SENATE.

TUESDAY, *April* 29, 1890.

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

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

Mr. CHANDLER. As I do not think there is a quorum present, I request a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Barbour,	Dawes,	Hawley,	Sawyer,
Bate,	Eustis,	Higgins,	Sherman,
Berry,	Evarts,	Hiscock,	Stewart,
Blackburn,	Farwell,	McMillan,	Stockbridge,
Blair,	Faulkner,	Manderson,	Teller,
Call,	Frye,	Moody,	Turpie,
Casey,	George,	Morrill,	Vest,
Chandler,	Gibson,	Pasco,	Walthall,
Cockrell,	Gray,	Platt,	Washburn,
Coke,	Hampton,	Plumb,	Wilson of Iowa.
Cullom,	Harris,	Reagan,	

The VICE-PRESIDENT. Forty-three Senators have responded to their names. A quorum is present. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. REAGAN presented a petition of the president and secretary of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 367, of San Antonio, Tex., praying that the law be so amended as to require the insertion of an eight-hour clause in all contracts for Government work; which was referred to the Committee on Education and Labor.

Mr. MOODY presented a petition of the National Woman's Christian Temperance Union of South Dakota, praying for the passage of a national Sunday-rest law, against needless Sunday work in the Government's mail and military service, and interstate commerce; which was referred to the Committee on Education and Labor.

Mr. HARRIS presented a petition of the Cotton Exchange and the Merchants' Exchange of Memphis, Tenn., praying that a special appropriation be made for the improvement of the harbor of Memphis; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of citizens of Illinois, praying that the Senate reject all measures which propose to devote a large amount of public money to creating a vast navy and fortifying the coast; which was referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present a petition. On the back it is addressed to me, asking that I present it. The petition is in the usual blank form, "Petitions collected by the National Woman's Christian Temperance Union, Department of Sabbath Observance," etc. It contains 52 individual signatures from Missouri. In the blank spaces in the petition for a national Sunday rest-law are written the words "Missouri," and "Clinton County," and town of "Cameron," and then there are numerous signatures attached. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. WASHBURN presented a petition of the Cotton and Merchant Exchanges of Memphis, Tenn., praying for a specific appropriation for the improvement of the harbor at Memphis; which was referred to the Committee on Commerce.

Mr. SHERMAN presented four petitions of citizens of Darke and Morgan Counties, in the State of Ohio, and of the Fifteenth Congressional district of Ohio, praying for legislation which will secure pure food and pure lard; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of 1,872 citizens of Ohio, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. GIBSON. I present a memorial of the New Orleans (La.) Cotton Exchange, remonstrating against the passage of the Butterworth bill. I move, as it is a matter of importance, that the memorial be printed as a document, and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. ALDRICH presented a petition of the mayor and other citizens of Newport, R. I., praying for the passage of the bill to transfer the revenue marine to the Navy Department; which was ordered to lie on the table.

Mr. BLAIR presented a petition of eyeless and limbless soldiers and sailors of the United States, praying for an increase of their pensions; which was referred to the Committee on Pensions.

Mr. BLAIR. I present the petition of the Presbytery of Des Moines, of the United Presbyterian Church, composed of 21 ministers and representing 1,972 members, indorsing with but one dissenting vote the Blair educational bill, and praying for its reconsideration and passage.

I also present a petition addressed to the Senate of the United States by the members of the King's Daughters' National Reform Circle, praying for the reconsideration of the Blair educational bill and the enactment of that important measure into law. The petition is from the city of New York, with the signatures of the officers of the association.

I also present a petition of the United States Maimed Soldiers' League, praying for the reconsideration and passage of the Blair educational bill.

I also present the petition of J. S. Duncan and 67 other citizens of Allegheny, Pa., praying for the reconsideration and passage of the Blair educational bill.

I also present the petition of President A. B. Miller and 72 others, members of the faculty and students of Waynesburgh College, Waynesburgh, Pa., praying for the reconsideration and passage of the Blair educational bill.

I also present the petition of the Reformed Presbyterian Church of Topeka, Kans., 73 members, signed officially by the pastor and clerk, praying for the reconsideration and passage of the Blair educational bill.

I also present a petition of 32 citizens of the United States, praying for the reconsideration and passage of the Blair educational bill. I do not know the residence of these petitioners.

I also present a petition of 33 leading citizens of Drayton, N. Dak., praying for the reconsideration and passage of the Blair educational bill.

I also present a petition of Sanctuary Portsmouth Assembly, 4691, Knights of Labor, of Portsmouth, Va., addressed to myself, stating that:

> We, the undersigned, have been appointed a committee to address you and request you to use your valuable influence in having taken from the Calendar your educational bill, hoping that it will pass the next time it comes up. We have written Senators DANIEL and BARBOUR and asked them to render you their assistance in any way they can.
>
> Hoping your efforts will be crowned with success, we are, very respectfully,
>
> L. P. SLATER,
> JOHN A. McDONALD,
> JOHN T. RILEY,
> *Committee.*

And under the seal of the organization.

I move that these petitions lie on the table.

The motion was agreed to.

Mr. BLAIR presented the petition of S. M. Newman, pastor, and W. L. Clift, clerk, of the First Congregational Church, of Washington, D. C., praying for the passage of House bill 3854, to prevent persons from being forced to labor on Sunday; which was referred to the Committee on the District of Columbia.

Mr. PLUMB presented petitions of Harveyville Post, No. 418; McFarland Post, No. 281; Delaware Post, No. 228, and Bridge Post, No. 131, of the Department of Kansas, Grand Army of the Republic, praying for the donation to the State of Kansas of the remainder of the Fort Dodge military reservation for the use of and in connection with a soldiers' home; which were referred to the Committee on Public Lands.

He also presented a memorial of the Board of Trade of Hutchinson, Kans., remonstrating against the imposition of a duty on lead ore imported into this country; which was referred to the Committee on Finance.

Mr. PADDOCK presented petitions of citizens of Williams, Autauga, Morgan, Marysville, and Henry Counties, in the State of Alabama; petitions of citizens of Kansas City, in the State of Missouri; petitions of citizens of Chautauqua County, in the State of New York; petitions of citizens of Licking and Morrow Counties, in the State of Ohio; petitions of citizens of Umatilla County, Oregon; petitions of citizens of Mercer and Lycoming Counties, in the State of Pennsylvania; and a petition of citizens of Fannin County, Texas, praying for the passage of the bill (H. R. 11027 of the Fiftieth Congress) for the prevention of the manufacture and sale of adulterated and misbranded lard; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of citizens of Perry, Henry, Chilton, and Dale Counties, in the State of Alabama; petitions of citizens of Carter and Lawrence Counties, in the State of Missouri; petitions of citizens of Baltimore, Md.; petitions of citizens of Pawnee and Kearney Counties, in the State of Nebraska; petitions of citizens of Montgomery, Westmoreland, Lancaster, Lycoming, Crawford, Northumberland, Clarion, Warren, and Indiana Counties, in the State of Pennsylvania; and a petition of citizens of Houston County, Tennessee, praying for the passage of the bill to prevent food adulteration, known as "the Laird bill," or some similar bill; which were referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented petitions of citizens of Fremont County and of Marshalltown, Iowa, praying for the restoration of silver to its constitutional place as a money metal as it existed from the foundation of the Government down to 1873; which were referred to the Committee on Finance.

He also presented the petition of George G. Wright and other members of the bar of Des Moines, Iowa, and the petition of Edward Johnstone and other members of the bar of Keokuk, Iowa, praying that the salaries of United States district judges be increased; which were referred to the Committee on the Judiciary.

Mr. HIGGINS presented the petition of S. C. Clark, in behalf of the Citizens' Association of Washington, D. C., praying to be accorded a hearing before the committee of the Senate in regard to the unlawful application of District funds by the District commissioners; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

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

A bill (S. 759) granting a pension to Thomas H. Hopkins;
A bill (H. R. 7685) granting a pension to Julia E. Phillips;
A bill (H. R. 4866) granting a pension to Ida L. Martin;
A bill (H. R. 4868) granting a pension to Henrietta Judd;
A bill (H. R. 4531) for relief of William D. Hummer; and
A bill (H. R. 3108) granting a pension to Levi M. Lincoln.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; and the bills were postponed indefinitely:

A bill (S. 575) granting a pension to Edward T. Latta; and
A bill (S. 2138) granting a pension to Lewis M. Bryant.

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

A bill (H. R. 7101) granting a pension to Joseph Perkins;
A bill (H. R. 1019) granting a pension to David A. Lippy;
A bill (H. R. 3545) granting a pension to Harriet F. Bowes;
A bill (H. R. 4810) to pension Christina Edson for meritorious services rendered the Government during the Indian wars in the Oregon Territory, now the State of Oregon; and
A bill (H. R. 6568) increasing the pension of Mrs. Dorothea D. Yates.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 3237) increasing the pension of Mrs. Dorothea D. Yates, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2299) granting a pension to Isabella W. Adduddell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8295) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes, reported it with amendments.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1992) to amend chapter 136, act of June 20, 1876, relating to custom-house bonds, reported it with amendments.

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

A bill (H. R. 4811) to pension William G. Hill;
A bill (H. R. 4821) to pension Eli J. Youngheim;
A bill (H. R. 6914) pensioning Harriet B. White;
A bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll;
A bill (H. R. 2057) for the relief of Barent S. Van Buren; and
A bill (S. 757) granting increase of pension to Hugh Brady.

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

A bill (H. R. 2352) granting a pension to W. S. Yohe;
A bill (H. R. 2356) granting a pension to Matthew J. J. Cagle; and
A bill (H. R. 4862) granting a pension to William H. Coppinger.

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

A bill (H. R. 5083) to pension Emily G. Mills;
A bill (H. R. 5849) granting a pension to Catharine Sapp;
A bill (H. R. 3058) granting a pension to George L. Beighley;
A bill (H. R. 4532) for relief of Thomas N. Maxwell;
A bill (H. R. 4024) for the relief of Daniel W. Parrish;
A bill (H. R. 7414) granting a pension to Washington F. Short;
A bill (H. R. 3543) to grant a pension to John Green Reed;
A bill (S. 2407) for the relief of Mary A. Doud;
A bill (S. 2438) placing the name of Lena Neuninger on the pension-rolls;
A bill (S. 1675) increasing the pension of Jacob Pitner, late private Company K, One hundred and ninety-second Regiment Ohio Volunteers; and
A bill (S. 2088) granting a pension to Lydia Hawkins.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1855) granting a pension to Mary C. Williams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

TREASURER'S ACCOUNTS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the statements received from the Treasurer of the United States, transmitting all accounts paid by the First Comptroller for the fiscal year ending June 30, 1889. It does not seem necessary to print these voluminous accounts, and the committee recommend that they be not printed, but simply be placed on file in the office of the Secretary. I ask that that order be made.

The VICE-PRESIDENT. It will be so ordered.

LIST OF TREASURY EMPLOYÉS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the list of employés of the Treasury Department, made to the Senate in compliance with statute, and as all this information is contained in another document which is printed, known as the Official Register, the recommendation of the committee is that the list be not printed, but be also placed on file in the office of the Secretary. I ask that it be so ordered.

The VICE-PRESIDENT. It will be so ordered.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3694) to remove the charge of desertion from the record of Christopher Parish; which was read twice by its title, and, with the accompanying petition and papers, referred to the Committee on Military Affairs.

Mr. COCKRELL (by request) introduced a bill (S. 3695) granting a pension to Christian Ulrich, alias Ernest Ulrich; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. MOODY introduced a bill (S. 3696) for the relief of William Smith; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3697) for the relief of Jesse W. Beam; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3698) for the relief of William Meyers and William Fletcher; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3699) for the relief of William Meyers; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3700) for the relief of Isaac Milner; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3701) for the relief of Michael Burton, George Jones, and Joseph Cook; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3702) for the relief of William C. Linn; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3703) for the relief of Nathaniel L. Witcher; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3704) for the relief of Joseph Vollin; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

He also introduced a bill (S. 3705) for the relief of Jonathan Brown; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. BLACKBURN introduced a bill (S. 3706) to grant a pension to Ann Bolger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON (by request) introduced a bill (S. 3707) to authorize the purchase of Lawrie's picture of General George H. Thomas; which was read twice by its title, and referred to the Committee on the Library.

Mr. SHERMAN introduced a bill (S. 3708) to amend the act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. FAULKNER introduced a bill (S. 3709) granting a pension to Nellie R. Cook; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3710) for the relief of Marlin Parks; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON introduced a bill (S. 3711) granting a pension to Ellen McClellan, widow of the late General George B. McClellan; which was read twice by its title, and referred to the Committee on Pensions.

REPRINTING OF COURT BILL.

Mr. COCKRELL. I called at our Senate document-room this morning for some copies of the bill (H. R. 9014) to define and regulate the jurisdiction of the courts of the United States and found that all the copies there had about been exhausted. I ask that an order may be made for the printing of 500 additional copies. It is an important bill, and the copies are all exhausted now.

The VICE-PRESIDENT. It will be so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the

committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 533) for the erection of a public building at Fremont, Nebr.

ENROLLED BILLS SIGNED.

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

A bill (S. 177) granting a pension to Mary McCorwan;
A bill (S. 578) granting a pension to Mrs. Emma Dill;
A bill (S. 650) granting a pension to William H. Cummings;
A bill (S. 907) to restore the name of Mrs. Mary L. Bradford to the pension-roll;
A bill (S. 995) to increase the pension of Zachariah T. Crawford;
A bill (S. 1314) granting a pension to Davis Foster;
A bill (S. 2017) to increase the pension of Henry H. Penrod;
A bill (S. 2137) granting a pension to David C. Bullard;
A bill (S. 2283) to increase the pension of W. H. H. Bailey, of Braintree, Mass.;
A bill (S. 2290) granting a pension to Olina Hanson;
A bill (S. 2347) granting an increase of pension to George L. Warren; and
A bill (S. 3063) to establish Rockport, in the district of Belfast, Me., as a port of delivery.

FORFEITURE OF RAILROAD LAND GRANTS.

The VICE-PRESIDENT. If there is no further morning business the Calendar under Rule VIII is in order.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in construction of railroads, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment proposed by Mr. PASCO to the amendment of Mr. CALL.

[Mr. PLUMB addressed the Senate. His speech is reserved for revision. See Appendix.]

Mr. BERRY. Mr. President, before I reply to some of the remarks made by the Senator from Kansas [Mr. PLUMB] in regard to forfeited lands generally I want to say a few words in regard to his closing remarks. I do not want to say anything that may seem unkind to the Senator from Kansas, but I would simply say to him, when he throws it in the face of the people of the South that Congress has been generous enough to give $150,000 to the Mississippi overflow sufferers, that it is not generous; that in all civilized life and civilized society it is universally held that when you remind another that he is under obligations to you or that you have done him favors such reminder cancels the obligation and the favor no longer exists.

I say to-day, Mr. President, that for every dollar which has been given to the South ten dollars at least for that dollar have been given to the North, and it is out of place in the Senate to bring into the debate on a land-forfeiture bill the fact that the Senate of the United States has given the sufferers, the poor people who are without homes and without food upon the Mississippi River, a certain amount of money.

So much for that. But before I take up the Florida case which is now pending before the Senate I wish to make a few remarks in regard to the general principle involved as to forfeiting lands not earned within the time prescribed in the grant.

If I understood the Senator from Kansas correctly he stated that those who advocated such a policy were insincere if not cowardly. I will not reply in kind to that remark. As to whether I, who have offered an amendment of the character described, have been sincere, I leave to be judged of by the Senators around me and will make no issue with the Senator from Kansas upon that subject.

Mr. PLUMB. The Senator misunderstood me. I expressly said, or meant to have said, that I did not refer to individuals. I was speaking of the general aspect of the case.

Mr. BERRY. That is satisfactory. Now, the first question that I wish to notice that the Senator referred to is the decision of the Supreme Court in Schulenberg *vs.* Harriman. The Senator from Kansas states that the effect of that decision has been denied, but he does not proceed to state to the Senate what that decision was or what part of it has been denied.

I stated upon the floor of the Senate a few days ago, and I will state it here to-day, that the Supreme Court did not decide that the legislative branch of this Government could not forfeit lands earned out of time. The only effect of the decision in Schulenberg *vs.* Harriman, as I said—and I repeat it again to-day—was that the Supreme Court declared that, where the railroad company had failed to build the road within the time specified, that of itself did not operate as a forfeiture of the lands along that part which had not been built, but that it required a legislative act, an act upon the part of the grantor equivalent to what was in the old law, an entry or acts of entry for conditions broken, before any forfeiture could take place.

I repeat to-day that the question as to whether or not Congress can forfeit lands earned after the time expressed in the grant has never been before the Supreme Court of the United States, and they have never decided that question in the Schulenberg *vs.* Harriman case or in any other decision, and the Senator can not find it. I repeat again, in order that there may be no mistake, the Supreme Court said that the mere fact that the road was not completed within the time specified did not within and of itself operate as a forfeiture, because the grantor might waive the condition and might not re-enter, but it required an act of Congress saying that this land was forfeited before it could be forfeited.

Mr. President, I stated then and I stated at the time I came to the Senate that where the lands thus earned out of time were in the possession of the railroad companies they had no title to them, as I believed, under the law. That had been expressed as the policy of Congress as to all these lands, and I believe it to be the duty of the Congress of the United States to take every foot of land thus held by the railroads and not disposed of to settlers and open it up to other settlers rather than make it a gift or grant to railroads when the railroads have not complied with the conditions.

