they can transport it on better terms than others.

Mr. MILLER. Of course the Senator from New Jersey is speaking of a condition of affairs which exists now when this bill is not in force, as it has not been passed and is not the law of the land. I am speaking of what I believe will be the condition of affairs if this bill should become a law. Under section 5 of this bill—

Every common carrier subject to the provisions of this act shall, within sixty days after this act shall take effect, file with the commission appointed under the provisions of this act copies of its tariffs of rates and fares.

They are otherwise compelled by the commission to publish their rates so that they may be known to all our people. In that section it will be seen how the common carriers or railroads are to be punished for refusing or failing to publish their tariff rates. Let me read, commencing at line 46:

If any common carrier shall neglect or refuse to file or publish its tariffs of rates, fares, and charges, as provided in this section, or any part of the same, such common carrier shall be subject to a writ of mandamus, to be issued by any circuit court of the United States within the jurisdiction where the principal office of said common carrier is situated, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier—

And that includes foreign common carriers—

to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act, &c.

Then let me say further in this connection that it is forbidden under severe penalties that any greater rate shall be charged for the transportation of freight to any person or corporation than is provided for in these published rates. Thus in this one particular at all events this bill gives complete control in the matter, and in section 2 all common carriers, including the agents of foreign corporations and foreign corporations themselves, are forbidden to give "any special rate, rebate, drawback, or by any other device to charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than $\frac{1}{2}$ charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transporta-

tion of a like kind of traffic under substantially similar circumstances and conditions."

But, Mr. President, the committee desired most effectually to guard this point, and if it can be shown that it can be more thoroughly and carefully guarded than we have done it I have no doubt the entire committee will welcome any such amendment, but the amendment of the Senator from New Jersey proposes to require of all common carriers as described under this bill that they shall procure a license before they can engage in the business of interstate commerce. It seems to me that that is an unnecessary and a burdensome charge upon commerce and upon the lines. This subject was fully considered by the committee, and after full consideration it was decided that the license provision should be entirely left out. It might of course be provided that corporations doing business between the United States and adjacent foreign countries should receive a license before engaging in that business, and should thereby bind themselves to carry out all the provisions of this act. I doubt, however, if it would be found of any avail if such a provision as that should be put into the bill. In my judgment the bill contains in its present condition regulations which are sufficient for the protection of the interests of our own lines; certainly it was the desire of all the members of the committee to thus carefully guard it, and I would suggest to the Senator from New Jersey that the provisions of his amendment as he has now altered them would be of little avail in this matter. I believe that they are unnecessary and therefore unwise.

Mr. President, I may say at this time of this bill that the committee which was appointed by the Senate a little more than a year ago upon this particular subject and was given full power to investigate the question in all its bearings, to call before it whomsoever it saw fit and to travel wherever it saw fit for the collection of information, did, after a long time spent in the collection of testimony, come almost unanimously to the conclusion that this bill and its provisions were the wisest that could be suggested at the present time. In that investigation the committee had before it not only many of the leading railroad men of the country, but in nearly every one of the principal cities of the Union it called and did hear the leading merchants and transporters of the country. It called also a large number of manufacturers and farmers, who are directly interested, of course, in the question of transportation. In addition it called to its aid the best legal talent, or I may say the best legal theoretical talent, on the question of railroad transportation to be found in this country, and it advised with them all, and its reports show, if they are carefully read by the Senate, that a vast majority of all those who were called before the committee did, in one way or another, substantially approve of nearly all the provisions of this bill. Not only the railroad men, but the shippers and the producers and the theorists almost unanimously came to the conclusion that this bill, as it is now before the Senate, was probably the best legislation which could be had upon the subject at the present time.

I need not here speak of the difficulties of legislation of this kind; they are well known to us all. The problem of the control of the railroad and transportation interests of this country is to my mind one of the most difficult questions which ever have been presented to a legislative body. Within the life of the majority of the members of this body the entire railroad system of this country has been created. In less than fifty years it has grown from nothing to its present magnitude, when we have nearly 130,000 miles of railroad. It has completely changed the methods of business and of commerce and of manufacture. It has also changed the value of our farm lands. It has made the West possible; it has substantially obliterated distance; and it has made us one people. This great interest has grown thus rapidly until to-day it is estimated by statisticians that the value of our railroads is nearly, if not quite, one quarter of the value of the entire material wealth of all our people. Certain it is that the railroad securities to-day of all kinds, including stocks, bonds, and other evidences of debt, equal in round numbers, \$8,000,000,000. It is believed, however, that this is fully double the actual cost of the lines, and thus that commerce is burdened to-day by an attempt at least to pay a fair rate of interest upon a capital twice that actually invested in the business. But this great injury has been done, and it may be true that the railroad companies and those who have organized them are not entirely to blame in the matter, for this could never have been if there had been wise legislation at the beginning, but neither Congress nor any of our State Legislatures had any fair or proper conception of what the railroad system of this country was to be when railroads were in their infancy, and as a result charters were given without limitations, and in nearly all of the States general railroad laws were passed which permitted any five individuals to organize, file a map, and proceed to build a railroad wherever they saw fit.

This system has gone on, and the injustice which has grown up under it by favoritism to persons, by favoritism to particular towns, by a thousand and one forms of unjust discrimination against individuals and places, has been such that at the present time the principal question before the people is how this vast power shall be properly controlled, shall be so controlled as to bring the greatest benefit to all our people, and at the same time to neither destroy nor unjustly injure railroad property itself. Many efforts have been made. We know of

the efforts that were made in the West and of the result under what was called the granger laws, that by applying exact and iron-bound rules and regulations as to their tariffs and by the passage of pro rata freight laws not only the railroads themselves were greatly injured, but all the people of the States who expected to be benefited by them were equally injured, and in most cases those rigorous laws were abandoned.

In the East in the study of this question the State of Massachusetts first led off with a railroad-commission law, which has been in operation now for many years, and which is admitted on all hands, by the railroads and by the people of Massachusetts, to have been of great benefit to them. The railroad-commission law of Massachusetts, as is well known, is a law which gives to a commission the power to investigate all complaints made against the railroads for any or all causes and report thereon. It has no power of enforcing its decisions. The decisions are enforced only by the power of public opinion, which is called into force by the recommendations which are made by the commission. The investigation in Boston when the commission was called before our committee and when the principal shippers of Boston were called before it brought out the fact that this commission had succeeded in settling nearly all the difficulties arising between the shippers and the railroad companies in Massachusetts, and that it had brought about a settlement of many questions which had before caused great trouble and which had brought about great hardship to the shipping interests of Massachusetts. I believe that the whole people of Massachusetts are to-day substantially satisfied with their railroad commission.

Some other States have followed in the same line, notably the State of New York, which within the last few years has adopted substantially the Massachusetts law with equally good results. For many years the railroads of New York fought against any commission bill. They claimed and demanded the right to manage their own affairs as they saw fit. Claiming for themselves the same privileges in the control of their own affairs as comes to the ordinary private citizen in the management of his private business, for many years they prevented the Legislature of the State of New York from legislating upon this question at all. But finally all parties were satisfied that some tribunal was necessary, that there must be some common ground where the complaints of the shippers, the manufacturers, and the farmers could be heard, and where the railroads could be heard, and where there could be given some judgment upon the question. Finally New York passed her railroad-commission law, which, as I have stated, is substantially the law of Massachusetts. It has been accepted by every railroad corporation within its borders; and I do not believe that there is to-day a railroad corporation in the State of New York or any of the officers of any of the railroads who would consent to the repeal of that law. The commission has heard the complaints, it has adjusted them by making public its decisions, and in nearly all cases the railroad companies have carried into effect the recommendations of the railroad commission.

Many of the States are adopting substantially this system; and reasoning from the beneficial effects which have come from the adoption of these laws in many of the States of the Union, it has seemed to the committee and to all who have considered the subject that perhaps a similar law, which should take into consideration all interstate commerce, which certainly is of greater importance than the commerce of any particular State or any number of our States, would be equally beneficial; for to-day the principal complaints which are made against the railroad companies of the country are made in regard to interstate commerce. The complaints are that particular great shippers of grain and produce are favored by the great transportation companies, that they are given lower rates than the ordinary shipper, and that therefore the men who have grown rich by these discriminations can and do crush out all single individuals of moderate capital who attempt to engage in the transportation of the great produce of our country.

The investigation before the committee showed conclusively that complaints of this kind were being constantly made, and they were of great force and weight with the committee. It was for that reason that the committee in preparing this bill went further than any of the State laws have gone. This bill undertakes to enact as a statute and to provide that there shall be no unjust discriminations between shippers, great or small, that there shall be no such thing as drawbacks or rebates, and that the great injustice which has been done to many of our people by a railroad company undertaking to give to one firm or to one individual a drawback or rebate upon the amount of freight shipped over its road, which was so great as to prevent all other shippers from engaging in the business, will be entirely removed if this bill shall become a law.

The committee has undertaken also to provide that there shall be no unjust discriminations as between different portions of our country. Many complaints have been made, and great have been the complaints, that railroad companies have given rates to the shippers of a particular town which were so much more favorable than the rates given to the shippers of another or adjacent town, that one town was ruined entirely for the advantage of another town. You may to-day travel over our land and you will find that where twenty-five or thirty years ago there were young cities starting up with great promise of growth, by the unjust system of discrimination which has been pursued by railroads they have either been destroyed or prevented from further growing, and in their place at competing points have grown up great cities, absolutely

created by the unjust discrimination of railroad companies. The committee believed that this was all wrong, and it has undertaken to provide by a positive enactment that it shall not be done.

In my judgment, notwithstanding all the benefits which railroads have conferred on our people by almost destroying distance and time in the transportation of passengers and freight, still they have done our country a great wrong in destroying the value of large portions of it and increasing the value of other portions of it by unjust discriminations given to particular towns. The abnormal growth of our great cities, our manufacturing centers, during the past thirty years can be attributed almost entirely to the discriminations of railroad companies. If it had not been for this, instead of a few great and overgrown centers where wealth is accumulated enormously and where crime and misery have accumulated in a like proportion, there would now be scattered all over this broad country in every little village and hamlet the great industries which collect around a few great competing points.

If we believe that the chief benefit which comes to our country from a protective tariff is to be found in the fact that it brings diversified industries to our people, is it not equally true that these diversified industries should be spread all over the country and not brought together in a few great centers? I can show you, if you will travel with me in New England, in New York, and in Pennsylvania, the ruins of many heretofore successful establishments which have been abandoned and given up, the proprietors finding it necessary to transfer their plant to some great railroad center in order that they might there have the benefits of railroad competition. Has this been any benefit to our people at large? Not at all. Wherever you seize upon the powers of nature, wherever you occupy a water-power and establish a manufactory, you there increase the value of the surrounding farm lands; but when you make it impossible for our people to use these forces of nature, when you compel them by your railroad rates to give up water power and move to great cities and there use steam power only in order that they may have the benefit of a cheap transportation, you are making a few great centers rich—rich not out of newly created wealth, but rich simply because you transfer wealth from other portions of our country to those great centers. Thus great injury has been done to our country, not intentionally, by the railroads, but because heretofore being left to compete among themselves they have found it necessary to make discriminating rates at competing points.

Our investigation shows that the great bulk of the transporters of this country, the bulk of the railroad men of this country, are to-day being aroused to the injustice of this operation. The railroads are finding that it is for their advantage to cultivate and foster local traffic, and therefore it is that they are willing to give up the great power of thus discriminating against persons and places. But one railroad line says that it can not abandon this power which it has used heretofore unless all the other railroad lines are compelled to abandon it at the same time. We must acknowledge the force of that argument. It can not be carried out except it be carried out as a whole, and it is for this reason that it has been thought wise that we should attempt to bring over the great interstate commerce of this country a control similar to that which has been brought over the transportation of many of the individual States.

I said that this bill goes further than many of our State laws. Let me read the provision of section 4:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however,* That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act.

The committee believed that that section was absolutely necessary if we were to prevent unjust discrimination between different persons or between different towns. It is undoubtedly a question of the very first importance not only to the railroad companies but to the producers and the shippers.