I have never advocated the forfeiture of a foot of land where the railroad company had complied with the conditions contained in the grant or grants of land. I believe in standing by the contract. I believe a railroad company, like an individual, when it undertakes to do anything, and agrees to do it, if it fails to do that thing, can not come back to the Government of the United States and say that any equity exists in favor of that railroad company.

Mr. MITCHELL. Will the Senator yield to me?

Mr. BERRY. Certainly.

Mr. MITCHELL. The Senator from Arkansas stated a moment ago, in referring to the case of Schulenberg *vs.* Harriman, that certain things had not been decided, and he said it had never been decided by the Supreme Court of the United States in any case that a company acquired title to the lands adjacent to a completed road, although the road was not completed within the time fixed for the completion of the whole road named by the act.

Mr. BERRY. I did not make that statement.

Mr. MITCHELL. I understood the Senator to make that statement.

Mr. BERRY. I said that the Supreme Court in Schulenberg *vs.* Harriman did not decide as to that question. It did not decide that Congress could not pass a law forfeiting land earned out of time. That is what I said was not decided, and that is the statement that has been repeatedly made.

Mr. MITCHELL. May I ask the Senator a question, because it comes right down to the point of this debate. Does the Senator from Arkansas hold that where a railroad has been completed by a railroad company, but not completed within the time for the completion of the whole road, and yet completed all the same before Congress had moved by a declaration of forfeiture, the company is not entitled to the land, the odd sections adjacent to the completed road, or that Congress then has the right to declare a forfeiture of those odd sections?

Mr. BERRY. I have so stated and restated——

Mr. MITCHELL. Mr. President——

Mr. BERRY. If the Senator will permit me, I will proceed with my speech and he can proceed afterwards.

Mr. MITCHELL. One moment. I want upon that point, if that proposition is denied, to call the attention of the Senator from Arkansas to the case of Van Wyck *vs.* Knevals; that is one case; there are several others which have been decided, but in that case it was decided, as I think, most positively, Mr. Justice Field delivering the opinion of the court, that the right of the company to the odd sections, where the grant had been of odd sections adjacent to a road that had been completed before there had been any declaration of forfeiture by Congress, vested in the company, and that then it was beyond the power of Congress to divest that right. I will read a small number of lines.

Mr. BERRY. I can not yield for a speech.

Mr. MITCHELL. Just for five or six lines.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The Senator from Arkansas declines to yield.

Mr. BERRY. I will yield for the reading of a few lines, and then no longer.

Mr. MITCHELL. I read from the opinion in that case:

> So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed, and as to the lands patented the transaction on the part of the Government was closed and the title of the company perfected.

That, now, is the land patented. Then the court say:

> The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted, not reserved, is equally clear.

Mr. BERRY. In regard to the decision in Van Wyck *vs.* Knevals, which has just been read, I do not undertake to discuss it at this time, but I was answering the Senator from Kansas on the case of Schulenberg *vs.* Harriman, and I state that that does not so decide it, and I say that the case just read by the Senator from Oregon does not decide that when Congress passes a law to forfeit lands not earned, or, if earned, earned out of time, it has not the power to do it. It has never been so decided, and the question has never been raised, for the reason that the Republican party in the Senate has stood like a solid wall against

passing any such law as that which could be brought before the Supreme Court.

The Senator from Kansas, for some purpose of his own, thought he must bring politics into the discussion of the case now pending, with which politics is in no wise concerned, and he states that, although we had the House of Representatives since 1874, yet the Democratic party had never sought to forfeit any of the lands which were earned out of time. And still, while he was standing upon his feet, he told the Senate of the United States and the people of the country that the Democratic House did pass such a bill, and that they refused to pass a bill that did not include it, and therefore they lost a number of acres of land on the Northern Pacific Railroad, which otherwise we should have gained. That has been an issue between the two parties here, not directly on party lines, I will admit, because there have been exceptions here and there, but I assert that upon every vote taken in the Senate nine-tenths of the Republicans, and I believe ten-tenths, have voted uniformly against forfeiting any of the lands that have been earned by the railroads out of time, while the Democratic House and the great majority of the Democrats in this body have voted the other way.

Mr. PLUMB. The Senator missed the point of my statement. Perhaps I did not make it very clear. The point was that from the time of the incoming of the Democratic House until after a large part of these lands had been earned that House had never sought to forfeit the lands until after the earnings had actually taken place. Then I should like to ask him, as he speaks of exceptions on the Democratic side, if he considers the late Democratic Administration an exception.

Mr. BERRY. I was speaking of the Democratic members of the House of Representatives and the Democratic Senators upon this floor. I was not speaking of the late Democratic Administration. When the Senator seeks to make a point upon Mr. Cleveland for accepting one line of road, he goes outside of the question. The point was that he attempted to make it appear that the Democratic House had not done this thing and in the same speech admitted that was the issue in the last two Congresses and the Democratic House had passed such a bill.

Mr. PLUMB. Only in regard to one grant. In regard to all the others the House adopted the policy of the Senate.

Mr. BERRY. We will take it upon the Northern Pacific Railroad. The Democrats said that land ought to be forfeited back to Bismarck, and I want to say to the Senator in regard to that first forfeiture bill in relation to the Northern Pacific Railroad, the bill that was brought in here by the chairman of the Committee on Public Lands, the Senator himself, did not forfeit all the lands that were not earned at that time, but an exception was made in regard to the Cascade branch of the Northern Pacific Railroad, and they were given additional time, and those lands were given them by that bill.

Mr. MITCHELL. Will the Senator allow me just one moment?

Mr. BERRY. Yes.

Mr. MITCHELL. The Senator has said that the Democratic party as a body favored the passage of the bill forfeiting all lands of the Northern Pacific Railroad Company to Bismarck. Is he not aware of the fact that the chairman of the Judiciary Committee of the House, one of the leading and ablest lawyers in this country, J. Randolph Tucker, of Virginia, submitted one of the ablest reports ever presented to the House of Representatives, in which he took the position that Congress had not the right to forfeit any lands adjacent to completed road, and does the Senator not know that the majority of the Judiciary Committee of the House of Representatives, which was then a Democratic committee, decided the same thing?

Mr. BERRY. Admitting that to be true, that does not controvert the proposition I made. I expressly stated that there were exceptions in the House of Representatives and there were some exceptions here, but I assert that the Democratic majority in the House of Representatives did pass a bill forfeiting the land back to Bismarck, and the Republicans voted almost solidly against it, and I assert furthermore that in the Senate, when the amendment was offered by the senior Senator from Mississippi, a large majority of the Democrats here voted in favor of the amendment, and I think that Mr. Van Wyck was the only Republican who voted for the amendment, and the Senator might well think that there is something to explain on the part of his party. And when the Senator from Kansas says this is not a party question, I will admit, as the Senator from Oregon says, that there are exceptions in the Democratic party, and Mr. Tucker doubtless was one of them. I was speaking of the body of the party, and not of individuals.

But, Mr. President, outside of that question, the Senator from Kansas sought to impress upon the Senate that this case stood precisely upon the same ground with all the other cases where lands had been earned out of time. I want to say to the Senator that such is not the fact. If I understand the facts correctly in the Florida case it is far more, and there is much more in that case than the simple question as to whether we can forfeit lands where the roads have been built since the time specified in the granting act.

If I understand the case correctly, in 1856 the Congress of the United States made a grant to the State of Florida of certain lands to be given to that State to build certain railroads. One of the conditions of that grant was that these roads should be completed within ten years' time. I understand, furthermore, that upon the mere passage of that act the Secretary of the Interior reserved a large number of acres of land upon the line of what he conceived would be the roads that would be built and made that reservation and certified it to the State.

I understand, furthermore, that the State of Florida after the passage of this act never passed an act and there is no act of her Legislature that ever gave these lands to those railroads, as was required to be done by the act of Congress making the grant. I understand, furthermore, that in 1868 the Florida Legislature passed a resolution recognizing the fact that the lands had not been used in accordance with the grant, and that the State had no longer any title to them, but recognized the title of the General Government to them.

In the mean time, however, a portion of the road had been built, and I want to say as to that road which had been completed within the time named in 1868—and that is the only part, as I understand, of which the junior Senator from Florida [Mr. PASCO] complains—that the amendment of the senior Senator from Florida [Mr. CALL] does not touch it in any way whatever. It does not offer to forfeit, but in express terms confines it to that which has been built since 1868, and does not include any part of the line from the city of Jacksonville to the town of Chattahoochee, and that is the line upon which the junior Senator bases his objection.

I repeat again, so I may not be misunderstood, that so far as the lands from Jacksonville to Chattahoochee, Fla., are concerned—and those are the lands which the junior Senator from Florida complains that this amendment does forfeit—the amendment does not propose to forfeit them, but by express terms excludes them from the act and only applies to that part where the road has been built since 1868.

Mr. PASCO. One moment. I merely wish to state, Mr. President—I am not going to argue the matter again—that my whole speech of yesterday was to the contrary and was an effort to show that this was an attempt to strike at every railroad grant in the State. That is the difference between the Senator from Arkansas and myself.

Mr. BERRY. If any Senator will read the amendment offered by the senior Senator from Florida [Mr. CALL] on Friday last, he will see that it says in express terms that it is to forfeit that which was not completed in 1868, and the junior Senator will admit that this was completed before that time. It does not pretend to touch that, but on the contrary the senior Senator from Florida says to the junior Senator, "If the language is not strong enough to exclude that part of it, use your own language, use any language that you think proper to put in to except it, and I stand ready to incorporate it in the bill." When that is said there can be no argument based upon the fact that it will disturb titles along the line of the road from Jacksonville to Chattahoochee.

In regard to the land along the line from Chattahoochee to Pensacola there is another question. This road was not built along the line that was originally contemplated. The language of the act of Congress said that it granted the land to the State for the use of these roads, the lands within 6 miles of the line of the road, and yet a large portion of the land reserved is more than 6 miles from the road as now built.

Bear in mind that the parties representing the railroads are claiming 600,000 acres of land that lie more than 6 miles away from the railroad, from Chattahoochee on to Pensacola. Without wishing to repeat, but wishing it expressly understood that the act of Congress only authorized the grant of lands lying within 6 miles of the line where the road should be built, yet, by reason of the fact that these lands had been reserved, there were certified to this company 600,000 acres of land that do not lie within 6 miles of that railroad, but lie beyond that, and it is part and parcel of the land that the Senator from Kansas thinks this railroad company should have. That is part and parcel of the land which the senior Senator from Florida thinks the road never earned, and it never earned it within the time. Not only that, but the granting act never granted this particular land, but only granted land lying within that limit; and yet the Senator from Kansas says that it is the duty of the Congress of the United States to confirm to this railroad company 600,000 acres of land lying outside of the limits as specified in the original grant of Congress.

Not only that, Mr. President; the Senator from Kansas stated that the effect of this would be to disturb land titles and to cause law-suits with the settlers. The Senator from Florida has been generous enough in his amendment to say that every settler there shall have title to his land provided he has not more than two sections. Every man there who lives upon land and claims it as his home, the amendment of the Senator from Florida confirms it to him and does not seek to disturb him. It simply seeks to take that which the railroad yet claims and 82,000 acres, said to be in the possession of a lobbyist here in the city of Washington, given to him by the railroad company for services rendered here as a lobbyist before the Congress of the United States or before the Interior Department. They say there is an equity in favor of this lobbyist and this railroad company for 600,000 acres of land lying outside of the original grant, and yet they say that we who seek to set aside such a transaction as that are insincere in our efforts.

Mr. President, I can only speak for myself. I presume that the party upon the other side of the Chamber, true to its instincts to legislate in favor of the individual against the many and to stand by monopolies on all occasions regardless of the consequences, will vote this amendment down. But no charge of insincerity against me has ever induced

me to stand in the Senate of the United States and to cast a vote that gives this railroad company and the lobbyist here in Washington 600,000 acres of land never even granted by the State of Florida to the railroad company or by the Government of the United States.

That is the issue presented by this amendment, and I wish Senators when they vote to vote with their eyes open, understanding the facts as they are, and then let the record stand, and the country at large will judge who is sincere or who is insincere upon this question.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5964) granting the Spokane Falls and Northern Railway Company the right of way through the Colville Indian reservation; and

A bill (H. R. 7509) granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian reservation, in Idaho.

The message also announced that the House had agreed to the concurrent resolution of the Senate concerning the irrigation of arid lands in the valley of the Rio Grande River and the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste water, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. R. 76) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the Republic of Colombia.

TERRITORY OF OKLAHOMA.

Mr. PLATT. I desire unanimous consent to introduce a resolution at this time, and I shall ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested to return to the Senate the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PLATT. Mr. President, a single word of explanation as to why I desire the return of this bill. In draughting the bill and giving a description of the boundaries, a mistake was made in using the word "west" instead of the word "east," so that the boundary runs across the land of the State of Texas instead of stopping at the east line. It was a mistake which is not upon the clerks, but upon myself.

Mr. DAWES. It is a matter of form, but I wish to call the attention of the Senator to the fact that it would seem to have been decided here in the Senate a week or two ago that it was necessary to have a concurrent resolution to recall a bill after it had gone to the President.

Mr. PLATT. I think not. This has been done over and over again. The last resolution like this one that I know of was introduced by the Senator from Tennessee [Mr. HARRIS], and I followed that resolution.

Mr. DAWES. The Senator from Colorado [Mr. TELLER] submitted a similar resolution which caused considerable debate, and my impression is that the resolution of the Senator from Colorado became a concurrent one.

Mr. TELLER. I offered it as a resolution of the Senate, there being a precedent of that kind. It was objected to by the Senator from Vermont [Mr. EDMUNDS], who is not present, and I changed it to a concurrent resolution.

Mr. PLATT. There are precedents the other way. I ask for the adoption of the resolution.

The resolution was agreed to.

Mr. PLATT subsequently said: I am informed that the precedents of late have been that a resolution recalling a bill from the President should be a concurrent resolution, and I ask unanimous consent that the resolution which I a few moments ago had adopted be changed so that the form of it shall be a concurrent resolution.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). Unanimous consent will be given if there is no objection. It is so ordered.

IRRIGATION OF THE RIO GRANDE VALLEY.

Mr. SHERMAN. I ask the Chair to lay before the Senate the amendment of the House of Representatives to a concurrent resolution of the Senate which has just come over.

The PRESIDING OFFICER. The amendment of the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 29, 1890.

Resolved, That the concurrent resolution of the Senate "concerning the irrigation of arid lands in the valley of the Rio Grande River" do pass with the following amendment:

Page 2, line 15, after the word "Government" insert:

"And the President is also requested to include in the negotiations with the Government of Mexico all other subjects of interest which may be deemed to affect the present or prospective relations of both Governments."

Mr. SHERMAN. I move that the amendment of the House of Representatives be concurred in.

The motion was agreed to.

FORFEITURE OF RAILROAD LAND GRANTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Mr. CALL. Mr. President, I think before this discussion closes it is due to myself and the people of Florida that I should put in the RECORD some reply to the observations that have been made.

The speech of the honorable Senator from Kansas [Mr. PLUMB] comprehended four points. The first was that the people of Florida had not desired this amendment and that there was no evidence that they were opposed to the appropriation of these lands by the individuals who have obtained the benefit of them or the companies which claim them The second was that there was no evidence here in the records, documents, or otherwise of the facts upon which I have predicated this amendment. The third was that the amendment was in itself vicious and that it would promote litigation and be a curse to the community. The fourth was that there was no power in Congress under the decisions of the Supreme Court to take this action.

What action? The amendment proposes three things. It proposes first to give a title to the actual settlers upon the entire extent of this grant, excepting from the operation of the grant parts of lines of road which were completed before the period of time when the State of Florida recognized the right of the General Government to these lands, and which were completed before the sale of the old railroads which were built before the war, before 1860, and before the charter of the new companies. The amendment proposes to recognize the parts of this grant or assumed grant where no railroad has ever been built under the authority of a disposal of the benefits of this grant by the Legislature of Florida. The amendment proposes, first, to recognize the rights of actual settlers and, secondly, to give a patent to all purchasers in good faith to a quantity of land not exceeding two sections. As I have said, I will extend it, if any one desires, to three or four sections, to any quantity of land which will embrace the honest purchaser and not extend it to foreign syndicates and to great quantities of land in the hands of capitalists.

This amendment relates to the portions of the line of road which were uncompleted at the time when the State repealed the old internal-improvement act by the sale of all of the old roads as completed roads, and passed the statute to which I have referred, and to which I will again refer, stating in so many words that the new companies shall be entitled to the benefits of the internal-improvement act only as to the roads built.

Now there stands the legislation, and I have asked where is the act of the State of Florida, which is the first premise, as the State is the grantee, disposing of this land over the uncompleted parts of this line from that time to this to any person? Not finding any such authority from the State, the State having come here to Congress and asked the revival of this grant upon condition that the old roads should have no benefit or privilege under it, having disposed of all the land to other and different purposes, and not mentioning this grant, the State having by all its contemporaneous legislation abandoned the system of extending that line of road by a land grant and giving money bonds to this new company to build the line, with not one word of this grant in it, consequently both the express language of the statute and the contemporaneous legislation of the State clearly and unquestionably unite in the failure and the deliberate and intentional failure to dispose of this land to any of these new companies.

That being the condition of things, and the Secretary of the Interior, Mr. Chandler, the officer entitled by law to do it under the decision in Schulenberg *vs.* Harriman, which refers either to legislative, executive, or judicial action, having taken possession of that grant and opened it to homestead settlement and entry, where it remained say for five years, now these settlers upon that part of the grant, this amendment says, shall have a patent to 160 acres of land, including their improvements. The Senate passed that amendment almost unanimously after considerable discussion in the last Congress.