While some of our States have gone so far as to provide that under no circumstance shall any railroad charge more for a short than a long haul, the committee did not believe it wise in this early stage of its legislation to make so rigid a provision as that. Therefore it is provided that upon an application to the commission an exception may be made if there shall be found good reason for it. Provision is also made that this shall apply to all freights starting from the same point and going in the same direction. The Senator from West Virginia [Mr. CAMDEN] has made a very able argument against the provision as to starting from the same initial point. I must confess that I was greatly inclined to that opinion when the matter was being considered in the committee, but after full consideration and investigation the committee adopted the language which we find in the fourth section, and it is substantially the Massachusetts law.

I have no doubt that that fact was to a large extent controlling with the committee in presenting the language as we find it here. I can

see, however, very little danger if the amendment of the Senator from West Virginia should prevail so long as the proviso is maintained in the bill. I do not believe it would be safe to enact in the bill an absolute provision that there should under no circumstances be a greater charge for a short than for a long haul, because, as we all know, during a large portion of the year when the great lakes and the canals and the rivers are open, it is quite probable that such a provision might work at times severe hardship to some particular railroad company, or to some particular community; but so long as the provision shall be permitted to remain in the bill allowing the commission upon application by any of the railroad companies to make an exception in a particular case, I believe that no great harm can come to the railroad companies, even if the amendment or a portion of the amendment of the Senator from West Virginia should be adopted.

The law in Pennsylvania has been equivalent to that for the past twenty-five years, and I believe that the whole railroad business of that great State has adapted itself to the provisions of that law and that none of the railroad officials and none of the shippers of that State would to-day desire to change it. Substantially the same law prevails in Ohio, I think precisely the same law, and in a number of other States of the Union; just how many I am not able to say.

That provision, to my mind, either amended or not amended as suggested by the Senator from West Virginia, is by far the most important provision in the bill. Take that out and the bill is of very little use; the commission would be able to accomplish but very little. True they might investigate and report to Congress, but their powers in preventing unjust discriminations between persons or between different shipping points would be almost nothing. I trust that the Senate will agree with the committee and leave that section substantially as it is.

The bill does not attempt to fix rates. The committee did not believe that it was wise for Congress to undertake to do that with its present imperfect knowledge. It did not believe that it was wise to give that power to any commission which might be organized under the bill. I believe that the history of all railroad legislation, not only of this country but of Europe, will bear the committee out in that judgment. We have not yet so far advanced in the science of transportation and of the management of railroads that we can say by exact statute what shall be the limit of railroad charges; but when we provide that there shall be no unjust discrimination between persons, without regard to whether they are large or small shippers, when we undertake to provide that there shall be no unjust discrimination against particular places, and when we undertake to say that there shall be no greater charge for a short than for a long haul, we shall have gone very far toward remedying and removing all the complaints which are made against the railroad companies at the present day.

There was no doubt in the minds of the committee as to the power of the Federal Government to enact this legislation, and in that respect I may notice that there has been a great change in public opinion and in the laws of our country by the decisions of the courts within the last ten or fifteen years. Ten years ago undoubtedly a majority of the railroad lawyers of the country and the railroad officials of the country held that there was no power whatever in the Federal Government to exercise any control over railroads, and no power in any way affect their management. Only a few years previous to that there was no admission on the part of any railroads of this country that there was any power in a State government to regulate their charges or in any way control their business. Gradually, as the matter has been brought before the courts of the country, commencing with the lower courts until finally it has reached to our highest courts, it has been shown that the power of State governments over the railroads within their bounds is undoubtedly absolute and complete, and that the various States could, if they saw fit, enact laws fixing absolutely the rate of charges.

Undoubtedly at the present time also it is admitted by nearly all engaged in transportation that the Federal Government through the power given it in the Constitution can use and exercise the powers which are conferred on the commission under the provisions of the bill. I believe that no one will be found to deny it. The question then is simply one of advisability, whether it is wise to pass this legislation, to give our people this measure of relief and to provide a court where all the people may come with their complaints, where they may be heard, where there may be a thorough investigation, where testimony may be taken, and where there shall be a decision by a commission of disinterested men, Government officials; and then if the railroads refuse to carry out the recommendations of the commission the shipper still has his remedy at law; he may still appeal to the common law and to the courts to give him justice.

I have no doubt myself, if this bill shall be enacted into a law and the commissioners shall be appointed under it, the same beneficial results will come from it as have come from the enactment of similar laws in various States. I believe it is as far as we can go at the present time in this matter, and until a commission shall have been established and shall have made its reports to Congress I believe it would be unwise to go further in the direction of making absolute and iron-clad regulations for the transportation of freight.

The bill provides, and one of its chief provisions is, that there shall

be publicity of rates. It has been found in various States that publicity was the great corrector of all the evils complained of. If a railroad company were not permitted to make secret rates, if the rates were published to all, then every shipper, no matter what his importance or unimportance might be, would know precisely what the railroad was doing, and he would be able to manage his business accordingly. Thus it is that in this bill we have provided under severe penalties for a publishing of rates, and then we have forbidden that rates shall be raised except upon ten days' notice. Some have believed, and some of the committee believed, that longer notice ought to be given; some thought that it might be done on shorter notice; but finally the committee decided upon ten days as a proper limit of notice. If the Senate shall think that a longer notice would be better it can express that opinion by so voting.

It was not thought wise by the committee that there should be any limit of time as to notice of the reduction of rates. If in the competition of railroad and water routes it should be found necessary that a railroad should reduce its rates, it was believed to be in the interest of the people that the railroad should be left free to reduce its rates, but when it had once reduced its rates that it should not raise them again except upon ten days' notice. These provisions in the judgment of the committee are of very great importance.

I do not know that many amendments are to be suggested to the bill, or that there is any desire to materially change it, and therefore I shall not go into any larger discussion of the measure; but if amendments materially changing the character of the bill shall be proposed, I may then undertake to present my views more fully upon any of the particular points which may be raised.

Mr. SEWELL. Mr. President—

The PRESIDENT *pro tempore*. If the Senator from New Jersey will yield the Chair will lay before the Senate a message from the President of the United States.

Mr. SEWELL. Certainly.

LABOR ARBITRATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

The Constitution imposes upon the President the duty of recommending to the consideration of Congress from time to time such measures as he shall judge necessary and expedient.

I am so deeply impressed with the importance of immediately and thoughtfully meeting the problem which recent events and a present condition have thrust upon us, involving the settlement of disputes arising between our laboring men and their employers, that I am constrained to recommend to Congress legislation upon this serious and pressing subject.

Under our form of government the value of labor as an element of national prosperity should be distinctly recognized, and the welfare of the laboring man should be regarded as especially entitled to legislative care. In a country which offers to all its citizens the highest attainment of social and political distinction its workmen can not justly or safely be considered as irrevocably consigned to the limits of a class and entitled to no attention and allowed no protest against neglect.

The laboring man, bearing in his hand an indispensable contribution to our growth and progress, may well insist, with manly courage and as a right, upon the same recognition from those who make our laws as is accorded to any other citizen having a valuable interest in charge; and his reasonable demands should be met in such a spirit of appreciation and fairness as to induce a contented and patriotic co-operation in the achievement of a grand national destiny.

While the real interests of labor are not promoted by a resort to threats and violent manifestations, and while those who under the pretext of an advocacy of the claims of labor wantonly attack the rights of capital, and for selfish purposes or the love of disorder sow seeds of violence and discontent, should neither be encouraged nor conciliated, all legislation on the subject should be calmly and deliberately undertaken, with no purpose of satisfying unreasonable demands or gaining partisan advantage.

The present condition of the relations between labor and capital are far from satisfactory. The discontent of the employed is due in a large degree to the grasping and heedless exactions of employers and the alleged discrimination in favor of capital as an object of governmental attention. It must also be conceded that the laboring men are not always careful to avoid causeless and unjustifiable disturbance.

Though the importance of a better accord between these interests is apparent, it must be borne in mind that any effort in that direction by the Federal Government must be greatly limited by constitutional restrictions. There are many grievances which legislation by Congress can not redress, and many conditions which can not by such means be reformed.

I am satisfied, however, that something may be done under Federal authority to prevent the disturbances which so often arise from disputes between employers and the employed, and which at times seriously threaten the business interests of the country; and, in my opinion, the proper theory upon which to proceed is that of voluntary arbitration as the means of settling these difficulties.

But I suggest that instead of arbitration chosen in the heat of conflicting claims, and after each dispute shall arise, there be created a commission of labor, consisting of three members, who shall be regular officers of the Government, charged among other duties with the consideration and settlement, when possible, of all controversies between labor and capital.

A commission thus organized would have the advantage of being a stable body, and its members, as they gained experience, would constantly improve in their ability to deal intelligently and usefully with the questions which might be submitted to them. If arbitrators are chosen for temporary service as each case of dispute arises, experience and familiarity with much that is involved in the question will be lacking, extreme partisanship and bias will be the qualifications sought on either side, and frequent complaints of unfairness and partiality will be inevitable. The imposition upon a Federal court of a duty so foreign to the judicial function as the selection of an arbitrator in such cases is at least of doubtful propriety.

The establishment by Federal authority of such a bureau would be a just and sensible recognition of the value of labor, and of its right to be represented in the departments of the Government. So far as its conciliatory offices shall have relation to disturbances which interfere with transit and commerce between the States, its existence would be justified under the provisions of the Consti-

tution which gives to Congress the power "to regulate commerce with foreign nations and among the several States." And in the frequent disputes between the laboring men and their employers of less extent, and the consequences of which are confined within State limits and threaten domestic violence, the interposition of such a commission might be tendered upon the application of the Legislature or executive of a State under the constitutional provision which requires the General Government to "protect" each of the States "against domestic violence."

If such a commission were fairly organized the risk of a loss of popular support and sympathy resulting from a refusal to submit to so peaceful an instrumentality would constrain both parties to such disputes to invoke its interference and abide by its decisions. There would also be good reason to hope that the very existence of such an agency would invite application to it for advice and counsel, frequently resulting in the avoidance of contention and misunderstanding.

If the usefulness of such a commission is doubted because it might lack power to enforce its decisions, much encouragement is derived from the conceded good that has been accomplished by the railroad commissions which have been organized in many of the States, which, having little more than advisory power, have exerted a most salutary influence in the settlement of disputes between conflicting interests.

In July, 1884, by a law of Congress, a Bureau of Labor was established and placed in charge of a Commissioner of Labor, who is required to "collect information upon the subject of labor, its relations to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity."

The commission which I suggest could easily be ingrafted upon the bureau thus already organized by the addition of two more commissioners and by supplementing the duties now imposed upon it by such other powers and functions as would permit the commissioners to act as arbitrators when necessary between labor and capital, under such limitations and upon such occasions as should be deemed proper and useful.

Power should also be distinctly conferred upon this bureau to investigate the causes of all disputes as they occur, whether submitted for arbitration or not, so that information may always be at hand to aid legislation on the subject when necessary and desirable.

EXECUTIVE MANSION, April 22, 1886.

GROVER CLEVELAND.

Mr. HARRIS. I move that the message be printed, and I suppose it should be referred to the Committee on Education and Labor. I presume that would be the proper committee.

Mr. GRAY and others. It should be referred to the Committee on the Judiciary.

Mr. HOAR. Mr. President—

The PRESIDENT *pro tempore*. The Chair will first state the question. The Senator from Tennessee moves that the message be referred to the Committee on Education and Labor.

Mr. HOAR. I did not rise to address the Chair upon that question, but to move an executive session.

Mr. HARRIS. It is suggested, and it is quite in accordance with my view, if the Senator from Massachusetts thinks it is proper, that the message had better go to the Committee on the Judiciary.

Mr. HOAR. I did not rise to speak upon that subject. I rose to move an executive session. I supposed the question of reference had been disposed of.

Mr. HARRIS. I move that the message be referred to the Committee on the Judiciary.

Mr. MILLER. I move as an amendment that it go to the Committee on Education and Labor.

Mr. BLAIR. I was rising to ask that the message be referred to the appropriate committee.

Mr. GEORGE. It ought to go to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The motion made by the Senator from Tennessee is that the message be printed and referred to the Committee on the Judiciary.

Mr. GEORGE. I move as a substitute that the message be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the motion is not amendable. The Senator can ask for a division on the question of printing.

Mr. HOAR. As there seems likely to be some difference of opinion in the Senate upon the reference of the message, I will make my motion now that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Let the message be printed. I am sure there will be no objection to that.

The PRESIDENT *pro tempore*. If there be no objection the message will be printed.

Mr. HARRIS. The motion to refer will remain pending?