The next step is that this amendment gives to the purchasers in good faith upon this assumed grant from these railroad companies a patent to a quantity of land not exceeding two sections, with a willingness to make the amendment embrace three or four sections, if anybody desires.

The Senate passed a bill two or three years ago for the adjustment of land grants containing precisely this provision, which was accepted by the other House and became a law for the quieting of titles, but which can not refer to this grant when it comes to a lawsuit, because of the fact that the Legislature of the State has not disposed of it, either directly or indirectly, but has in express terms refused to dispose of it by the very act which recognized the charter of these new companies. Therefore, you can not quiet these titles, you can not give peace and security and repose to these purchasers without an affirmative act of legislation, because a company that has no grant from either the United States or a State can not come within the provisions of that act for the adjustment of land grants; and therefore it is necessary that there should be affirmative legislation.

Nobody objects to that. Where, then, is the trouble in this matter,

and what is the contention, and why do I meet with so much opposition, when I am simply asking in behalf of these two classes of persons, actual settlers and purchasers, precisely what the Senate has done in the one case and what the House agreed to do and became a law in the other? Can a reason be given for it in an intelligent body? My colleague speaks of an act of ratification by the Legislature of Florida in 1879. This was only an act disposing of the land to purchasers along the line of the railroad completed within the ten years of the lifetime of the grant, and was limited to the completed lines before the war, and its passage is an evidence that there had not been even an attempt at a disposal by the Legislature before that time, even as to the roads completed before 1861. This act was passed ten years after the sale of the completed roads in 1869, and before the charter or organization of either of the companies claiming the remainder of the grant. It is a strange perversity of language to speak of this act as an act of ratification of a disposal of the grant to a company not then in existence, and which had not then built any part of the road from Tampa to Waldo or from Pensacola to Chattahoochee—a ratification of a future act. Such is the manifest error of this argument against the people's rights.

Mr. MITCHELL. I suppose if these companies or the company, or whatever it is—I do not know even the name of the companies or who the parties are——

Mr. CALL. That is immaterial.

Mr. MITCHELL. I do not know, I say, who compose the companies; I never heard the names; but I suppose the fact is, is it not, that the company which built this road is making claim to this grant? They claim that they are entitled to the grant by virtue of the completion of road, do they not?

Mr. CALL. Yes, they do; but I want to ask my honorable friend from Oregon, is not that claim in the face of the provisions of the law?

Mr. MITCHELL. Is it not a matter, then, for the courts to determine whether they stand on the same footing that other companies do in reference to which there is no question as to the grant, and who have completed their roads prior to this time?

Mr. CALL. I will ask my honorable friend, in answer to the question which he propounds to me, is it sufficient to govern him as a legislator that somebody shall say a claim has been made? He, occupying his high place and function here as a legislator, is sent here because it is presumed that his intelligence and judgment will enable him to discriminate whether a claim is well founded or in some degree of plausibility. I ask him, suppose that some corporation should claim this Capitol, would he say that that was a question for the courts to decide?

Mr. MITCHELL. In answer to that I will simply say this——

Mr. CALL. Yes, I ask my friend to answer that question.

Mr. MITCHELL. The mere fact that a railroad company or anybody else may make a claim in and of itself does not perhaps amount to very much, but it amounts to this much: it raises a question, and a very serious question, which I do not want to see lumbered into this case and ingrafted upon this bill, because I fear it may embarrass finally the passage of the bill, which I am so anxious to see passed, because the effect of its passage would be to throw open in the State which I have the honor in part to represent between three and four million acres of land that have been tied up for nearly a quarter of a century, where no road has been built, and yet the company is still hanging on to and claiming the lands. I want to see this bill get through some time and those lands thrown open to homesteaders and actual settlers. That is why more particularly I object to this amendment.

Mr. CALL. Then the Senator answers his own question. Of course, as a legislator, if any railroad or any other corporation—no matter about railroads; I have no hostility to railroad corporations—if any corporation or any individual was to claim this Capitol, the Senator would say it was absurd. Why? His judgment would point him to the legislation, to the public laws, which are notice to everybody, showing that such a claim was an idle pretense. He would not even refer it to the courts for consideration.

Now, this bill affects these grants and impliedly dispossesses these settlers. Affirmative action is required. The Senator from Kansas, the chairman of this committee, has shown here by his construction of the law that some affirmative action is necessary by Congress to protect these settlers. Not only that, but the public history and these records exhibit the fact that these people have been dispossessed and these lands have been sold. I produced the records of the circuit court here, showing that they have appropriated over 160,000 acres of land, the homes of these settlers, to the private fortunes of individuals who have had nothing whatever to do with the construction of a railroad. That shows the necessity of affirmative action.

Mr. President, how stands the case now in an intelligent judgment? There are these two classes of people upon a piece of land which, if these facts be true, is public land of the United States, but on which the Interior Department acted under some manifestly erroneous construction of law and assumption of facts which the public laws of the State of Florida show to be untrue, and we, as legislators, are charged with the function of investigating and knowing whether the public laws of the State of Florida, which were the predicate of that action of the Interior Department, existed. Here is the book of the statutes of Florida. The Interior Department said and assumed in their action that there was a law of the State of Florida which gave to the Atlantic and West India Transit Company, as the successor of the old Florida Railroad Company, the right to this grant upon the construction of the road to Tampa.

They assumed that as the predicate of their action. It does not need in an intelligent body of these Senators here to show that the grant of 1856 to the State of Florida upon condition of a disposal by the Legislature could not inure to the benefit of anybody without such a disposal by the Legislature, and if there be no disposal to be found, for it can only be found in the public laws, there is a plain question and easily settled. Why send the poor settler off of his home and say he must go to the courts, where he can never go, when, as legislators, we have said to the people of our States that we have the ability, the judgment, the intelligence, to know what the public laws of a State are upon investigation?

Now, there stands this case. I have challenged the production, and I do now here this minute, of any law of the State of Florida disposing of this grant at any time from Waldo to Tampa, either on direct terms or by indirect terms, or by implication, by one word or syllable. I challenge it now, and ask the production here of any law of Florida which gives to this company, or any company, or any individual whatever, any right, interest, privilege, or benefit under the act of the 17th of May, 1856.

This is a body of intelligent legislators who have said to the country they were capable of performing the august functions of legislation with regard to the rights of States and the interests of the people. Now I ask for the production of that statute. We are dealing with the rights of the people and of the States, and we are dealing with the rights of citizens of the United States under the laws of the United States. Nobody will deny that the very first proposition is to find a law of the State of Florida disposing of this grant.

Not only is that true, but I will not detain the Senate by reading the decision in the case of Van Wyck *vs.* Knevals, which in all its details asserts this proposition and in express terms denies the power of the State either to receive a certification of land or to dispose of it except by 120 sections before the commencement of the road, and then as each successive 10 miles is built. Now, that is the law, and I will insert in my remarks in the RECORD extracts from that decision to show that that is the unquestionable declaration of the Supreme Court of the United States, and can not we see that that is the necessary declaration?

Now, what is the remainder? The remainder is that the unoccupied portions of this assumed grant claimed by these railroad companies or the individuals behind them shall be open to homestead entry and settlement. That is the whole story.

The Senator from Kansas said that there was no authority for these propositions of mine as matters of fact, but here is the bill passed by the House of Representatives forfeiting this grant twice and here is the report of Mr. PAYSON at considerable length. The report of Mr. PAYSON, from the House Committee on Public Lands, made in the last Congress and containing the report of the Commissioner of Public Lands, Mr. Sparks, upon the subject, forfeits absolutely and entirely this grant. There has passed the House on three separate occasions an absolute forfeiture of the entire grant. The Senate has declared by an amendment that it had authority and jurisdiction over the uncompleted portions of the grant in 1866 when it expired, and it passed a bill providing for the issue of a patent to every actual settler. In the land-adjustment act, if this land is embraced within the class of grants which have taken effect, it has provided exactly what this amendment provides, for giving a patent to all purchasers in good faith.

So you have now for authority three affirmative acts of legislation in the House affirming that this grant has never taken effect under the peculiar circumstances of the case, and you have an affirmation on the part of the Senate that it has the power, not asking the consent of any railroad company, grantees, or any one else, to protect the actual settlers upon it. You have therefore the affirmative action of both branches of the Congress of the United States in support of this proposition.

Then what more? You say that this will produce litigation. The Senator from Kansas says it will sow discord. How will you promote discord and litigation by giving a man who claims under a deed another deed to his property? Does that make invalid his first title? If these people have a title under the railroad companies, does it hurt them to give them a title under the United States and a patent from the United States?

Is there is no doubt in a case where the House of Representatives have three times affirmed the power and the duty of the Government to a forfeiture? Who can tell, no statute of limitation running against the United States, when this body will concur in the action of the House and make an absolute forfeiture? Is not that a reason to make it a secure title? And shall we keep this condition of things hanging over the actual settlers and the honest purchasers who have been allowed to purchase and pay their money for what is evidently upon the record in this case no title and no right?

Mr. PLUMB. Will the Senator allow me to interrupt him a moment?

Mr. CALL. Certainly I will.

Mr. PLUMB. Does he not recall the fact that Congress, by an act approved March 3, 1887, confirmed to every purchaser from a railroad company under certain conditions the title he had got from that railroad company?

Mr. CALL. I do.

Mr. PLUMB. Then does he not see that whoever is lacking title in the limits of these railroad grants would not be concerned about that question, no matter what we may do now or whether we do anything or not?

Mr. CALL. Well, the difficulty in the Senator's proposition is just this: If there had ever been a disposal of this land by any Legislature of the State of Florida, if the act had not exhausted itself for the want of a location in the lifetime of a grant, as the Supreme Court, as I understand, always decided that there must be something done by the grantee in the lifetime of the grant—and such is the decision in the case of Van Wyck against Knevals—if there had been a disposal of this land in the lifetime of the grant, if there had been a location of the line of road within the lifetime of the grant, if there had been a disposal afterwards, possibly that might have come, and probably certainly would, within the provisions of that act.

But I have asked, and I now ask the Senator from Kansas—for he is familiar with the subject which has been considered by the committee—to produce the act of the Legislature of Florida that either in direct or in indirect terms grants any interest in the uncompleted part of this line from Waldo to Tampa to the railroad company.

Mr. PLUMB. Then let me put this question to the Senator: If the State of Florida has not done this thing, which he says it has not, how can this company acquire any rights whatever to the land; and, further, why can not he trust to the Legislature of his own State, to the people whom he represents on this floor and whom he must certainly esteem to be good people and just people, the settlement of this question, when it is so completely within their control to be settled?

Mr. CALL. I will tell the Senator why. In the first place, it is not within their control. If these facts be true, the title to this land is in the United States, and all the legislation of the State of Florida could not affect it.

Mr. PLUMB. Very well; then if it is in the United States, only a statute of the United States can divest it.

Mr. CALL. Divest it out of the United States?

Mr. PLUMB. Yes, out of the United States.

Mr. CALL. Exactly, and that is what I am asking for precisely. I agree with the Senator.

Mr. PLUMB. Then, if that be true, the utmost the Senator can say would be that if this bill passes it would not affect these lands at all, and the whole question would be open for the passage of some subsequent act which should be related to the specific facts in this case, which the Senator might produce, either by the affirmative action of the Legislature of Florida or otherwise.

Mr. CALL. There are three things in legislation. One is a clear case and one is a doubtful case, when a statute obscures a right and makes it possible for a local court to be swayed under the inducements and the influence and the public opinion which a great corporation gathers, or a very rich man gathers, as against a great number of people who can not combine, who can not go into the courts. A statute of that kind is equal to a positive enactment depriving them of their rights. So it is in this case. My colleague is familiar with the laws of Florida. He has been a member of the Legislature, and lives in one of the counties where this grant exists and where a road has been built for many years, completed before the war, in 1861. I ask him now to point to the statute of Florida passed since the 17th of May, 1856, which in any way whatever gives to any railroad company a right in this land.

My colleague could find yesterday only one, a statute—not a statute which gave the land to any one, but which did not give these lands to any railroad company; but it said that the companies whose roads had been built under the internal-improvement act should be bound by the stipulations contained in the act of 1856. That might very well be and yet not grant any land to them. One statute might impose the conditions and limitations of another without making a grant of anything in it.

The act of Congress requires a disposal by the Legislature. But what then? That statute, the only one he could find, was passed after the ordinance of secession; and he is driven here to this refuge in order to find some sort of an indirect, obscure, shadowy, vague, remote, and uncertain recognition, even if it were so, of a disposition under this act. We are driven to a statute passed by the State after the ordinance of secession regulating the land grants and titles to landed property of the United States. Such is the poverty of the argument. Why, Mr. President, there is no argument in that proposition.

If there is a law, find it. I have shown here in the statutes of the State where this company that now claims the right to this land as the successor of a former company whose charter and franchise were sold under the internal-improvement act, which forbade its sale except as a completed road, after completion, where this company claiming as the successor under that sale goes into the Legislature after the sale and the Legislature passes a confirmatory act and says that the provisions of the internal-improvement act shall be applicable to this newly organized company under this purchase, provided it shall apply only to the road built. Now, it is under that old internal-improvement act that the predecessor, if it had any right, would have had a right, and there is the statute of the State limiting its rights to the road already built, not to that built since that time. And yet they claim 550,000 acres of land, worth anywhere from two to five million dollars, and they have ejected and are ejecting the settlers upon that tract of land.

As I said before, about 170,000 acres of this 550,000, as shown by the records of the circuit court of the United States, which I have produced here, to be the property of two men—one a lobbyist, who gets 82,000 acres, the records stating that to be the fee paid to him; and the other, for money advanced to pay taxes on the completed road, not for the construction of the road. Yet that 550,000 acres of land has been sold, with the exception, perhaps, of not more than one or two hundred thousand acres, and the settlers upon it ejected, even since the order of reservation, who were excepted by that, and sold in large quantities to men who had invested their money and made their homes upon it.

The Senator from Kansas says that there is no evidence here that there are any people in Florida who have been affected by this transaction. I have presented at every session of Congress, and I have them now here with me, the petitions of several thousand people. Let us see. They were sent me some years ago, but they know that this matter has been before Congress time and again, and that it is no use to renew petitions here, but they are still here represented by me and they are advised at every session that I am doing the best I can to protect their rights. Here is one of them. This was in 1884:

> The undersigned would respectfully represent that for many years a large quantity of valuable land, situated in this and adjoining counties, has been withheld from sale and settlement to aid in building, as alleged, a railroad from Amelia Island to Tampa Bay.
>
> By act of Congress approved May 17, 1856, certain lands were granted to the State of Florida to aid in the construction of said road.
>
> Near twenty-eight years have elapsed since said grant was made and yet there is no railroad in this county.
>
> The petitioners therefore respectfully ask of your honorable bodies that the subject be investigated, and, should it appear that said lands have been forfeited by non-compliance with the conditions of the grant, that the same be declared forfeited and subject to sale and entry as other public lands belonging to the United States.

Here are a great number of others. Here is one from Mr. L. E. Barwick, a very prominent man and a highly honorable, influential, and distinguished citizen in that part of the State. There they are. What more is there? Here is the report of the Secretary of the Interior made in 1884 to this Congress:

> The number of homestead cases in Florida that are in conflict with railroad, swamp, and other grants can not be accurately ascertained without an examination that would consume more time than would be warranted by a respectful answer to the Senate resolution. As an estimate I might say that there are probably two or three thousand of such cases.

Mr. President, here are four or five thousand people. These are all men. There are a great many women and children attached to them. Suppose you average them at five to a family. These are the public documents before the Senate. These are petitions presented by me. That is an official report from the Secretary of the Interior. Here are twenty-five or thirty thousand people who at different times have been before this body calling attention to these facts.

What is there in this case for an intelligent body? That is not the whole of this matter. Under the swamp and overflowed land act what have been the methods of selection? I make no imputation upon authority, either State or Federal, but almost the entire body of the public domain in Florida, with some very inconsiderable exceptions, has been withdrawn from occupation and settlement by the people under the homestead laws. Do we approve that? Is that the object of our public efforts? Is that the public policy of the United States? The whole State was bought from Spain. With $6,000,000 the property interest in this soil was acquired; and now large portions of it are transferred to foreign and alien ownership, depriving our own people of their right to their homes upon this public land.

I say to the Senate there is no law; the State of Florida has never promised this land to the railroad companies or individuals who claim it; the State of Florida has never indicated a disposition to give it to them, has never asked them to build the railroad upon the condition of this grant. The State of Florida in 1868, so far from disposing of the land to them, by a joint resolution came to Congress and said, "We have not complied with any of the conditions of this grant; so far as the uncompleted portions of this line are concerned we do not claim it; we ask Congress to revive it upon condition that this very company claiming as the successor of the Florida Railroad Company should never have any right, benefit, or interest in it."

Now, there is the law. There is the joint resolution. Is it of no significance; has it an inside history? What is an inside history of a sovereign legislative act? Who is concerned with the motives or the intention except as derived from that act? The act of Congress said the Legislature shall dispose of this land. You find no act of the Legislature disposing of it. You find the governor's certificate, the official declaration of the Department here that the Legislature had not disposed of it and he would not receive the certification. What is the significance of that fact? Surely we are capable of judging. That is a very plain proposition, and need not be obscured by saying there

has been acquiescence. What is the acquiescence where a public law is needed to do an act? How can you say there has been acquiescence, because the law has not been passed? Acquiescence by whom? Acquiescence in what?

Mr. President, these ideas have no foundation in reason. They have not the predicate even of a foundation. The act of Congress says the Legislature must dispose of the grant. The governor says the Legislature has not disposed of it. My colleague said that the attorney-general was of opinion that the disposition under the act prior to the act of May 17, 1856, would be a valid one, but the governor, who was the official head of the State, differed in opinion with him and would not receive the certification; and even if that had been true, that act ceased, became inoperative, died, in 1868, and has never been revived as to the provisions giving land to anybody, but has been expressly negatived.