The PRESIDENT *pro tempore*. Pending the question of reference, the Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

EXECUTIVE SESSION.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 5543) 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, 1887, and for other purposes, asked a con-

ference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WELLBORN, Mr. PEEL, and Mr. PERKINS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1249) for the relief of Margaret F. Ryan;

A bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public;

A bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York;

A bill (H. R. 3013) to provide terms of court in Colorado;

A bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes;

A bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; and

A bill (H. R. 7216) to provide for holding terms of United States district and circuit courts in the district of Nebraska.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. 5543) 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, 1887, and for other purposes.

On motion of Mr. DAWES, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL as the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 1249) for the relief of Margaret F. Ryan was read twice by its title, and referred to the Committee on Military Affairs.

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

A bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public;

A bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York;

A bill (H. R. 3013) to provide terms of court in Colorado;

A bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes;

A bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; and

A bill (H. R. 7216) to provide for holding terms of United States district and circuit courts in the district of Nebraska.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce.

Mr. SPOONER. I submit an amendment intended to be proposed by me to the bill, and I move that it be printed.

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

Mr. HARRIS. I submit an amendment intended to be proposed by me to the pending amendment of the Senator from New Jersey.

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

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1886.

TERRITORIAL GOVERNOR.

Edmund G. Ross, of Albuquerque, New Mexico, to be governor of New Mexico.

ASSISTANT ATTORNEY-GENERAL.

Zach. Montgomery, of California, to be Assistant Attorney-General.

REGISTER OF THE TREASURY.

William S. Rosecrans, of California, to be Register of the Treasury.

CONSUL.

Robert E. Withers, of Virginia, to be consul of the United States at Hong-Kong.

REGISTERS OF LAND OFFICE.

Joseph D. Bethune, of San Bernardino, Cal., to be register of the land office at Los Angeles, Cal.
 William K. Ramsey, of Camden, Ark., to be register of the land office at Camden, Ark.
 William T. Barney, of Oregon, to be register of the land office at Oregon City, Ore.
 Charles W. Johnston, of Oregon, to be register of the land office at Roseburg, Ore.

RECEIVERS OF PUBLIC MONEYS.

William H. Bickford, of Shasta County, California, to be receiver of public moneys at Shasta, Cal.
 John T. Outhouse, of La Grange, Ore., to be receiver of public moneys at La Grange, Ore.
 John R. Thornton, of Hampton, Ark., to be receiver of public moneys at Camden, Ark.
 Edmund James, of Nevada, to be receiver of public moneys at Carson City, Nev.

SURVEYOR OF CUSTOMS.

John T. Gathright, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky.

COLLECTORS OF CUSTOMS.

William T. Carrington, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana.
 John J. Higgins, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi.
 Isaac B. Poucher, of New York, to be collector of customs for the district of Oswego, in the State of New York.
 Otto L. Threlkeld, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

INDIAN INSPECTOR.

George R. Pearsons, of Fort Dodge, Iowa, to be an Indian inspector.

INDIAN AGENTS.

James I. David, of Michigan, to be agent for the Indians of the Osage agency in the Indian Territory.
 John S. Ward, of San Bernardino, Cal., to be agent for the Indians of the Mission agency in California.
 William H. Black, of Montour, Tama County, Iowa, to be agent for the Indians of the Sac and Fox agency in Iowa.
 James McLaughlin, of Fort Totten, Dak., to be agent for the Indians of the Standing Rock agency in Dakota.

POSTMASTERS.

A. Y. Wood, to be postmaster at Corsicana, Navarro County, Texas.
 C. F. Colyer, to be postmaster at East New York, Kings County, New York.

Executive nomination confirmed by the Senate April 21, 1886.

William Stapleton, of Colorado, to be melter of the mint of the United States at Denver, in the State of Colorado.

Executive nominations confirmed by the Senate April 16, 1886.

[The following four confirmations appear in the RECORD of April 21, 1886, page 3779, but the reports of the Finance Committee accompanying them were inadvertently omitted, and are now inserted:]

INTERNAL-REVENUE COLLECTORS.

Freeman Barnum, of Missouri, to be collector of internal revenue for the first district of Missouri.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 858) of Freeman Barnum, of Missouri, to be collector of internal revenue for the first district of Missouri, in place of Isaac H. Sturgeon, suspended, and, so far as they have been able to obtain the information, they find that Mr. Barnum is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Isaac H. Sturgeon, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, March 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Isaac H. Sturgeon, late collector of internal revenue for the first district of Missouri, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, Secretary.

HON. JUSTIN S. MORRILL,
 Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Barnum.

John T. Hillsman, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 872) of John T. Hillsman, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee, in place of Archelaus M. Hughes, suspended, and so far as they have been able to obtain the information, they find that Mr. Hillsman is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Archelaus M. Hughes suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, March 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Archelaus M. Hughes, late collector of internal revenue for the fifth district of Tennessee, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, Secretary.

HON. JUSTIN S. MORRILL,
 Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Hillsman.

Charles E. Hasbrook, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1298) of Charles E. Hasbrook, of Missouri, to be collector of internal revenue for the sixth district of Missouri, in place of Philip Doppler, suspended, and, so far as they have been able to obtain the information, they find that Mr. Hasbrook is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Philip Doppler, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, March 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Philip Doppler, late collector of internal revenue for the sixth district of Missouri, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, Secretary.

HON. JUSTIN S. MORRILL,
 Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Hasbrook.

James Shields, of Montana, to be collector of internal revenue for the district of Montana.

The above confirmation was accompanied by the following report

from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1487) of James Shields, of Montana, to be collector of internal revenue for the district of Montana, in place of Thomas P. Fuller, suspended, and, so far as they have been able to obtain the information, they find that Mr. Shields is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Thomas P. Fuller, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, March 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Thomas P. Fuller, late collector of internal revenue for the district of Montana, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, Secretary.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Shields.

POSTMASTER AT HAMBURG, IOWA.

The Senate, on the 22d of April, 1886—

Ordered, That the report of the Committee on Post-Offices and Post-Roads on the nomination of George Wise, to be postmaster at Hamburg, Iowa, be printed in the CONGRESSIONAL RECORD, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of George Wise to be postmaster at Hamburg, Iowa, vice H. C. Coolbaugh, suspended, submit the following report:

The suspended officer had been postmaster at Hamburg for several years, and was reappointed January 22, 1885, for the term of four years. During the recess of the Senate he was suspended by the President, who designated George Wise to discharge the duties of the office.