I say therefore that this is a case which there is no kind of doubt about, and there is no excuse for our not knowing everything about it. My colleague said that this act would unsettle titles to this country, that the whole theory of my amendment was to unsettle titles. How you can unsettle a man's title by giving him another title, even if he has got a good title, how his title becomes bad by somebody else giving him another one, and particularly under the circumstances of this case, it is very difficult to realize. A bad title will not make a good one bad.

But I want to show my colleague how much he is mistaken. The land in the section of country in which he lives was never granted to any railroad company. There was no land there to be selected. In the county in which he lives, which is one of the largest and most prosperous in the State of Florida, and one of the most beautiful in the world, there were just 1,902.43 acres selected under this grant. This is the official statement of the Commissioner of Public Lands as to the number of acres in my colleague's county. It would not disturb those people very much to have a patent from the United States, even if I had not excepted the completed portions of the line from the operations of this amendment.

In Leon County, which adjoins the county in which my colleague lives, there were only 14,006.35 acres; in Liberty County, there were only 11,056.35 acres; in Madison County, there were 72,113.36 acres. But when you come now to Suwannee County, there were 122,138.45 acres; in Columbia County there were 20,077.‸9 acres; but when you come to the counties in West Florida, you find in Santa Rosa, 214,502.02 acres, over the uncompleted portions of the road; in Taylor, only 1,717.53; in Walton, 316,068.17 acres; and in Washington, 166,969.24 acres, covering the entire country with the swamp and overflowed land grants, depriving those people of the opportunity of building railroads to their own community, excluding them from the privilege of homestead settlement and entry and actual cultivation.

I see in the papers an advertisement of the parties claiming this land under this old reservation. I saw it in the Washington papers a short time ago, advertising to sell these 600,000 acres to a syndicate of foreigners. That means a tribute to levy upon the labor of the people who will live in Florida to pay the purchase price of land which the Government has given to them, and which neither the Government nor the State has given to the railroad companies; and they are to be compelled to pay years of their labor to aliens, non-residents, and perhaps foreigners.

I want to show to the Senate and to put in the RECORD at all events, where anybody can read it, and for my own vindication, what is the exact condition of these reservations. I want to show how they were made and to show it from the official reports. Here is a report, in the year 1884, of Mr. Teller, the Secretary of the Interior, and which will disclose a remarkable state of things.

The Senator from Kansas, whose declarations carry weight with them, as the chairman of the Committee on Public Lands, has rested this case upon the proposition that a certification made by the Commissioner of the General Land Office to a State upon the passage of an act, which he says was the custom some years ago, passed the title irrespective of the provisions of the act; that when that was done the State acquired a title and right to something.

Now, I want to show precisely how this reservation and alleged certification occurred in this case. Before doing so, I wish to call attention to the fact that the laws of the United States in express terms forbid that a certification shall have any effect whatever unless it is in strict conformity to the language and the intention of the act of Congress. Now, let us see what that is. This is section 2449 of the Revised Statutes, and I ask the attention of such Senators as take an interest in having the laws of the United States properly enforced in respect of rights of property and the property rights of citizens under the Government, to these provisions:

SEC. 2449. Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories and where such law does not convey the fee-simple title of the lands or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land Office, under the seal of his office, either as originals or copies of the originals or records, shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these land are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

What is the effect of that statute of the United States upon a certification made on the very day of the approval of an act, before any disposal by the Legislature, as required by the act, before any location of a line, as required by the act, before any provision of a map, as required by the act, and a certification comprehending 669,000 more acres of land than the act required when the road was completed? There were 669,000 more acres of land embraced in that certification than the completed part of the road required, and yet we are told that this certification passed the interest of the State, and that it can never get it out; that the State could not get it out by coming here to Congress and saying by joint resolution "We are not entitled to it."

The settlers can have no rights here of legislation upon the exhibition of these facts in the public records. We can pass no law for their relief. They must go to the courts. Now, let us see what this report of the Secretary of the Interior says:

The Pensacola and Georgia Railroad Company was organized to construct that portion of the road running from Lake City to Pensacola, and the grant for that portion of the road conferred upon them by the State.

That was not true. The Secretary did not understand what he was talking about. The internal-improvement act granted that, but the internal-improvement act did not grant to the Pensacola and Georgia Railroad Company the benefits of the act of the 17th of May, 1856. The internal-improvement act in the twenty-sixth section, passed one year before the act of May, 1856; the Legislature said it would give to the roads that shall actually construct the lines the benefits of the act so far as they have been constructed.

The Pensacola and Georgia line never did construct a line to Pensacola, and therefore it was not entitled, and therefore this declaration is not true. The State did not give it to the Pensacola and Georgia road, and the very section of the act shows that they could not give it, and the act did not propose to give it, unless the company built the road; and they never have built the road to this very day from Quincy to Pensacola. The road was sold out in 1869 by the trustees of the State and bought in, and it remains to this day a defunct corporation, never having built a foot of it.

Now, let us see what we have. This corporation never did build this line of road and is now dead, without a successor, because the act of the Legislature which I have quoted here prohibited it from ever building the road when they organized the Jackson, Mobile and Pensacola Railroad Company and gave them the right to build the road, and gave them $4,000,000 in money bonds, payable in taxes, to do it. Now, let us see:

No evidence of the construction of any portion of this road has been filed in this office.

That was in 1884, and yet here is a reservation and a certification of 1,700,000 acres, and "no evidence whatever filed in that office that the company built any portion of the line of road."

This act of Congress says the State shall not dispose of the lands, that they are to be disposed of by the Legislature and only in the manner provided. How is that? One hundred and twenty sections may be sold before commencing, after the State has disposed of it, and then as each 10 miles is built. That is what the act says. Here are nearly 2,000,000 acres of land reserved upon the day that this act was approved without any action of the State and certified. Let us see what further:

But the road is believed to be constructed and in operation from Lake City to Chattahoochee River, a distance of, say, 150 miles. Had the whole length of road located (307 miles) been constructed, the State would have been entitled to 1,178,880 acres of land, provided so much vacant and unappropriated land could have been found within the limits of the grant. Prior to October 30, 1860, 1,275,579.52 acres were approved to the State for the benefit of this road. It will be observed that said amount exceeds by 96,779.52 acres the entire amount that the State would have been entitled to had the whole length of road (307 miles) been constructed; also, that it exceeds by 699,579.52 acres the amount the State could properly receive and sell upon evidence of the construction of 150 miles of road.

Mr. President, what shall be said of this transaction and what of its validity? There was no act of the Legislature, the governor declaring here on record that the State Legislature had not disposed of it; the State Legislature prohibited from even receiving title to it until it had authorized the location of the line and disposed of it to somebody, and we have a reservation and certification, without authority either of the act of the 17th of May, 1856, or without authority of the State Legislature, of 669,000 more acres of land than there ever was road built either with or without the authority of the State.

Mr. President, inasmuch as the lands in the State of Florida have been almost entirely withdrawn from the operation of the homestead and pre-emption laws of the United States and inasmuch as the land has been sold in large quantities and the money of the people taken without, as I think, any title whatever, I have considered it my duty to endeavor to secure peace and repose and certainty to the titles of the people of the State. Congress has certainly been negligent in the performance of its duty. It has allowed this matter to go on.

I have no hostility to railroad corporations. I am opposed, it is true, to concentrating the dominion of the soil and the corporate right of transportation in one owner, whether a natural person or a corporation. I believe that is the public sentiment of the country, and the rightful

public sentiment of it. But I would to-day vote a reasonable quantity of land under proper terms for the construction of a railroad in localities where the property of the people would be benefited by it, the conditions being rigorously applied, or I would prefer to put a specific tax upon the land as a tax for railroad construction of such line of railroad as would benefit the land through which it passed or adjacent to it, in such contiguity as would enable it to be useful to the people, for I think every part of the country has a right to its facilities of transportation and to all the improvements and public economies of the people in every part of the country, and that no better use could be made of the public domain than to affix a specific tax which would enable the construction of railroads which were proper and useful to that particular locality, and I should readily vote for it.

Nor have I any objection to this credit being taken by the enterprising men, men of large business faculties and capacities, who are competent and can obtain the credit for the construction of these great improvements. I have never failed to give such men credit even in the presence of that adverse feeling which has grown up, and naturally and properly grown up to a great extent, by the abuse of corporate power and corporate privilege.

But that is not the question here. The question here is a whole body of country to which there is no title whatever, upon which there are many deserving people, some actual settlers and others purchasers, who have no right and no title whatever, and who are liable at any moment to be dispossessed. The Senator from Mississippi [Mr. GEORGE] has exhibited in a most conclusive argument here and the decisions of of the Supreme Court direct and to the point that under the act of May 17, 1856, there could not possibly be any title without a disposal by the Legislature, and not an acquiescence, but an affimative disposal. I have shown here that there was not only no disposal, but a denial all through of the right of these people.

Yet here is a whole country that has been sold out and occupied, and no title, every man's home in insecurity, and the first man who discovers a sufficiently valuable property there and who is able to maintain a lawsuit in the Supreme Court of the United States can upset the entire title of the people of that country.

Therefore, upon this general forfeiture bill, whose provisions cast a doubt and a very grave doubt upon the rights of people hereafter to maintain litigation even if they were able to do so, I have introduced this provision to give a patent from the United States, not to the railroad company, but to the actual settler; second, to the purchaser in limited quantities, either two, three, four, or five sections, I care not which; and, thirdly, to open the remainder of this land, which is unquestionably public land, to the actual settler under the homestead laws of the country.

Mr. President, that is the contention I have been making here and that I shall continue to make in the hope that a settlement may be had of this question at as early a day as possible.

What, now, is the cpposite side of this question? Who are the parties interested in refusing a patent to the settler and the purchaser and opening the remainder to homestead settlement? There are half a dozen only. They are the men who have acquired a claim to a very large portion of this domain. That is all. There is no railroad built with this land. The record shows that the land has been appropriated to other purposes.

Therefore I have considered it my duty to urge, and I shall continue to do so in every possible way, the protection of these people by some affirmative act of legislation added to this bill. I hope the Senate will not be led off by considerations which are evidently not founded in reason from doing what is a plain duty and which can not hurt anybody or deprive anybody of his legal right. As the Senator from Mississippi said, if my colleague is right and if the Senator from Kansas, the chairman of the committee, is right, and a valid title has accrued to these people, this legislation will not disturb them. They have the means to go into the courts and litigate it. They are great corporations. They collect great tributes from the people.

Now, I ask the Senate to protect these poor people who have not money, who do not levy tributes, who can not go into the courts. I ask you to protect the great body of the people from having a business carried on of selling their homes and improvements and turning their wives and children out upon the public highways, deprived of the labor of years, as I have read you in repeated letters.

I have just a single letter here which I wish to read. It touches lightly upon this subject, but I think it may convey some admonition to the Senate as it comes from the body of the people. It shows the great surging waves of public feeling that are sweeping all through this country, and of which I think we may well take heed, for we are not far enough removed from the people not to be the creatures of their favor or the victims of their displeasure. There is a feeling in this country that there has been too much of land monopoly, too much of corporate power, too much oppression, and too little care on the part of Congress of the rights of these humble, but meritorious and most worthy people, who are the support of the Government and of all our institutions.

LURAVILLE, FLA., *April* 18, 1890.

DEAR SIR: Allow me the liberty to write you in reference to a matter of vital interest. I am a farmer, an Alliance man, in full sympathy with all that pertains to our interests, personal, sectional, and national. A mighty wave of unrest is sweeping over our beloved country. Days are coming in the near future that will try men's souls. Mighty wrongs may be done that necessary rights be established. Our nation is on the verge of a great revolution. The honest yeomanry, the nation's strength, demand their rights as against favored monopolists and combines, which are fostered and sustained by national legislation.

We demand equal rights to all, special privileges to none. We in your Congressional district look to you to maintain our rights for us in the United States Senate. From some things you have already done we believe you will fight for our interests. We believe you will succeed.

The farmers understand and want the subtreasury bill, known as H. R. bill No. 7162, or Senate bill No. 2806, or something of the same nature and better, passed and made a law. They ask it as an important measure in behalf of their rights and justice.

We are watching every move made by the members of Congress in regard to this measure and will hold each responsible. We will not be deceived about it.

Our committee on legislation of the National Farmers' Alliance and Industrial Union is located in the city of Washington, and C. W. Macune, of 511 Ninth street, northwest, is chairman of said committee. We earnestly desire that you confer with him in regard to the matter. He will give you the best evidence of the position the farmers are taking and of their determination to have a change in national legislation and the administration of our Government. Like our ancestors of 1776, we will have matters righted, whatever may be the cost. We will be so proud to see our CALL one of the champions of the interests of the farmer as against those whom national legislation has helped to oppress us. I need not particularize; your knowledge of the workings of Government, especially for the last twenty-five years, will, I think, satisfy you of the justness of our claims and demands.

We want to do no wrong, but we will be righted. We need your wisdom, we are entitled to it, to assist us. Brother Macune will receive petitions from many hundreds of thousands of farmers, which will be presented to the members of Congress. These petitions are not obtained by bribery or fraud, are not meaningless expressions, but they represent the sentiments and wishes of the honest yeomanry. Every sentiment is deeply rooted in the heart of every petitioner, and we will stand together, as against all else, until our rights are conceded and established.

As your friend I am commissioned to write you in the matter. I have confidence in your ability and fidelity. May I hope that your acts in the premises may bind the yeomanry of our district, State, and nation to you as an unswerving and indomitable advocate of our cause?

With highest regard I have the honor to be, yours truly,

JOHN W. RICE.

Hon. WILKINSON CALL, *Washington, D. C.*

Now, Mr. President, I take great pleasure in reading this letter and in responding to its sentiments. So far as I have any influence in public affairs, it will be exerted in the direction of their ideas and their interests. With these people I sympathize. I think that great interest has a right to be heard and to be potentially heard in the laws which shall be passed here, and to have the financial system and the currency and the tax and customs levies adjusted for their interest. One of those laws is that the land of the country, by its public policy, wherever it may be done without wrong and injustice and violation of vested rights, shall be secured to the occupation and settlement and cultivation of the people who live upon the land in free homes.

Therefore, Mr. President, I have presented the amendment to this bill. It is an amendment giving peace, repose, and security and right and justice to every man, and injustice to none. If adopted it will leave the farmers and fruit-growers and the State free of a great debt and burden. If it fails and all other legislation fails, it will leave them impoverished for many years with the payment of ten or eleven millions of dollars of purchase-money for their homes.

Mr. DOLPH. I move to lay the amendment of the Senator from Florida [Mr. CALL] on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. DOLPH] to lay the amendment offered by the Senator from Florida [Mr. CALL] on the table.

Mr. PASCO. That is not the pending amendment. The pending amendment is the substitute offered by myself.

The VICE-PRESIDENT. The motion to lay on the table takes precedence of a motion to amend.

Mr. PLUMB. Let me suggest to the junior Senator from Florida to withdraw his amendment for the time being.

Mr. PASCO. That is what I rose to do. It is my desire, Mr. President, to do nothing that may appear discourteous to my colleague; and it was my intention as soon as the discussion closed to withdraw my substitute in order that there might be a square vote upon his amendment.

I have nothing further to say in the argument of this question. I have said all that I care to say, before. I do not think that the views which I presented yesterday have been answered, but I wish to give my colleague an opportunity to have a vote upon his proposition, and I will withdraw the substitute that I offered. I shall renew it again in case his amendment fails.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Oregon [Mr. DOLPH] to lay on the table the amendment offered by the Senator from Florida [Mr. CALL].

Mr. CALL. On that question I demand the yeas and nays.

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

Mr. CULLOM (when his name was called). I am generally paired with the Senator from Delaware [Mr. GRAY]. He is not present, and I will therefore transfer my pair with him to the Senator from Massachusetts [Mr. HOAR], who has left the city for a while, and I vote "yea."

Mr. FAULKNER (when Mr. DAVIS'S name was called). The pair

of the Senator from Minnesota [Mr. DAVIS] with the junior Senator from Indiana [Mr. TURPIE] has been transferred to the senior Senator from Indiana [Mr. VOORHEES].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. FAULKNER (when Mr. KENNA'S name was called). My colleague [Mr. KENNA] is necessarily detained from the Senate to-day. He is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. RANSOM (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

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

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. He is not in the Chamber, and I therefore withhold my vote.

The roll-call was concluded.

Mr. HAMPTON. My colleague [Mr. BUTLER] has been called out of the city, and he is paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WALTHALL. My colleague [Mr. GEORGE] is unavoidably absent and is paired with the Senator from New Hampshire [Mr. BLAIR]. If my colleague were here he would vote "nay."

Mr. FRYE. My colleague [Mr. HALE] is absent from the city and is paired with the senior Senator from Kentucky [Mr. BECK].

Mr. DAWES. My colleague [Mr. HOAR] is absent necessarily from the city. He is paired with the senior Senator from Delaware [Mr. GRAY].

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN] who is not in his seat, and therefore I can not vote. If he were present, I should vote "yea."

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is unavoidably absent to-day and is paired with the Senator from New York [Mr. HISCOCK]. If my colleague were here, he would vote "nay."

The VICE-PRESIDENT. The Senator from New York [Mr. HISCOCK] has already voted. The attention of the Senator from New York is called to the statement made by the Senator from Arkansas.

Mr. BERRY. I stated that my colleague was, as I understood, paired with the Senator from New York.

Mr. HISCOCK. If the Senator from Arkansas [Mr. JONES] has not voted, I withdraw my vote.

Mr. SHERMAN. Before announcing the result, I wish to say that I think quite a number of Senators here are paired. If so, I think they ought to arrange their pairs so as to vote if there is any doubt about a quorum. There is more than a quorum of Senators present.

Mr. HARRIS. Let the vote be announced.

The result was announced—yeas 27, nays 14; as follows:

YEAS—27.

Aldrich,	Dixon,	Jones of Nevada,	Sawyer,
Allen,	Dolph,	Mitchell,	Sherman,
Allison,	Farwell,	Moody,	Squire,
Casey,	Frye,	Morrill,	Stewart,
Chandler,	Hawley,	Paddock,	Stockbridge,
Cullom,	Higgins,	Plumb,	Teller.
Dawes,	Ingalls,	Power,	

NAYS—14.

Bate,	Coke,	Harris,	Turpie,
Berry,	Daniel,	McPherson,	Vest.
Call,	Eustis,	Payne,	
Cockrell,	Hampton,	Reagan,	

ABSENT—43.

Barbour,	Evarts,	Kenna,	Sanders,
Beck,	Faulkner,	McMillan,	Spooner,
Blackburn,	George,	Manderson,	Stanford,
Blair,	Gibson,	Morgan,	Vance,
Blodgett,	Gorman,	Pasco,	Voorhees,
Brown,	Gray,	Pettigrew,	Walthall,
Butler,	Hale,	Pierce,	Washburn,
Cameron,	Hearst,	Platt,	Wilson of Iowa,
Colquitt,	Hiscock,	Pugh,	Wilson of Md.
Davis,	Hoar,	Quay,	Wolcott.
Edmunds,	Jones of Arkansas,	Ransom,	

The VICE-PRESIDENT. No quorum having voted, the roll will be called.

The Secretary called the roll and the following Senators answered to their names:

Aldrich,	Dixon,	Ingalls,	Power,
Allison,	Dolph,	Jones of Nevada,	Ransom,
Bate,	Eustis,	McMillin,	Reagan,
Berry,	Evarts,	McPherson,	Sawyer,
Blackburn,	Farwell,	Manderson,	Sherman,
Call,	Faulkner,	Mitchell,	Squire,
Casey,	Frye,	Moody,	Stewart,
Chandler,	Hampton,	Morrill,	Stockbridge,
Cockrell,	Harris,	Paddock,	Teller,
Coke,	Hawley,	Pasco,	Vest,
Colquitt,	Hearst,	Payne,	Walthall,
Cullom,	Higgins,	Pettigrew,	Wilson of Iowa.
Dawes,	Hiscock,	Plumb,	

The VICE-PRESIDENT. Fifty-one Senators have responded to their names—more than a quorum. The question recurs on the motion made by the Senator from Oregon [Mr. DOLPH] to lay on the table the amendment of the Senator from Florida [Mr. CALL].

Mr. SHERMAN. A quorum being now present, I give notice that whenever there is a quorum present in the Senate, even although the vote does not disclose a quorum, I shall insist on the adoption of the sensible rule that Senators shall be counted and announced by the Presiding Officer as being present. I give that notice.

Mr. HARRIS. I have not heard a word the Senator from Ohio has uttered.

Mr. BLACKBURN. May I inquire what was the statement of the Senator from Ohio? He could not be heard distinctly in my neighborhood.

Mr. SHERMAN. I will repeat that hereafter when there is a quorum present, and more than a quorum present, and on account of pairs, and in the absence of some Senators, a quorum does not appear as voting, I shall insist that the Chair decide the question, and name the Senators present who are entitled to vote and who do not vote.

Mr. COCKRELL. Disregarding their pairs?

Mr. SHERMAN. No, not disregarding their pairs, but announcing the presence of a quorum.

Mr. COCKRELL. How will they be counted if they can not vote and how will you make a quorum?

Mr. SHERMAN. I can not now decide that question.

Mr. BLACKBURN. May I ask the Senator a question?

Mr. SHERMAN. Certainly.

Mr. BLACKBURN. Is it his purpose to disregard the pairs of Senators, or to disregard the rule of the Senate, and authorize its Presiding Officer to do what the Speaker of the House has been recently engaged in doing, counting members as present in violation of their obligation which a pair imposes?

Mr. SHERMAN. I would not break a pair in any case. I do not wish to name any one, but there are one or two Senators present whose pairs have not yet been announced on the last vote who did not vote, and I think it is the duty of every Senator present to vote. This is the position I have always stood upon. I have never been present unpaired that I did not feel it my duty to vote.

Mr. BLACKBURN. I agree to that.

Mr. SHERMAN. I think to-day one or two Senators probably who did not care to vote have not voted, and therefore a quorum was broken up. In such a case as that, I think the fact of their being present and their presence constituting a quorum might properly be announced by the Chair.

Mr. BLACKBURN. Will the Senator allow me to ask him a question?

Mr. SHERMAN. I believe that the rule now adopted in the House of Representatives is in exact accordance with our own rules and with the Constitution.

Mr. BLACKBURN. Will the Senator answer me one other question?

Mr. SHERMAN. Oh, yes.

Mr. BLACKBURN. Does the Senator, in the face of the rules under which this body operates and acts, hold that it is in the power of the Presiding Officer to recognize as present any Senator who under his obligation, as he construes it, thinks that he has no right to vote?

Mr. SHERMAN. Mr. President——

Mr. PLUMB. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Kansas will state his point of order.

Mr. PLUMB. My point is that while the roll-call is pending debate is out of order.

The VICE-PRESIDENT. The Chair holds that the point is well taken, and debate is out of order.

Mr. BLACKBURN. I am not debating it.

Mr. CULLOM. If I may be allowed a word, I wish to state that by the roll-call, as I understood, there was but one vote lacking of a quorum, and that vote is present now which was not present then.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Oregon [Mr. DOLPH] to lay on the table the amendment offered by the Senator from Florida [Mr. CALL].

Mr. BLACKBURN. Mr. President, if I be in order, I will ask unanimous consent to have time given to the Senator from Ohio to answer the question that I propounded to him.

Mr. SHERMAN. I would rather not answer now. There is a nondebatable question pending, a motion to lay on the table, and debate is not in order.

The VICE-PRESIDENT. The roll-call will proceed.

The Secretary proceeded to call the roll on the motion of Mr. DOLPH.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

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

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called).

My colleague [Mr. JONES] is paired with the Senator from New York [Mr. HISCOCK]. If my colleague were present, he would vote "nay."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Vermont [Mr. EDMUNDS], but I transfer that pair to my colleague [Mr. MORGAN], and that enables the Senator from New York [Mr. EVARTS] and myself to vote. I vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Minnesota [Mr. DAVIS], but I transfer that pair to my colleague [Mr. VOORHEES] and I vote "nay."

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

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON] and withhold my vote.

The roll-call was concluded.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES], and the Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. We have arranged to transfer our pairs, so that the Senator from Arkansas [Mr. JONES] is paired with the Senator from Pennsylvania [Mr. QUAY], and I vote "yea."

Mr. FAULKNER. Under the arrangement announced by the Senator from New York I vote. I vote "nay."

The result was announced—yeas 31, nays 18; as follows:

YEAS—31.

Aldrich,	Dolph,	Jones of Nevada,	Sawyer,
Allen,	Evarts,	Manderson,	Sherman,
Allison,	Farwell,	Mitchell,	Squire,
Casey,	Frye,	Moody,	Stewart,
Chandler,	Hawley,	Morrill,	Stockbridge,
Cullom,	Higgins,	Paddock,	Teller,
Dawes,	Hiscock,	Plumb,	Washburn.
Dixon,	Ingalls,	Power,	

NAYS—18.

Bate,	Coke,	Hampton,	Reagan,
Berry,	Colquitt,	Harris,	Turpie,
Blackburn,	Daniel,	McPherson,	Vest.
Call,	Eustis,	Payne,	
Cockrell,	Faulkner,	Pugh,	

ABSENT—35.

Barbour,	George,	McMillan,	Spooner,
Beck,	Gibson,	Morgan,	Stanford,
Blair,	Gorman,	Pasco,	Vance,
Blodgett,	Gray,	Pettigrew,	Voorhees,
Brown,	Hale,	Pierce,	Walthall,
Butler,	Hearst,	Platt,	Wilson of Iowa,
Cameron,	Hoar,	Quay,	Wilson of Md.
Davis,	Jones of Arkansas,	Ransom,	Wolcott.
Edmunds,	Kenna,	Sanders,	

So the motion to lay the amendment on the table was agreed to.

Mr. PASCO. I now renew the amendment I moved last evening, adopted two years ago without division. I trust it will be so at the present time.

Mr. REAGAN. Let the amendment be read.

The CHIEF CLERK. It is proposed to add a new section, as follows:

That all actual settlers on any of the public lands in the State of Florida affected by the grants, who made actual settlement on any of said lands after the time limited in the granting act for the construction of the said road, and before May 1, 1888, shall have the right to perfect their entries, respectively, under the homestead and pre-emption laws.

Mr. MITCHELL. As this matter has been discussed now three days fully, I think the sense of the Senate ought to be tested now. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon to lay the amendment on the table.

Mr. PASCO. I wish the Senator from Oregon would repeat what he said. It was not heard distinctly on this side of the Chamber.

Mr. MITCHELL. I do not hear the Senator from Florida.

Mr. PASCO. I ask the Senator from Oregon to repeat his remarks. This is precisely the amendment that was adopted on the last forfeiture bill passed by the Senate and was accepted without a division two years ago.

Mr. MITCHELL. I understand that; but my remark was that the proposition had been debated now some two or three days in connection with other matters here, and I thought the Senate ought to decide it without further delay.

Mr. PASCO. There is no disposition to debate the matter further.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon to lay the amendment of the Senator from Florida on the table.

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

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

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. RANSOM (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

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

Mr. WILSON, of Iowa (when his name was called). I again announce my pair with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. HEARST. I announce my pair with my colleague [Mr. STANFORD].

Mr. DAWES. I desire to announce again the pair of my colleague [Mr. HOAR] with the Senator from Delaware [Mr. GRAY]. I make this announcement for the day.

The result was announced—yeas 30, nays 18; as follows:

YEAS—30.

Aldrich,	Evarts,	Manderson,	Sherman,
Allen,	Farwell,	Mitchell,	Squire,
Allison,	Frye,	Moody,	Stewart,
Casey,	Hawley,	Morrill,	Stockbridge,
Chandler,	Higgins,	Paddock,	Teller,
Cullom,	Hiscock,	Plumb,	Washburn.
Dawes,	Ingalls,	Power,	
Dixon,	Jones of Nevada,	Sawyer,	

NAYS—18.

Bate,	Coke,	Harris,	Reagan,
Berry,	Colquitt,	McPherson,	Turpie,
Blackburn,	Eustis,	Pasco,	Vest.
Call,	Faulkner,	Payne,	
Cockrell,	Hampton,	Pugh,	

ABSENT—36.

Barbour,	Dolph,	Jones of Arkansas,	Sanders,
Beck,	Edmunds,	Kenna,	Spooner,
Blair,	George,	McMillan,	Stanford,
Blodgett,	Gibson,	Morgan,	Vance,
Brown,	Gorman,	Pettigrew,	Voorhees,
Butler,	Gray,	Pierce,	Walthall,
Cameron,	Hale,	Platt,	Wilson of Iowa,
Daniel,	Hearst,	Quay,	Wilson of Md.
Davis,	Hoar,	Ransom,	Wolcott.

So the amendment of Mr. PASCO was ordered to lie on the table.

Mr. CALL. Mr. President, I offer the amendment which I send to the desk, being the same which passed the Senate at two different sessions, or certainly on the last occasion of the passage of a forfeiture bill two years ago. Without any further remark I offer that amendment.

The VICE-PRESIDENT. The amendment will be read.

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

SEC. —. That the Attorney-General of the United States is authorized and directed to cause to be instituted any suits or proceedings, at law or in equity, in the circuit court of either of the judicial districts of Florida, in the name of the United States, and against any railroad company in Florida and any other necessary or proper parties, defendant in such suit or proceeding, to determine whether such railroad company or other persons claiming any of the lands granted to the State of Florida under an act of Congress entitled "An act granting public lands, in alternate sections, to the States of Florida and Alabama, to aid in the construction of certain railroads in said States," approved May 17, 1856, are entitled to said lands, or any part thereof, under said grant, as against the United States; and full powers and jurisdiction are conferred upon said circuit courts to hear and determine such suits and proceedings; but no such suit or proceeding shall be instituted after the period of six months from the date of the approval of this act; and any suit so instituted shall be prosecuted with all convenient speed.

SEC. —. That either party to a suit or proceeding instituted under the first section of this act shall have the right of appeal to the Supreme Court of the United States from a final judgment or decree therein adverse to such party: *Provided*, That no appeal shall be taken after three months from the date of the rendition thereof; and the Supreme Court shall advance such cause on its docket as rapidly as shall be consistent with its other duties.

SEC. —. That until the final determination of the suit against a railroad company claiming such lands under the act of Congress approved May 17, 1856, required to be instituted under the first section of this act, no patent or certificate of title to said lands shall be issued to such railroad company or to persons claiming such lands under the said railroad company. If no such suit is instituted against such railroad company under this act within six months from the date of its approval or if it shall be finally determined in any such suit brought against such railroad company that it is entitled to the lands, or any part thereof, claimed by it under said grant, or that persons claiming such lands under said railroad company are so entitled thereto, patents shall issue, in conformity with such judgment, to the proper claimants of said land, any law or regulation to the contrary notwithstanding: *Provided*, That if it is finally determined in any suit instituted under this act that the railroad company, or the persons claiming under such company, are not entitled, as against the United States, to the lands claimed by them under said act of Congress approved May 17, 1856, then the land included in said final determination in favor of the United States shall be considered as a part of the public domain, and patents shall issue first to all actual settlers on such grants for 160 acres of land, and to all purchasers in good faith not to exceed three sections of the land purchased in good faith by them, to be selected by them from their purchase, and the remainder to be opened to settlement under the homestead and pre-emption law, or by cash entry in quantities not to exceed 160 acres to each head of a family, on condition of actual settlement and cultivation.

Mr. PLUMB. I move to lay that amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas to lay the amendment on the table.

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

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

Mr. HIGGINS (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were here, I should vote "yea" on this motion.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], but I transfer that pair to the Senator from Pennsylvania [Mr. QUAY] and vote.

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. RANSOM (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

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

Mr. WILSON, of Iowa (when his name was called). I again announce my pair with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. GRAY. I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. FRYE. My colleague [Mr. HALE] is absent from the city and paired with the senior Senator from Kentucky [Mr. BECK]. I am informed that the senior Senator from Maryland [Mr. GORMAN] is absent from the city, and I am paired with him. Therefore, unless my vote is necessary for a quorum, I withhold it.

Mr. HEARST. I again announce my pair with my colleague [Mr. STANFORD].

The result was announced—yeas 28, nays 18; as follows:

YEAS—28.

Aldrich,	Dolph,	Manderson,	Sawyer,
Allen,	Evarts,	Mitchell,	Sherman,
Allison,	Farwell,	Moody,	Squire,
Chandler,	Hawley,	Morrill,	Stewart,
Cullom,	Hiscock,	Paddock,	Stockbridge,
Dawes,	Ingalls,	Plumb,	Teller,
Dixon,	Jones of Nevada,	Power,	Washburn.

NAYS—18.

Bate,	Coke,	Hampton,	Reagan,
Berry,	Colquitt,	Harris,	Turpie,
Blackburn,	Daniel,	Pasco,	Vest.
Call,	Eustis,	Payne,	
Cockrell,	Faulkner,	Pugh,	

ABSENT—38.

Barbour,	Frye,	Kenna,	Spooner,
Beck,	George,	McMillan,	Stanford,
Blair,	Gibson,	McPherson,	Vance,
Blodgett,	Gorman,	Morgan,	Voorhees,
Brown,	Gray,	Pettigrew,	Walthall,
Butler,	Hale,	Pierce,	Wilson of Iowa,
Cameron,	Hearst,	Platt,	Wilson of Md.
Casey,	Higgins,	Quay,	Wolcott.
Davis,	Hoar,	Ransom,	
Edmunds,	Jones of Arkansas,	Sanders,	

So the amendment was ordered to lie on the table.

Mr. REAGAN. Mr. President, on page 4, line 23 of section 3, I move to strike out the words "without limitation as to quantity" and insert in lieu of them the words "not to exceed 320 acres." I do this more for the purpose of ascertaining what this section means than because I know what I am doing.

Under section 2 the limitation to persons who take titles is to 320 acres. Under section 3 it is provided:

That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east, of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of $2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity.

Mr. PLUMB. Let me explain that matter.

Mr. REAGAN. I yield to the Senator for an explanation.

Mr. PLUMB. The necessity for that provision grew out of this state of facts: Under a decision of the General Land Office, at the time that Mr. Harrison was Acting Commissioner, the Northern Pacific Company was awarded certain lands, amounting to about 28,000 acres, which were thereupon sold by the company to persons who went into possession of them and improved them. Subsequently another Commissioner of the General Land Office decided that the award of the lands to this company was wrong, and that these lands were not within, but without the limits of the grant, and that grew out of a difference of opinion as to whether the line should be drawn at right angles through the completed portion of the road or at an acute angle; and the people who bought these lands went upon them and cultivated them, and have expected titles under the presumption that they were in the enjoyment of a good contract for title or a title, as the case may be, from the railroad company.