The suspension of Mr. Coolbaugh was induced by Mr. Wise, who applied to the President for the appointment, and filed charges and specifications against the incumbent. The letter of application for appointment of Mr. Wise, and the charges and specifications presented by him, are here given as follows, namely:

HAMBURG, FREMONT COUNTY, IOWA, May 6, 1885.

SIR: I respectfully solicit appointment as postmaster at this place. Am fifty-two years old, and believe myself competent in all respects to fill the position. Education not classic, but fair. As to general character, habits, &c., I refer to letters from our best business men, herewith transmitted.

GEO. WISE,
Editor Democratic News.

Hon. W. F. VILAS,
Postmaster-General, Washington, D. C.

I submit the following argument:

- (1) I desire the postmastership as a means to an honorable end.
- (2) The present incumbent, H. C. Coolbaugh, is part owner of the Hamburg Times, an uncompromising Republican newspaper, and the emoluments of the post-office go in a measure to its support, the income of the Times and the post-office being pooled in common.
- (3) H. C. Coolbaugh was reappointed by President Arthur from February 18, 1885—at the close of his administration—for four years.
- (4) I have a consciousness that the Democracy will be pleased with a change of postmasters, and that Republicans generally expect it, and will neither be surprised nor disappointed.
- (5) For reasons herein given, on the following page, I believe the postal service here demands a change of postmasters.
- (6) I have in view a very suitable building, with regular bank vault for the safety of all Government property and money, at a very reasonable rental.
- (7) I submit a series of charges herewith, which have developed casually, and which are susceptible of proof on investigation. I simply ask that an inspector be sent here to fathom the facts.

CAUSE FOR REMOVAL.

In 1881 (or possibly 1882) Samuel Holmes, lawyer, and H. C. Coolbaugh, music dealer, bought of Peter St. Clair, then postmaster, the Times newspaper office. It was of no value beyond its material worth. A condition of that bargain and sale was that the postmastership should go with the newspaper office; and in consummation thereof Peter St. Clair resigned, having first secured a pledge from W. P. Hepburn, then, as now, a member of Congress (at that time representing a district in which this county was included), that H. C. Coolbaugh would be appointed postmaster at Hamburg. The compact was kept in good faith, as Mr. Coolbaugh was made postmaster without petition. For substantiation I refer to Peter St. Clair, now of Osceola, Nebr., and A. B. Noble, of this city. Others can also be found who were cognizant of the transaction.

(2) Ever since Mr. Coolbaugh has been postmaster there has been great complaint that letters and packages were not promptly delivered. This has become so common that people speak of it daily almost. The fault is mainly attributable to incompetent help. My paper (the Democratic News) is carefully mailed by a machine that can not miss a name, and yet scarcely a week passes without complaint of non-delivery.

Mrs. M. K. Arnold, milliner, complains that letters have been detained, and, she thinks, tampered with while in this office. Two packages were detained, the contents of one spoiling and the other (a piece of goods) being kept until after she had bought elsewhere, and after she had called for them and been notified of their transmission. When obtained finally, the clerk admitted that they had been there some time but were forgotten.

John Towns has two letters, one of which laid here several days, and the other (an important business letter) was sent to the Dead-Letter Office at Washington, returned to the writer, and again sent to Dr. Towns. Mr. Towns has been here all the time, and is a daily caller for mail matter. He has these letters, with the original envelopes to show dates.

Ed. Reals, of this city, was recently standing by the general-delivery window, waiting his turn, when he heard the following conversation: "Anything for me?" "Nothing," was the reply of the clerk. "Well, there ought to be," said the stranger, "and I know there is." Mr. Coolbaugh, who was standing near the window, spoke up and said, "How do you know?" The stranger replied, "Because I always get a letter about this time in the month." "I think we ought to know something about it if there is one here," said Mr. C. "Well, suppose you look," said the man. And they found two letters for the gentleman. I frequently get mail from my box that does not belong to me. Plenty of cases can be found proving incompetency.

Respectfully submitted,

GEO. WISE.

SUPPLEMENTAL CHARGES.

Recently, Mrs. Mary Lane, while at Tabor, this county, sent a letter to relatives near Hamburg, containing a sum of money, addressed to W. T. Lane, Hamburg, Iowa. A week or two afterward she came down and, in speaking thereof, found that the letter had never been received by W. T. Lane. She then went to the post-office to make inquiry and was told it had not come. She called again in another week and was again told it was not there. She insisted that search be made, and the letter was found pigeon-holed in a place remote from where it should have been, and had been there for several weeks. References: Mary Lane and W. T. Lane.

C. W. Davey, important letter sent to Dead-Letter Office.

S. M. Moss, Hamburg, had letters held twenty days as above, substantially.

Respectfully submitted,

GEO. WISE.

Having forwarded the foregoing application for appointment, accompanied by the charges and specifications preferred by him, Mr. Wise, at subsequent date, addressed to the President the following letter, namely:

HAMBURG, IOWA, June 19, 1885.

MY DEAR PRESIDENT: I am an applicant for the Hamburg postmastership. My application is on file in the Post-Office Department, backed by nearly all of the best business men of this place, including two banking houses and our largest merchants.

Valid charges of incompetency against our present postmaster are also on file. As to my Democracy and competency, I refer to the personal letters on file. Please appoint me.

Very respectfully,

GEO. WISE.

The foregoing papers were communicated to the committee in compliance with its request by the Postmaster-General prior to the resolution of the Executive Departments not to furnish papers on file affecting suspended officers.

An examination of the papers communicated induced the committee to inform the suspended officer of the character of the charges and specifications made against him, and he was given opportunity to make such answer thereto as he might deem proper. This course seemed to the committee to be, in view of the character of the charges and specifications, demanded by the principles of fair dealing and common justice. Mr. Coolbaugh availed himself of the opportunity afforded him and made specific answer to each charge and specification, and forwarded to the subcommittee, who by authority of the committee had communicated with him, the following response, namely:

HAMBURG, FREMONT COUNTY, IOWA, January 23, 1886.

DEAR SIR: In answer to interrogatories Nos. 1 and 2, I refer you to letter No. 1, from Samuel Holmes, editor of Hamburg Times.