Some six or seven years ago, when this controversy first arose or grew out of the later decision of the General Land Office, persons representing those settlers came to Washington and appeared before the Committee on Public Lands, and on presenting their case showing the names of the persons who purchased, the quantity of land each one had purchased, and all the circumstances of the case the Committee on Public Lands unanimously agreed that in any legislation it reported it would confirm their titles. That is to say, they should be preferred purchasers at the hands of the Government in the event that it should be shown finally that the railroad company had no title to the lands in regard to which it issued these contracts.

Mr. REAGAN. Is the committee advised as to the number of settlers on these lands?

Mr. PLUMB. At the time the original issue was made the average settlement was about one person to every 320 acres, but it was shown that in the process and during the time that had already elapsed some of the persons had disposed of their lands to others, and there were some holdings of a larger amount than 320 acres, probably some as large as a section of land, but all these transfers had occurred during the period of time when there was no apparent doubt that the railroad company would be entitled to the lands and would receive patents for them from the Government. This section only constitutes these people preferred purchasers, requiring them to pay the maximum price which is paid by any one within railroad limits, two dollars and a half an acre.

Mr. REAGAN. I wish to inquire of the chairman of the committee if the committee had any information of large sales being made to others by the railroad company other than to actual settlers prior to July 1, 1885.

Mr. PLUMB. I will say to the Senator that the total amount of land embraced in this provision is 28,000 acres.

Mr. REAGAN. It may be all right.

Mr. DOLPH. Will the Senator allow me to explain?

Mr. REAGAN. Certainly.

Mr. DOLPH. Will the Senator allow me to supplement the statement of the Senator from Kansas?

Mr. REAGAN. Certainly.

Mr. DOLPH. The Northern Pacific Railroad follows the great bend of the Columbia River until it reaches Wallula, the end of the completed road, where it runs in an easterly direction. It previously runs north and then west, following the river.

The company claimed that the end of their earned grant, the terminal limit of their earned lands, should be fixed by a line drawn horizontally across the road at Wallula, but Mr. Harrison, when acting Commissioner, went back some 20 miles and drew a line as nearly parallel with the line of the road as possible, 20 miles being one section of the grant, and fixed the terminal limits at a line drawn horizontally to it. His successor, Mr. Sparks, I think it was, drew a line in the general direction of the road, running back 25 miles, and fixed the terminal limits at a line drawn horizontal to it, which, as the road makes a great curve at this point, made quite a discrepancy between the Harrison line and the line which was afterwards drawn by his successor. Adopt the line claimed by the company, and the terminal limits of the grant would run square across the track. Adopt the line drawn by Harrison, and it runs diagonally. Take the line drawn by Sparks, and it crosses the track still more obliquely, and it leaves a triangle between the two lines. It commences at Wallula, formed by two lines commencing at a common point and spreads out like a fan until it reaches the lateral limits of the grant.

Within this triangle there were sold by the company about 28,000 acres of land. They were sold during the time the decision of Mr. Harrison was in force. They were certified to the company, or at least on the plat in the local land office were designated as earned lands and north of the terminal limits of the company's grant. On the strength of this and of this ruling of the General Land Office, people bought of the company the lands the purchase of which from the Government is provided for in this clause.

We had before us in the committee when this provision was adopted, and there is some where, I presume in the committee-room, a list containing the name of every man who bought lands in this triangle and the amount and date of his purchase. As was said by the Senator from Kansas, the amount upon an average was about 320 acres of land. For a number of years the purchasers of these lands dealt with each other as if they had the absolute title, and with no suspicion that there was any question as to their titles, so that more than 320 acres are now held by some persons who have acquired the title of the original purchasers from the railroad company, and in order to cover their case the committee provided for their purchase without limitation as to quantity, but required that they should pay two dollars and a half an acre for their lands provided they are found to belong to the Government. If the courts determine that the Harrison line was the true line, then they will hold the lands under the railroad company, and this provision is to prevent their being turned out of their homes in case the courts should hold that the Harrison line was not the true line, but that the Sparks line is the true line. If the lands were found to be Government land they are to have a year to pay for their land at two dollars and a half an acre.

The price of two dollars and a half an acre was fixed as the proper rate instead of one dollar and a quarter an acre, because they were given the privilege of buying more than 320 acres, given the privilege of buying all the land they might hold under the railroad title at the time of the decision adverse to their title. That is all there is of it.

Mr. REAGAN. May I ask the Senator from Oregon if he knows whether others than actual settlers made purchases of this land?

Mr. DOLPH. There is none of that land but that is now occupied either by the owners or by tenants. There is probably not a single claim on that tract but that is cultivated, and on much of it there have been from 30 to 40 bushels of wheat per acre per year raised during the last ten years. These people bought the land, supposing they were getting a perfect and absolute title. We propose, if the railroad company turns out to have had no title, to permit them to buy the land of the Government and look to the railroad company for the recovery of the purchase price.

Mr. REAGAN. I think the Senator misapprehended my question, for he did not answer it. I asked whether he knew that others than actual settlers have purchased the land.

Mr. DOLPH. I think some were actual settlers and some were not. The land has all been improved and put under cultivation.

Mr. REAGAN. So far as the effort is made to protect the actual settlers, that is all right; but if the purpose is to enable persons who in collusion with the railroad company have made purchases of large amounts of this land to get title, though it may be forfeited to the railroad company, it is not right.

I mention that because the language of this section seems to be peculiar, and it therefore gave rise to the inquiry in my mind and suggested the amendment which I have submitted. I desire again to call attention to this language:

SEC. 3. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line"—

Then I omit some words of description which are not necessary—

all persons who had acquired in good faith the title of the Northern Pacific Railroad Company—

You will see it is not the title of the United States, but "the title of the Northern Pacific Railroad Company"—

to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands—

That implies certainly that there must be pretty large portions somewhere and somebody in possession of them—

or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act.

The broadest construction is given "lands so acquired, possessed, or improved," connected with the words that I before read, and then the subsequent words "without limitation as to quantity." This language arrested my attention and made me apprehend that there are conveyances, and I take it the answer of the Senator from Oregon indicates that there are persons not settlers on the land, and not entitled to protection under the principle asserted by the bill, and I therefore ask that the amendment be adopted in line 23, on page 4, to strike out "without limitation as to quantity" and insert "not to exceed 320 acres."

Mr. ALLEN. Mr. President, I wish to state in explanation of the motion the Senator from Texas has made that I have a personal acquaintance with the lands involved in this limited triangle that has been defined by the Senator from Oregon [Mr. DOLPH].

When the withdrawal was made and the line of the railroad grant was established according to the Harrison limit, the railroad company proceeded to sell its lands within that limit as it was selling other lands conterminous with its completed road. This particular body of land lies within Walla Walla County, constituting about 27,000 acres. Being fertile, accessible lands, they were purchased from the Northern Pacific Railroad Company as other lands within its grant. The purchasers, acquiring the lands in perfect good faith many years ago under their contracts and the payment of the purchase price and reception of deeds from the Northern Pacific Railroad Company, proceeded to inclose and cultivate them, and for ten years or more these lands have been tilled and improved as other lands within the county.

These titles have been recognized by all persons in the community and have been the subject of transfer. The lands have been in the actual occupancy and cultivation of the several owners during all these intervening years; valuable improvements have been made upon them, homes have been established upon them, and there has been the same confidence in the title to these lands as there has been to other lands throughout the country.

Now, the Government having adopted the Harrison limit and declared that the limit of the grant, the object of this provision is to protect that class of purchasers who acquired the lands under that construction of the grant; and, if it shall turn out that the construction placed upon the grant by adopting the Harrison limit was not the proper construction, then the Government proposes in this bill to protect those persons who thus in good faith acquired the lands, by permitting them to purchase of the Government at the rate of two dollars and a half an acre, to make them secure in the titles that they felt they heretofore had.

Mr. MITCHELL. Some of these improvements, if I may inquire of the Senator, exceed probably 320 acres?

Mr. ALLEN. I will say that, believing these lands were absolutely the lands of the Northern Pacific Railroad Company the same as other lands within its grant, purchasers acquired them just as they did lands in other portions of the grant, and a purchaser was allowed to acquire such quantity of land as he felt able to purchase. While none of the holdings are excessive, some of them are greater than 320 acres, but the larger purchases were made in the same good faith as the smaller.

Mr. REAGAN. Mr. President, one word. So far, I repeat, as relates to actual settlers on this land, I would do nothing to disturb them, and would be glad to see their titles confirmed so far as Congress has power to do it; but so far as speculative titles are concerned, titles not acquired in good faith either as pre-emption or homestead settlers, or acquired beyond what is necessary for a settler to have, I do not wish to see the law confirm their titles; I mean where they have been purchased, as might have been the case before this date, in large quantities simply to save them in any event from reverting back to the Government or to actual settlers.

The Senators from Washington and Oregon know more than I do about it. They may know possibly whether there were large purchases made. Of course I shall take their statement if they say there were no large purchases made, but if they can not say there were no large purchases made and the peculiar language of this statute does not cover more than the rights of actual settlers, then I think the amendment ought to be adopted.

Mr. ALLEN. I will say in answer to the Senator that these purchases were just the usual purchases that were made by settlers resident of the community. The holdings within this limit are no larger than they are upon the lands acquired directly from the Government, nor in other places where the lands are in actual occupancy and actual use by private owners; and the persons who acquired them were residents of the vicinity in which the lands are situated, and they were, upon acquirement, applied to actual use and cultivation.

Mr. REAGAN. I will ask the Senator if he thinks it would be safe to put any limitation upon the amount that they have purchased.

Mr. ALLEN. My answer would be that it would be unjust and inequitable to place any limitation upon a purchase within this narrow area, this triangular tract of land of about 27,000 acres.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, on page 4, line 23, after the word "therefore," it is proposed to strike out "without limitation as to quantity," and to insert "not to exceed 320 acres."

The VICE-PRESIDENT. The question is on this amendment of the Senator from Texas.

Mr. REAGAN. The Senator from Washington [Mr. ALLEN] informs me that the lands are in his neighborhood and that he knows they are owned by actual settlers, and so I think I had perhaps better withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. MOODY. I offer an amendment to section 5 of the bill, which amendment is acceptable, as I understand it, to the Senators who have the measure in charge. The proposition I offer is to add to section 5, line 6, after the word "grant," the words "or to confer any right upon any State, corporation, or person to lands which were excepted from such grant."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 5, line 6, after the word "grant," it is proposed to insert "or to confer any right upon any State, corporation, or person to lands which were excepted from such grant;" so as to read:

That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant.

Mr. PLUMB. That is entirely acceptable. I think that considerably emphasizes what is the present purpose and the present effect of the bill.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota.

The amendment was agreed to.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the resolution of the Senate requesting the President to return to the Senate the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes.

The message also announced that the House had passed the bill (S. 361) to provide for the disposal of the Fort Sedgwick military reservation, in the States of Colorado and Nebraska, to actual settlers under the provisions of the homestead laws.

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

A bill (H. R. 1788) to remove certain charges from the record of William Dawson; and

A bill (H. R. 6688) asking an increase of pension for Mary H. Nicholson.

CUSTOMS ADMINISTRATION.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 4970.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4970) to simplify the laws in relation to the collection of the revenues.

Mr. ALLISON. Mr. President, this is a bill which has twice passed the Senate substantially; it has been well considered by the Treasury Department, and I think it is one now well understood. It comes to us from the House of Representatives, with some changes from the bill as it passed the Senate in 1888.

The Senate Committee on Finance recommend certain amendments to the bill, and I suggest that by unanimous consent, which I believe is necessary, as the reading of the bill proceeds the amendments proposed by the Committee on Finance may be considered before other amendments are offered, unless they are in connection with the amendments proposed by the committee.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Iowa? The Chair hears none. The bill will be read and the amendments acted upon as they are reached in the reading.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Finance was, in section 2, line 3, after the word "made," to strike out the word "and" and insert "or if purchased;" so as to make the section read:

SEC. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or, if purchased in the currency actually paid therefor, shall contain a correct description of such merchandise, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

The amendment was agreed to.

The next amendment was, in section 3, line 4, before the word "manufactured," to strike out "is" and insert "was;" in line 5, after the word "purchased," to insert "as the case may be;" in line 8, after the word "true," to strike out the words "and was made at the place from which the merchandise is to be exported to the United States;" so as to read:

That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased, as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent setting forth that the invoice is in all respects correct and true.

The amendment was agreed to.

The next amendment was, in section 3, line 14, after the word "thereon," to insert "as provided by this act;" so as to read:

That it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof and all charges thereon, as provided by this act.

The amendment was agreed to.

The next amendment was, in section 3, line 26, after the word "trade," to strike out "and;" in line 27, after the word "quantities," to strike out "the actual quantity thereof" and insert "and that it includes all charges thereon as provided by this act and the actual quantity thereof;" so as to read:

That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it includes all charges thereon as provided by this act and the actual quantity thereof.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, in section 4, line 37, after the word "entry" to insert "of merchandise exceeding one hundred dollars in value," and in line 38, after the word "made," to strike out "by *pro forma* invoice of merchandise exceeding $100 in value" and insert "by a statement in the form of an invoice;" so as to read:

And when entry of merchandise exceeding $100 in value is made by a statement in the form of an invoice the collector shall require a bond for the production of a duly certified invoice.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 5, line 59, before the word "specifies," to insert "when practicable," and, after the word "specifies," to strike out "so far as practicable;" so as to read:

And I do further solemnly and truly declare that to the best of my knowledge and belief [insert the name and residence of the owner or owners] is [or are] the owner [or owners] of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost [if purchased] or the actual market value or wholesale price [if otherwise obtained] at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes, and when practicable specifies, the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

The amendment was agreed to.

The next amendment was, in section 5, line 77, after the word "and" where it occurs the second time, to strike out "includes" and insert "include;" in line 78, after the word "and" to strike out "specifies so far as practicable" and insert "when practicable specify;" so as to read:

That the invoice and entry which I now produce contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, and include and when practicable specify the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States.

The amendment was agreed to.

The next amendment was, in section 5, after the word "that," in line 91, to insert "to the best of my knowledge and belief;" so as to read:

That to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made.

The amendment was agreed to.

The next amendment was, in section 5, line 117, after the word "partners," to insert:

That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities.

The amendment was agreed to.

The next amendment was, in section 5, line 125, after the word "and" where it occurs the second time, to insert "when practicable," and in line 126, after the word "specifies," to strike out "so far as practicable;" so as to make the clause read:

That the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes, and when practicable specifies, the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, in section 7, line 19, before the word "ten," to insert "more than," and in line 22, after the word "sum," to strike out "of 20 per cent. of the appraised value of such merchandise" and to insert, "equal to 2 per cent. of the total appraised value for each 1 per cent. that such appraised value exceeds the value declared in the entry;" so as to read:

And if the appraised value of any article of imported merchandise shall exceed by more than 10 per cent. the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, a further sum equal to 2 per cent. of the total appraised value for each 1 per cent. that such appraised value exceeds the value declared in the entry; and the additional duties shall only apply to the particular article or articles in each invoice which are undervalued.

The amendment was agreed to.

The next amendment was, in section 7, line 29, before the words "per cent.," to strike out "20" and insert "40;" so as to read:

And if such appraised value shall exceed the value declared in the entry more than 40 per cent., such entry may be held to be presumptively fraudulent, and the collector of customs may seize such merchandise and proceed as in cases of forfeiture for violations of the customs laws.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 10, line 7, before the word "price," to insert "wholesale;" and after the word "price" to strike out "of imported merchandise as bought and sold in usual wholesale quantities" and insert "of the merchandise;" so as to make the section read:

That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States in the principal markets of the country whence the same has been imported and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, in section 11, line 13, before the words "per cent.," strike out "a profit of 5" and to insert "an addition of 10;" so as to read:

Such cost of production to include cost of materials and of fabrication, all general expenses covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of 10 per cent. upon the total cost as thus ascertained.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, in section 12, line 4, before the word "thousand," to strike out "five" and insert "seven," and after the word "thousand," in the same line, to insert "five hundred;" so as to read:

That there shall be appointed by the President, by and with the advice and

consent of the Senate, nine general appraisers of merchandise, each of whom shall receive a salary of $7,500 a year.

The amendment was agreed to.

The next amendment was, in section 12, line 10, after the word "limits," to strike out "and for the purpose of securing uniformity of decisions, shall hold such general meetings;" so as to read:

They shall be employed at such ports and within such territorial limits as the Secretary of the Treasury may from time to time prescribe, and are hereby authorized to exercise the powers and duties devolved upon them by this act, and to exercise, under the general direction of the Secretary of the Treasury, such other supervision over appraisements and classifications, for duty, of imported merchandise as may be needful to secure lawful and uniform appraisements and classifications at the several ports.

The amendment was agreed to.

The next amendment was, in section 12, line 18, after the word "ports," to strike out "as many as;" so as to read:

Three of the general appraisers shall be on duty as a board of general appraisers daily (except Sunday and legal holidays) at the port of New York, during the business hours prescribed by the Secretary of the Treasury, etc.

The amendment was agreed to.

The next amendment was, in section 12, line 28, before the word "general," to insert "board of," and in the same line, after the word "appraisers," to insert "on duty at said port;" so as to read:

At which port a place for samples shall be provided, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, which shall include rules as to the classes of articles to be deposited, the time of their retention, and as to their disposition, which place of samples shall be under the immediate control and direction of the board of general appraisers on duty at said port.

The amendment was agreed to.

The reading of the bill was resumed and continued. The next amendment was, in section 13, line 11, after the word "appraisement," to insert "of any imported merchandise," and in line 17, after the word "within," to insert "two days thereafter" and strike out "twenty-four hours or before the end of the official day after the day on which the collector gave notice to him of the advance in value upon appraisement;" so as to read:

If the collector shall deem the appraisement of any imported merchandise too low he may order a reappraisement, which shall be made by one of the general appraisers, or, if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisement thereof, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise, he may, within two days thereafter, give notice to the collector, in writing, of such dissatisfaction.