No. 3. I, H. C. Coolbaugh, postmaster at that time, was reappointed postmaster by President Arthur on or about January 22, 1885, for four years.

Nos. 4 and 5. I am satisfied that the Democracy of this town did not want a change of postmasters, except some five or six, who wanted the position. I refer to letters Nos. 2, 3, and 4 (J. P. Beach, Dr. D. W. Swiggart, and Dr. Sanborn).

No. 6. He may have had such a building in view. If so, it was "so near and yet so far" he never reached it. On the contrary, his office is not well protected, and has been once broken into since his occupancy of the same.

No. 7. I should have been pleased at any time to have had an investigation made by post-office inspector.

In answer to causes for removal:

No. 1. I think some time in December, 1880, Peter St. Clair, postmaster at Hamburg, Iowa, sent in his resignation. About the same time I made application for the appointment, and was appointed February 13, 1881. P. St. Clair is now living in Nebraska. I have not received his reply to letter sent him in regard to this matter. I refer you to letters No. 1 (S. Holmes and Hon. W. P. Hepburn).

No. 2. In reply I refer you to the following letters—all good business men of this town: Nos. 2, 3, and 4 (J. P. Beach, Dr. Swiggart, and Dr. Sanborn).

Mrs. M. K. Arnold's letter and packages are explained by her letter, No. 5.

John Towns explains by letter No. 6.

Ed. Reals. In this case the man called for his uncle's mail, expecting his own mail would be in the same box. He got his mail the first time he called for it.

Mrs. Mary T. Lane. In this case a letter came to this office addressed to "Mrs. Lane." The mail called for was W. T. Lane. They were strangers to me, consequently the letter to Mrs. Lane was not handed out until I learned who Mrs. Lane was, and then it was delivered.

C. W. Davey's letter sent to dead-letter office is explained by his letter No. 7. S. M. Moss, bridge-builder, was often out of town for thirty days at one time, and he always left orders not to forward or deliver his mail to any one during his absence.

In conclusion, let me say while I was postmaster I gave the business of the office my whole time and attention personally, and am satisfied I gave general satisfaction, and by a vote of Democratic patrons of the office alone I should have been elected to hold the office. While I am not a politician, and never have been, yet I am a Republican and an old soldier, and,

Yours, obediently,

H. C. COOLBAUGH.

Hon. JAS. F. WILSON,
Washington, D. C.

The letters referred to in the foregoing statements are here given in the order in which they are therein named, and in addition thereto one since received from Mr. St. Clair, mentioned in paragraph 1 of Mr. Coolbaugh's answer to "causes for removal." The letters are as follows, namely:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 19, 1886.

MY DEAR SIR: I am in receipt of your letter of January 15.

I did not know of Mr. Coolbaugh's appointment or candidacy for the post-office at Hamburg, Iowa, until I saw a statement of the same in the newspapers. A charge by certain persons, some four or more years ago, that there was a bargain between St. Clair, the predecessor of Coolbaugh, and the latter, by which a payment was made to St. Clair to step out in the interest of Coolbaugh,

was investigated by an inspector from the General Post-Office Department, and found to be without any foundation. At that time no one pretended that I had participation, knowledge, or interest in the matter. The statement is a lie suggested by some of the later liars of Fremont County.

I am satisfied that no such arrangement was made by Messrs. St. Clair and Coolbaugh, but that the whole story is a malicious fabrication.

Your friend,

SAMUEL HOLMES, Esq., *Hamburg, Iowa.*

W. P. HEPBURN.

HAMBURG, IOWA, 1 (18), 1886.

I bought the Hamburg Times and paid for it individually before H. C. Coolbaugh was appointed postmaster at this place. He afterward became associated with me in the office, and remained so for a year or so. The Times Publishing Company was organized with Holmes, Natson Brothers, and Coolbaugh. Mr. Coolbaugh never had a controlling interest and never was authorized for its policy. I never had anything to do with any compact or anything else with Hon. W. P. Hepburn, M. C., whereby Mr. Coolbaugh should be appointed postmaster at this place. I know that during his term of office Mr. Coolbaugh kept almost aloof from politics, save the casting of his ballot at elections. I know further that he attended personally and strictly to the duties of the office all the time, and to no other business whatever. I know further that I heard of no complaints of any kind about the office until after Cleveland's election, and then from nobody but applicants for the position and half a dozen of their assistants. I thought then, and think now, they were gotten up for the occasion.

I know further that there has been more complaint of incompetency in the Hamburg post-office since the present incumbent took charge than all the time Coolbaugh was in office.

SAM'L HOLMES.

P. S.—I also know that a more bitter, uncompromising, and inconsistent partisan could not be found in this county than the present incumbent.

SAM'L HOLMES.

[Letter No. 2.]

HAMBURG, IOWA, *January 19, 1886.*

DEAR SIR: I have lived in Hamburg eighteen years; have known H. C. Coolbaugh, ex-postmaster at this place, for twenty-two years.

Am agent for twenty-six fire and life insurance companies, and cashier of the Farmers and Merchants' Bank of Hamburg, and undoubtedly send and receive the largest mails of any firm in the city.

I simply mention these facts that I may say, in justice to Mr. Coolbaugh, that his management of the Hamburg post-office was always efficient; that at no time before or since his service has there been so few errors in our mails. He is regarded, alike by Republicans and Democrats, as the best man that has filled the office in the history of the town.

He gave personal attention to all the details of the office, bringing to his work a tireless energy, courtesy, and a conscientiousness that made him invaluable to the public.

I am confident there is not a prominent Democrat in Hamburg that would not indorse every word of this letter.

Most respectfully, yours,

Hon. JAMES F. WILSON,
Washington, D. C.

J. P. BEACH.

[Letter No. 3.]

HAMBURG, IOWA, *January 16, 1886.*

To all whom it may concern:

That I have lived in Hamburg, Iowa, for twenty years and have been intimately acquainted with H. C. Coolbaugh for sixteen years, and know him to be an accommodating, active, good business man, honest, just, and upright in all his transactions. I make this statement because there have been false charges made in order to get him removed from the post-office. I have made some inquiry in regard to the charges, and am satisfied that there is not one word of truth in them, and am also free to say that there never has been a postmaster in Hamburg since I have lived here who has given as good satisfaction as H. C. Coolbaugh has. I do not say this because he is a Republican, for I am of a different persuasion, but I say it because it is the truth (and sometimes I find honest Republicans).