The amendment was agreed to.

The next amendment was, in section 13, line 24, after the word "appraiser," to insert "or the person acting as such;" in line 31, after the word "within," to insert "two days thereafter," and to strike out "the time above specified;" in line 36, before the word "board," to strike out "a" and insert "the;" in line 37, after the word "appraisers," to insert "which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port;" in line 44, after the word "and," to strike out "entry shall be liquidated accordingly. The owner, importer, consignee, or agent of imported merchandise, subject to a reappraisement by the board of general appraisers, shall have the privilege of being present with or without counsel as he may elect" and to insert "the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law;" so as to make the clause read:

The decision of the appraiser or the person acting as such (in cases where no objection is made thereto, either by the collector or by the importer, owner, consignee, or agent), or of the general appraiser in cases of reappraisement, shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall be dissatisfied with such decision, and shall, within two days thereafter, give notice to the collector in writing of such dissatisfaction, or unless the collector shall deem the appraisement of the merchandise too low, in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise and the dutiable costs and charges thereon according to law.

The amendment was agreed to.

Mr. ALLISON. I ask that sections 14 and 15 may be passed over informally until the Senate is a little fuller than it is this evening, as it is very likely that some amendments will be offered to the amendments of the committee to those sections. I ask that they be passed over for the time being.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Iowa asks that sections 14 and 15 be passed over for the time being. The request will be acceded to if there be no objection. The reading of the bill will be resumed at section 16.

The Chief Clerk resumed the reading of the bill at section 16. The amendment reported by the Committee on Finance in section 16 was, in line 1, after the word "them," to insert "are hereby authorized to administer oaths," and in line 2, before the word "boards," to insert "said general appraisers, the;" so as to read:

That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers, or the collectors, as the case may be, may cite to appear before them and examine upon oath any owner, importer, agent, consignee, or other person, touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof.

The amendment was agreed to.

The next amendment was to strike out section 17, in the following words:

SEC. 17. That if any person so cited to appear shall neglect or refuse to attend or shall decline to answer or shall refuse to answer in writing any interrogatories and subscribe his name to his deposition, or to produce such papers, when so required by a general appraiser, or a board of general appraisers, or a local appraiser, or a collector, he shall be liable to a penalty of $100; and if such person be the owner, importer, or consignee, the appraisement which the general appraiser, or board of general appraisers, or local appraiser, or collector, where there is no appraiser, may make of the merchandise, shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or board of general appraisers, or local appraiser, or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited.

The amendment was agreed to.

Mr. ALLISON. Striking out section 17 requires a renumbering of the sections. I believe that can be done by the clerks, however.

The PRESIDING OFFICER. That will be understood. The corrections will be made throughout the remainder of the bill by the clerks.

The reading of the bill was continued to line 7 of section 17.

Mr. ALLISON. In line 7 of section 18 of the original bill, now section 17, before the words "New York," I move to strike out "in" and insert "on duty at the port of;" so as to read:

The board of general appraisers on duty at the port of New York.

The amendment was agreed to.

The reading of the bill was continued to line 13 of section 17.

Mr. ALLISON. In line 13, after the word "and," I move to insert the word "of;" so as to read:

And of the decisions of each of the general appraisers.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Finance was, in section 18, line 4, before the word "price," to insert "wholesale," and after the word "merchandise," in line 15, to strike out the words "which is free of duty or which is subject to a specific rate of duty, any material or article other than the usual or necessary coverings used for covering or holding such merchandise" and to insert "whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional;" so as to read:

That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities, at the time of exportation to the United States, in the principal markets of the country from whence imported, and in the condition in which such merchandise is there bought and sold for exportation to the United States, or consigned to the United States for sale, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subject if separately imported.

The amendment was agreed to.

The next amendment was, in section 18, line 28, before the word "defined," to strike out "herein," and after the word "defined" to insert "in this section;" so as to read:

That the words "value" or "actual market value" whenever used in this act or in any law relating to the appraisement of imported merchandise shall be construed to be the actual market value or wholesale price as defined in this section.

The amendment was agreed to.

The next amendment was, in section 19, line 5, after the word "withdrawal," to insert the following proviso:

Provided, That upon such merchandise weighable and paying specific rates of duty, the weight shall be ascertained at the time of entry as in other cases, but the duty shall be assessed on the weight at the time of withdrawal.

The amendment was agreed to.

The next amendment was, in section 19, line 12, after the word "articles," to strike out "*And provided further*, That this section shall not apply to any article which has been exported from the United States and reimported;" so as to make the additional proviso read:

Provided further, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles.

The amendment was agreed to.

The next amendment was, in section 21, line 1, after the word "all," to insert "fees exacted and;" so as to read:

That all fees exacted and oaths administered by officers of the customs, except as provided in this act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon all entries of domestic goods, wares, and merchandise for exportation, be, and the same are hereby, abolished.

The amendment was agreed to.

The next amendment was to add to section 21 the following proviso:

Provided, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

The amendment was agreed to.

The next amendment was, in section 23, line 3, before the word "payments," to strike out the word "other," and in the same line, after the word "made," to strike out "under protest" and insert "upon appeal;" so as to read:

That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties or payments made upon appeal, more money has been paid to or deposited with a collector of customs than, as has been ascertained by final liquidation thereof, the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, in section 24, line 1, after the word "the," to strike out "passage" and insert "taking effect;" so as to read:

That from and after the taking effect of this act no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, etc.

The amendment was agreed to.

The next amendment was, in section 26, after the word "fees," in line 2, to insert "corruptly;" so as to read:

That any officer or employé of the United States who shall, excepting for lawful duties or fees, corruptly solicit, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage, or liquidation of the entry thereof, on conviction thereof, shall be fined not exceeding $5,000 or be imprisoned at hard labor not more than two years, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 26, after the word "such," in line 11, to insert "corrupt," and in line 16, before the word "intention," to strike out "an unlawful" and insert "any corrupt;" so as to read:

And evidence of such corrupt soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as *prima facie* evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with any corrupt intention.

The amendment was agreed to.

The next amendment was to strike out section 29, in the following words:

SEC. 29. That imported merchandise shall, for the purposes of estimating and assessing duty thereon, be classified in accordance with the following provisions:

First. Any article which is designated for or exempted from duty by name, in any schedule, or which belongs commercially to any particular class, kind, or description of articles that is so designated, or which by its component material or by its component materials or condition is included in any provision of any schedule, shall be taken and held to be enumerated.

Second. Any article not covered by any provision of any schedule as above defined shall be taken and held to be non-enumerated.

Third. Any non-enumerated article which is similar, either in material, quality, texture, or the use to which it may be applied to any article chargeable with duty shall pay the same rate of duty which is levied on the article which it most resembles in the particulars before mentioned, and if any non-enumerated article equally resembles two or more articles on which different rates of duty are chargeable, there shall be levied on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty, and on articles not enumerated manufactured of two or more materials the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value.

Fourth. The words "in part of" in the phrase "composed wholly or in part of," when used in connection with any material to determine the rate of duty applicable to an article, shall imply a part not less that 10 per cent. in value of the aggregate materials in such article, and the words "component material of chief value," when used for a like purpose, shall be held to mean that component material which shall exceed in value any other single component material in the article: *Provided*, That the value of each component material shall be the value of such material in the condition in which it is found in the article.

Fifth. Whenever the rate of duty on any article shall depend upon the relative value of its component materials, and such values shall be so near the determining line as to make their true relation doubtful, that relative value which carries the higher duty rate shall prevail; and if two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

The amendment was agreed to.

The next amendment was, in section 28 [30], line 1, after the word "sections," to strike out "twenty-four hundred and twenty-nine;" in line 8, after the words "twenty-eight hundred and fifty-six," to insert "twenty-eight hundred and fifty-eight, twenty-eight hundred and sixty, twenty-nine hundred, and twenty-nine hundred and two;" and in line 12, after the words "twenty-nine hundred and nine," to strike out "twenty-nine hundred and twenty-two, twenty-nine hundred and twenty-three, twenty-nine hundred and twenty-four;" so as to read:

That sections 2608, 2838, 2839, 2841, 2843, 2845, 2853, 2854, 2856, 2858, 2860, 2900, 2902, 2905, 2907, 2908, 2909, 2927, 2929, 2930, 2931, 2932, 2943, 2945, 2852, 3011, 3012, 3012½, 3013 of the Revised Statutes of the United States be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, in section 28 [30], line 51, after the word "passed," to add the following additional proviso:

And provided further, That nothing in this act shall be construed to repeal the provisions of section 3058 of the Revised Statutes as amended by the act approved February 23, 1887, in respect to the abandonment of merchandise to underwriters or the salvors of property, and the ascertainment of duties thereon.

The amendment was agreed to.

The next amendment was to add to the bill the following additional section:

SEC. 29. That this act shall take effect on the 1st day of July, 1890, except section 12, which shall take effect immediately.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill has been completed except sections 14 and 15.

Mr. ALLISON. I now ask to go back to section 14.

The PRESIDING OFFICER. Section 14 will be read and the amendments of the committee will be stated as they are reached in the reading.

The Chief Clerk proceeded to read section 14.

The first amendment of the Committee on Finance in section 14 was, in line 18, before the word "and," to strike out "invoice" and insert "entry," and after the word "and," to strike out "other necessary" and insert "all the;" in line 19, after the word "to," to strike out "a" and insert "the;" and in line 20, after the word "appraisers," to insert "which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port;" so as to read:

Upon such notice and payment the collector shall transmit the entry and all the papers and exhibits connected therewith to the board of three general appraisers which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein.

The amendment was agreed to.

The next amendment was, in section 14, line 26, after the word "therein," to insert "and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly;" in line 28, to strike out "duty;" to strike out the parentheses in lines 28 and 31; and in line 31, after the word "act," to strike out "and the entry thereof shall be liquidated accordingly;" so as to read:

And the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court within the time and in the manner provided for in section 15 of this act.

The amendment was agreed to.

The PRESIDING OFFICER. Does the Senator from Iowa desire to have the next section read?

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. Section 15 will be read.

The Chief Clerk proceeded to read section 15.

The first amendment in section 15 was, in line 5, after the word "law," to insert "and the facts;" in line 11, after the word "law," to insert "and fact;" and in line 13, after the word "law," to insert "and fact;" so as to read:

That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 14 of this act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises, for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent.

The amendment was agreed to.

The next amendment was, in line 16, after the word "be," to strike out:

Thereupon the court shall order the board of appraisers to transmit to said circuit court a certified statement of their findings of the facts involved in the case and their decision thereon; and the facts so found and certified shall be final and conclusive upon the court; which statement and certificate of the board of appraisers shall constitute the record in the circuit court, and

And to insert in lieu thereof:

Thereupon the court shall order the board of appraisers to return to said circuit court the record and the evidence taken by them, together with a certified statement of the facts involved in the case, and their decisions thereon; and all the evidence taken by and before said appraisers shall be competent evidence before said circuit court; and within twenty days after the aforesaid return is made the court may upon the application of the Secretary of the Treasury, the collector of the port, or the importer, owner, consignee, or agent, as the case may be, refer it to one of said general appraisers, as an officer of the court, to take and return to the court such further evidence as may be offered by the Secretary of the Treasury, collector, importer, owner, consignee, or agent, within sixty days thereafter, in such order and under such rules as the court may prescribe.

The amendment was agreed to.

The next amendment was, in line 36, after the word "prescribe," to insert "and such further evidence with the aforesaid return shall constitute the record upon which;" in line 38, after the word "shall," to insert "give priority to and;" in line 39, after the word "law," to insert "and fact;" in line 40, after the word "decision," to insert "respecting the classification of such merchandise and the rate of duty imposed thereon under such classification;" in line 42, after the woad

"final," to insert "and the proper collector, or person acting as such, shall liquidate the entry accordingly;" so as to read:

And such further evidence with the aforesaid return shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision, respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, and the decision of such court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless such court shall be of opinion that the question involved is of such importance as to require a review of such decision by the Supreme Court of the United States, in which case said circuit court, or the judge making the decision may, within thirty days thereafter, allow an appeal to said Supreme Court; but an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision.

The amendment was agreed to.

The next amendment was, in line 56, after the word "decision," to insert "and shall give priority to such cases;" so as to read:

On such original application, and on any such appeal, security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party. Said Supreme Court shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

The amendment was agreed to.

The Chief Clerk resumed and concluded the reading of section 15.

Mr. EVARTS. I will ask the Chief Clerk to read the second and third amendments in the print which I send to the desk.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from New York offers an amendment, which will be stated.

The CHIEF CLERK. In line 52 of section 15 it is proposed to strike out the words "on such original application, and;" so as to read:

On any such appeal, security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party.

Mr. ALLISON. I do not object to that amendment.

The amendment was agreed to.

Mr. EVARTS. I ask that the third amendment in the print be now read.

The CHIEF CLERK. In line 60, of section 15, after the word "accordingly," it is proposed to insert the words:

All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section 23 of this act.

Mr. ALLISON. I think the law now provides for this payment, but to make it certain I am willing that these words shall be inserted.

The amendment was agreed to.

Mr. EVARTS. Now, Mr. President, I present the first amendment in order in the print. It is understood, I believe, that that shall be reserved to be considered to-morrow.

Mr. PLATT. Let it be read, so that it will go into the RECORD.

Mr. EVARTS. I ask to have the amendment read.

The CHIEF CLERK. In line 36 of section 15, after the word "prescribe," it is proposed to strike out all to and including the word "the," in line 40, and to insert the words:

And thereupon the court shall proceed to try and determine, according to law, upon the matters thus before it, and such other testimony as the court may think necessary, the proper.

Mr. DAWES. On the fifth page——

Mr. HARRIS. I suggest to the Senator from Iowa that the bill has been read through, the committee amendments agreed to, and it is now open to amendment. There are several Senators who desire to look into the matter, and I ask that the bill go over until to-morrow morning in order that they may have an opportunity to look through it and submit whatever suggestions they choose.

Mr. ALLISON. In response to the suggestion made by the Senator from Tennessee, who is a member of the committee and has given full attention to this subject, I agree that the bill may go over until to-morrow, to be taken up immediately after the ordinary morning business. I have promised the Senator from Massachusetts [Mr. DAWES] that he may offer an amendment, which I hope the Senator from Tennessee will give attention to. I think it is not objectionable.

Mr. HARRIS. The Senator from Massachusetts may submit his amendment, but I would prefer after he submits it that the bill go over.

Mr. DAWES. I have no objection to that course.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. DAWES] offers an amendment, which will be stated.

The CHIEF CLERK. On page 5, section 4, line 37, after the word "thereof," it is proposed to insert the following proviso:

Provided, That the Secretary of the Treasury shall make proper regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series.

Mr. DAWES. I offer this amendment for my colleague [Mr. HOAR], who is necessarily absent.

Mr. ALLISON. That amendment may be considered as pending, according to the suggestion of the Senator from Tennessee.

Mr. HARRIS. Yes; let it be considered as the pending amendment.

Mr. ALLISON. It will be the pending amendment. Now, if other Senators have amendments, as I understand some other Senators have, if entirely convenient to them I should be glad to have them offer them to-night, so that we may see them in the RECORD in the morning.

Mr. VEST. I have some amendments that I wish to submit. I can either submit them now or to-morrow.

Mr. ALLISON. If the Senator from Missouri, who has given attention to this bill, will submit any amendments that he may have ready now, I should be glad to have him do so, in order that they may be in the RECORD to-morrow morning. That course will facilitate the consideration of the bill to-morrow.

Mr. VEST. On page 19, section 13, line 40, after the word "board," I move to insert the words "from which the general appraiser who originally acted upon the case shall be excluded;" so as to read:

Which board, from which the general appraiser who originally acted upon the case shall be excluded, shall examine and decide the case thus submitted, etc.

In section 13, on the same page, line 44, I move to restore the words that were stricken out by the committee.

Mr. COCKRELL. My colleague simply wants to disagree to the committee amendment there.

Mr. ALLISON. That amendment has been agreed to as in Committee of the Whole.

Mr. HARRIS. The Senator from Missouri can ask for a separate vote in the Senate upon concurring in that amendment.

Mr. ALLISON. A vote can be taken on that in the Senate.

Mr. COCKRELL. It can be reserved when the bill comes into the Senate.

Mr. VEST. Very well. On page 20, in section 14, line 21, after the word "or," I propose to insert the words "if the goods were entered at another port," so as to read:

Or, if the goods were entered at another port, to a board of three general appraisers, etc.

On page 21, section 14, line 26, after the word "therein," I shall move to insert:

And notice thereof shall be given to the person upon whose notice of dissatisfaction said decision was made.

Mr. ALLISON. Has the Senator any other amendments?

Mr. VEST. Those are all.

Mr. ALLISON. If there are no further amendments to be offered at this time——

Mr. GRAY. The bill was taken up while I was out of the Chamber, and had been read through before I came into it. I was not aware that the bill would get before the Senate this evening. I shall offer some amendments to it, but I am not prepared to do so now.

Mr. COKE. I will state that I may probably offer some amendments to-morrow; but I am not prepared to offer them now.

Mr. ALLISON. Very well. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 30, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 29, 1890.

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

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

PROPOSED ROCK CREEK PARK.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. On yesterday the House refused to pass the bill authorizing the establishment of a certain park in the District of Columbia. A motion was made by the gentleman from South Carolina [Mr. HEMPHILL] to reconsider that vote. The question I now submit is whether that motion is in order this morning for consideration or whether it will come up on the next District day?