D. W. SWIGGART.

[Letter No. 4.]

HAMBURG, IOWA, *January 15, 1886.*

HONORABLE SIR: In the matter of the efficiency of Mr. H. C. Coolbaugh, until recently postmaster in this place, I have to say that I have an extensive correspondence, by virtue of my office as a member of the State board of dental examiners, to say nothing of my private mail matter.

I have occasion to visit the post-office on the arrival of every mail, so that I write whereof I know when I say Mr. Coolbaugh was a most efficient public officer, and that he filled the place with honor, and with as universal satisfaction as falls to the lot of man.

The trouble with Mr. Coolbaugh was that he was too loyal to the Union during the rebellion, and was and is to-day a member of the Grand Army of the Republic, which is an unpardonable sin in the eyes of the Democracy, and the real cause for the charge of "partisan" so universally preferred against every Union-loving postmaster who was holding office at the advent of the present administration.

I have read the charges preferred against Mr. Coolbaugh, and I have reason to believe they have been like the mole-hill that was magnified into a mountain; they have little or no foundation in fact.

I am, most respectfully, yours,

Hon. JAMES F. WILSON.

J. F. SANBORN.

[Letter No. 5.]

HAMBURG, IOWA, *January 14, 1886.*

In regard to the letter being tampered with, as referred to in the charges against postmaster Coolbaugh, I have to say that I sometimes sent other members of the family for my mail, and they brought the letter referred to, but did not hand it to me until next morning. The box detained was not detained in the post-office, but by the shippers until the third mail after I looked for it. I did not buy elsewhere before I got it. The box entirely spoiled was some bulbs and roots. I cast no blame on Mr. Coolbaugh for it. I have known him for twelve years, and believe he is honorable and honest in all his dealings and an efficient and obliging postmaster.

MRS. M. K. ARNOLD.

[Letter No. 6.]

I, John Towns, say that I am the John Towns referred to in the charges against Postmaster Coolbaugh. I had a letter lie in the post-office for a few days, but I find no fault with Mr. Coolbaugh, because I was away from this place to Riverton, Rock Point, and other places longer than that at a time, and I presume I was away then. Nobody was authorized to get my mail but myself, and I never gave orders to forward my mail. I had a letter sent to the Dead-Letter Office. It was sent by me from Hamburg to John Samuels, Riverton, Iowa. Samuels did not get it, and it went from Riverton, Iowa, to the Dead-Letter Office, and from the Dead-Letter Office back to me. This is all the letters I had sent to the Dead-Letter Office.

JOHN TOWNS.

Mr. Coolbaugh's manner of conducting the post-office in Hamburg was always satisfactory to me, and I never heard others find any fault with him.

JOHN TOWNS.

[Letter No. 7.]

HAMBURG, IOWA, *January 26, 1886.*

To whom it may concern:

Whilst Mr. H. C. Coolbaugh was postmaster at this place a letter addressed to C. W. Downey was sent to Dead Letter Office. It proved afterwards to be mine; but I attached no blame whatever on Mr. Coolbaugh. Can not give any reason for its use against him. I consider him one of the best and most efficient postmasters I have ever had any dealings with.

C. W. DAVEY.

[Letter of Peter St. Clair.]

OSCEOLA, NEBR., *January 12, 1886.*

DEAR SIR: As to the matter you write about, I would just say that I sold the Fremont Times to you unconditionally, and the sale of the post-office boxes had nothing to do with it. Had Coolbaugh not been appointed postmaster at Hamburg, still you would have owned the Times. Mr. Coolbaugh had nothing to do with the sale of the Times, nor in the purchase of it, so far as I know. Mr. Hepburn was not yet a member of Congress when the sale was made of either the paper or the post-office fixtures, and was never consulted by me, directly or indirectly, about the appointment of H. C. Coolbaugh as postmaster. The sale of the boxes made in January or February of 1881, however, was conditional. The condition was that if he was not appointed postmaster the bargain of sale was null and void.

I sold boxes, &c., to Coolbaugh conditionally for \$350, and to you the Fremont Times unconditionally. I have referred to no notes, but am positively certain that these statements are substantially true.

Yours, &c.,

P. ST. CLAIR.

S. HOLMES.

It was fortunate for the suspended officer that his case reached the committee before the executive department resolved not to place the papers upon which suspensions are based in its possession for inspection. The papers in this case were communicated to the committee by the Postmaster-General. This enabled the committee to inform the suspended officer of the nature of the charges lodged against him, and afforded him an opportunity to respond to the same. The effectiveness of the suspended officer's response to the charges and specifications presented to the President and Postmaster-General will not be questioned by any impartial mind. He did not rest his defense on his own personal denial, nor qualify its force by the introduction of counter-charges against his accuser. He went directly to the parties upon whose alleged grievances the person nominated to the Senate as his successor had based his charges, and the result of his action is given in the letters of said parties hereinbefore set out. These letters he forwarded to the committee in support of his specific answers to the charges and specifications upon which he was suspended. These are autograph letters of the parties, and disclose the fact that the said charges and specifications have no foundation of truth on which to rest.

In view of the foregoing state of facts, the committee can but conclude that George Wise, the person nominated by the President, is not entitled to favorable consideration by the Senate. For the Senate to advise and consent to his appointment by the President would but encourage the presentation of unfounded charges against public officers. The practice is bad enough when the office is sought by a person not a party to the formulation and presentation of the false charges. It is much worse when the applicant for the office is also the accuser, as in the present case.

The nomination of George Wise to be postmaster at Hamburg, Iowa, *vice* H. C. Coolbaugh, suspended, is herewith reported to the Senate with a recommendation that it be not confirmed.

REJECTION.

Executive nomination rejected by the Senate April 20, 1886.

A. B. Keith, nominated to be postmaster at Denison, in the county of Crawford and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 22, 1886.

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

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

MARYLAND CLERGYMEN VS. THE UNITED STATES.

The SPEAKER laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by that court in the case of the corporation of Roman Catholic clergymen of the State of Maryland against the United States; which was referred to the Committee on War Claims.

AMERICUS V. WARR VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by that court in the case of Americus V. Warr, administrator, &c., against the United States; which was referred to the Committee on War Claims.