The SPEAKER. The Chair thinks it comes up properly on the next District day.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts of the following titles:

An act (H. R. 200) for the erection of a public building at Galesburgh, Ill.;

An act (H. R. 505) for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.;

An act (H. R. 605) to increase the appropriation for the erection of a public building, at Troy, N. Y.;

An act (H. R. 778) to regulate the sitting of the courts of the United States within the district of South Carolina;

An act (H. R. 3331) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices at Scranton, Pa.," approved July 27, 1882;

An act (H. R. 4587) providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes;

An act (H. R. 3876) authorizing the construction of a bridge across the Red River of the North;

An act (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River; and

An act (H. R. 139) for the erection of a public building in the city of San José, State of California.

QUESTION OF PRIVILEGE.

Mr. PIERCE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. PIERCE. I find in the RECORD of the 27th instant that in the debate between my colleagues, Mr. EVANS and Mr. ENLOE of Tennessee, that Mr. EVANS used language implying or directly charging that there has been ballot-box-stuffing in the district I represent, by which my seat was secured on this floor.

Mr. HOUK. Will the gentleman allow me?

Mr. PIERCE. Certainly.

Mr. HOUK. I see that my colleague is not in his seat.

Mr. PIERCE. Neither was I in my seat when he charged ballot-box-stuffing in my district.

Mr. HOUK. I suggest that the gentleman defer his statement until my colleague returns.

Mr. PIERCE. I will wait, then, with the understanding that I resume the subject at that time, although the gentleman made the charge when I was absent.

Mr. HOUK. That may be; I do not remember what occurred; but it seems to me that it is but proper that my colleague should be present when this explanation is made.

I see my colleague is now in his seat.

Mr. PIERCE. Then I will proceed. Mr. Speaker, I find the following language was used in the debate at the time to which I have referred:

Mr. EVANS. Now, Mr. Chairman, I do not wish to take up the time of the House at any length, but the gentleman has referred to ballot-box stuffing. It is not my purpose, sir, to malign the people of my State. It is not my intention to bring before this House, as has been done in the cases of other States, the frailties and rascalities of some few of our people who occasionally do stuff ballot-boxes, for, in that western district of Tennessee, there have been, I think, 112 indictments found during the last session of the court——

Mr. ENLOE. Will the gentleman permit a question?

Mr. EVANS. I did not interfere with the gentleman while he was speaking, but inasmuch as the gentleman wants questions propounded I will ask him a question. Was it not published in the papers of Memphis, and has it ever been denied, that in one of the adjoining counties, the county of Haywood——

That is in my district, and is one of the counties I represent—

Mr. ENLOE. What has that got to do with my district?

Mr. EVANS. That in one of the adjoining counties, the county of Haywood, an order was issued upon the authorities of the county for $1,300 to pay the fines and costs of the election officials who have been under indictment? Has not Fayette County court passed an order to pay all fines and costs incident to prosecutions in United States courts for election frauds? Court all Democrats.

Now, the charge is directly contained in this language that these indictments——

The SPEAKER. Upon what ground does the gentleman claim this to be a personal matter?

Mr. PIERCE. That it is a reflection upon the manner in which I hold a seat upon this floor; that the ballot-box was stuffed in my interest, and that I am the recipient of the results of ballot-box-stuffing.

The SPEAKER. What the gentleman has read does not convey that impression.

Mr. PIERCE. I did not understand the Speaker.

The SPEAKER. The Chair stated that what the gentleman has read does not convey that impression.

Mr. PIERCE. It does so directly, with all due respect to the Chair. It charges ballot-box-stuffing in the county of Haywood; says that one hundred and fifteen indictments were found, and that there were convictions, directly meaning that there were indictments and convictions for ballot-box-stuffing, and that in my district in the county of Haywood. I say, Mr. Speaker, that there has not been a single case tried on any indictment in my district wherein any man was convicted of ballot-box-stuffing. These cases to which the gentleman refers were for a failure of a technical observance of the statutes of the State of Tennessee. Mr. Speaker, I will read the provision itself under which these convictions were had; but I will state that at no time in the history of Tennessee has it ever been enforced either in Democratic or Republican counties, as my Republican colleagues on the other side of the House will admit. Our law provides (Code of Tennessee, section 1077) that—

The judges shall within ten days after said election cause one copy or set of said books or lists to be filed with the clerk of the circuit court, and another copy with the clerk of the county court of the county in which the election was held, and they shall also furnish a properly certified copy to the sheriff of the county, in the case of the election of senators and representatives.

And it was for failing to file a copy of lists with the circuit clerk that these indictments and convictions were for; not a man has been convicted for alleged ballot-box-stuffing, and will not be.

Mr. CANNON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CANNON. The gentleman has complained that somebody alleged ballot-box-stuffing in his district. If that be a question of privilege at all I think it is exhausted when there is a denial, unless there is some investigation or some proposition to turn the gentleman out. And I make the point of order that it is not proper in this connection to put upon record, and take up the time of the House by going into the election laws of the State of Tennessee, and to going on in this manner.

Mr. HOUK. I want to say that the section of the law read by the gentleman is invariably complied with in my district.

Mr. PIERCE. I desire to say that at the home of the last candidate of the Republican party for governor in Tennessee, who resides in the county of Carroll and is now United States district attorney for West Tennessee, this law was not observed.

The SPEAKER. The Chair does not see how that can be a question of personal privilege.

Mr. PIERCE. It is one of personal privilege.

The SPEAKER. The Chair does not see how it is; and does not think that the time of the House should be taken up by that reading.

Mr. PIERCE. I say it is a question of personal privilege.

The SPEAKER. The Chair does not see how it is responsive to what is required in a question of privilege.

Mr. PIERCE. It is charged that ballot-boxes were stuffed in my district.

The SPEAKER. The gentleman is not in order.

Mr. PIERCE. I think it is in order for me to be permitted to make a statement when it is charged that ballot-boxes are stuffed in my district. [Cries of "Regular order!"] If there was any ballot-box-stuffing done in Tennessee, it was done in the gentleman's own district, and not in mine. [Loud cries of "Regular order!"]

The SPEAKER. The gentleman from Tennessee will be in order.

Mr. PIERCE. I think the gentleman from Tennessee was in order.

The SPEAKER. The gentleman has no right to make such a response to the Chair, and ought not to have done so.

Mr. MILLS. Why did not the Chair undertake to stop the gentleman from making that statement on Saturday, if the gentleman from Tennessee is not now in order?

The SPEAKER. The Speaker was not present on that occasion.

Mr. MILLS. Then you ought to allow the gentleman from Tennessee now the right to reply.

The SPEAKER. That does not by any means follow.

Mr. MILLS. It does follow when one man is attacked he ought to have the right to reply.

The SPEAKER. The Chair does not desire to enter into a personal controversy with the gentleman from Texas, and thinks if the gentleman from Texas will reflect he will see the impropriety.

Mr. MILLS. I did not, Mr. Speaker, see the impropriety, if one gentleman charges fraud upon another, why he should not be permitted to deny it.

The SPEAKER. The gentleman will be in order.

Mr. MILLS. I am in order, Mr. Speaker, and the Chair is not in order. The Chair is more out of order than the gentleman from Texas or Tennessee. [Cries of "Regular order!"]

RIGHT OF WAY, NEZ PERCÉ INDIAN RESERVATION IN IDAHO.

The SPEAKER laid before the House the bill (H. R. 7509) granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian reservation in Idaho, with Senate amendments.

The amendments of the Senate were read, as follows:

On page 1, line 19, after the word "way," insert "and compensation."

Mr. PERKINS. Mr. Speaker, the amendment is a slight one in character, as indicated by the reading of the bill, and I see no necessity for the conference asked. I therefore move to concur in the Senate amendment.

The Senate amendment was concurred in.

RIGHT OF WAY THROUGH COLVILLE INDIAN RESERVATION.

The SPEAKER also laid before the House the bill (H. R. 5964) granting the Spokane Falls and Northern Railway Company the right of way through the Colville Indian reservation, with Senate amendments.

The amendments of the Senate were read, as follows:

On page 2, line 13, after the word "held," insert "by said tribe or."

On page 2, line 15, after "such," insert "tribe or."

On page 4, line 20, after "act," insert: "*And provided further*, That the consent of the Indians through whose lands said road shall be located shall be obtained to the location of the same and the compensation therefor in a manner satisfactory to the President before this act shall take effect."

Mr. PERKINS. Mr. Speaker, the amendments by the Senate to the House bill are satisfactory to the friends of the bill, and I ask that the amendments be concurred in.

The amendments of the Senate were concurred in.

FUNDING ACT OF ARIZONA.

The SPEAKER also laid before the House the bill (H. R. 3365) approving, with amendments, the funding act of Arizona, with the following amendments of the Senate thereto:

Page 1, line 3, after the word "hereby," insert "amended so as to read as follows, and that, as amended, the same is hereby."

Page 1, lines 3 and 4, strike out "with the following amendments."
Page 1, strike out line 5.
Page 2, line 21, strike out "twenty" and insert "fifty."
Page 2, line 22, strike out all after "issue" to end of paragraph, line 24.
Page 6, line 9, strike out "twenty" and insert "fifty."
Page 6, line 26, strike out "provision" and insert "provisions."
Page 7, line 13, strike out "twenty" and insert "fifty."
Page 10, line 21, strike out section 16.

Mr. SMITH, of Arizona. I move that the House non-concur in the amendments of the Senate and ask for a conference.

The motion was agreed to.

ALBERT H. EMERY.

The SPEAKER also laid before the House the bill (H. R. 3538) for the relief of Albert H. Emery, with the following amendment of the Senate thereto and a request for a committee of conference:

Line 10, strike out "fifty" and insert "one hundred and twenty-five."

Mr. HOLMAN. I move that the House non-concur in the amendment of the Senate and agree to the request for a conference.

The motion was agreed to.

IRRIGATION OF ARID LANDS.

The SPEAKER also laid before the House a concurrent resolution of the Senate concerning the irrigation of arid lands in the valley of the Rio Grande River and the construction of a dam across the said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

The concurrent resolution was read, as follows:

Concurrent resolution concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

Whereas the Rio Grande River is the boundary line between the United States and Mexico; and

Whereas by means of irrigating ditches and canals taking the water from said river and other causes the usual supply of water therefrom has been exhausted before it reaches the point where it divides the United States of America from the Republic of Mexico, thereby rendering the lands in its valley arid and unproductive, to the great detriment of the citizens of the two countries who live along its course; and

Whereas in former years annual floods in said river have been such as to change the channel thereof, producing serious avulsions, and oftentimes and in many places leaving large tracts of land belonging to the people of the United States on the Mexican side of the river, and Mexican lands on the American side, thus producing a confusion of boundary, a disturbance of private and public titles to lands, as well as provoking conflicts of jurisdiction between the two Governments, offering facilities for smuggling, promoting the evasion and preventing the collection of revenues by the respective countries; and

Whereas these conditions are a standing menace to the harmony and prosperity of the citizens of said countries, and the amicable and orderly administration of their respective Governments: Therefore,

Resolved by the Senate (the House of Representatives concurring), That the President be requested, if in his opinion it is not incompatible with the public interests, to enter into negotiations with the Government of Mexico with a view to the remedy of all such difficulties as are mentioned in the preamble to this resolution, and such other matters connected therewith as may be better adjusted by agreement or convention between the two Governments.

Mr. FLOWER. I move that that concurrent resolution be referred to the Committee on Foreign Affairs.

Mr. LANHAM. I move that the House concur in the resolution. I will state, Mr. Speaker, that this subject has been considered by two different committees of the Senate and that this resolution has passed the Senate without dissent. A bill has been reported from the House Committee on Irrigation of Arid Lands which covers substantially the same proposition that is contained in the concurrent resolution of the Senate, and that bill is now on the House Calendar. This is merely a concurrent resolution leaving the subject to the discretion of the President to take this action if in his judgment it be not incompatible with the public interests. The resolution does not have the force and effect of a law, but is merely advisory, leaving the matter to the discretion of the President. I move concurrence, and on that I demand the previous question.

The SPEAKER. It is not a question of concurrence; it is a question of passing the resolution.

Mr. LANHAM. Well, I move that the concurrent resolution be adopted, and on that I ask the previous question. I will cheerfully try to answer any inquiry that any gentleman may wish to put on the subject. I now yield two minutes to the gentleman from California [Mr. VANDEVER].

Mr. FLOWER. Mr. Speaker, I would like to be heard on this resolution.

Mr. LANHAM. I will yield time to the gentleman from New York, but I desire to retain the floor.

The SPEAKER. But the gentleman from Texas demanded the previous question.

Mr. LANHAM. I will withdraw that long enough to hear any questions that gentlemen may desire to ask.

Mr. FLOWER. Mr. Speaker——

The SPEAKER. The gentleman from Texas [Mr. LANHAM] has yielded to the gentleman from California [Mr. VANDEVER].

Mr. VANDEVER. Mr. Speaker, I offer the amendment which I send to the desk.

Mr. KERR, of Iowa. I rise to a question of order.

Mr. LANHAM. Mr. Speaker, I desire to reserve all points of order on the amendment.

Mr. KERR, of Iowa. Mr. Speaker, I rise to a question of order. I do not understand that any committee of this House has reported favorably on this resolution or any resolution similar to this; and, if not, it seems to me that the resolution ought to go to a committee.

The SPEAKER. The Chair understood that a committee had reported favorably upon a like proposition. Otherwise the Chair would not have laid the concurrent resolution before the House.

Mr. LANHAM. Yes, sir; a House committee has reported a bill upon the subject, embracing the substance of this resolution.

The amendment of Mr. VANDEVER was read, as follows:

Amend by adding to the resolution the following:
"The President is also requested to include in the negotiation with the Government of Mexico all other subjects which may be deemed to affect the present or prospective relations of both Governments."

Mr. LANHAM. I have no objection to the amendment. I now demand the previous question on the resolution. I have promised to yield three minutes, however, to the gentleman from New York [Mr. FLOWER].

Mr. FLOWER. Mr. Speaker——

Mr. KERR, of Iowa. I want to ask the gentleman from Texas a question.

The SPEAKER. The gentleman from New York [Mr. FLOWER] has the floor.

Mr. KERR, of Iowa. Then I rise to a question of order. I wish to know whether any House committee has recommended concurrence in this resolution.

Mr. LANHAM. I have already stated that a bill covering substantially the provisions of the concurrent resolution has already been reported, and I call this matter up now and ask for its passage.

Mr. KERR, of Iowa. Well, I hold, Mr. Speaker, that unless a House committee has recommended concurrence in this resolution it is not in order at this time.

Mr. LANHAM. I am moving now for concurrence.

Mr. FLOWER. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. FLOWER] will proceed.

Mr. FLOWER. This resolution—and I would like the attention of the House—opens up the question whether the Government of the United States desires to enter upon a vast scheme of irrigating the arid regions of the West. The report as it comes from the Committee on Arid Lands of this House, and of which this resolution is a substantial epitome, means that at El Paso we shall build a dam between two mountains and irrigate 200,000 acres of land near El Paso and adjacent to the Republic of Mexico. And the General Government is called upon to appoint, through the President of the United States, commissioners to the Government of Mexico, the purpose being to secure this entering-wedge. If you gentlemen who represent the farmers of the East, if you who represent the farmers of the West, are ready to open the competition which is to result from this scheme of irrigation with people who to-day can not sell their crops, then vote for this resolution. If you want the resolution killed, vote it down, or, if you want it considered by the proper committee, refer it to the Committee on Foreign Affairs. I claim, Mr. Speaker, that this will be the entering-wedge to such a vast system of irrigation as I have described. I claim also that we can get a boundary-line between this country and Mexico without irrigating the farms around El Paso, Tex., or in any other section of the country.

Mr. LANHAM. I yield five minutes to the gentleman from Kentucky [Mr. CARLISLE.]

Mr. CARLISLE. Mr. Speaker, I think the gentleman from New York [Mr. FLOWER] is altogether mistaken in the assertion that this resolution involves to any extent whatever the general scheme——

Mr. KERR, of Iowa. I insist on my point of order that unless a committee of the House has recommended concurrence in this resolution it is not in order.

Mr. CARLISLE. I was about to say that the gentleman from New York is altogether mistaken in the assertion that this resolution involves to any extent the general scheme which has been proposed for the irrigation of the arid lands of the United States.

Mr. FLOWER. I ask the gentleman to read the report——

Mr. CARLISLE. I have read it.

Mr. FLOWER. Let it be printed in the RECORD and see if it does not sustain my position.

Mr. CARLISLE. I have read the report. It relates simply, so far as it relates to irrigation at all, to such irrigation as might result from the rectification of the channels of the Rio Grande River, which constitutes the boundary between the United States and the Republic of Mexico. It does not touch the subject of irrigation in any other respect whatever.

Of course, Mr. Speaker, if this boundary is to be rectified and made permanent by the construction of a dam at El Paso, or above El Paso, as this report suggests, the water accumulated above that dam might be used by the people for the purpose of irrigation below that point. But that is a thing which would result from the construction of the dam; private individuals might use the water.

I repeat, therefore, that this resolution does not in any way whatever affect the general question of irrigation in the Northwest, but it relates

simply to this international matter which concerns the interests of this country and the Republic of Mexico. Everybody who has any personal knowledge on the subject knows that the channel of the Rio Grande is constantly shifting and that sometimes the point where the channel was a month ago and the point where it may be to-day are a long distance apart. This affects the boundary between the two countries, creating confusion in the exercise of their jurisdictions and especially in the enforcement of their revenue laws. The whole purpose of this resolution is simply to authorize the executive department of the Government to enter into negotiations with the Republic of Mexico——

Mr. FLOWER. I grant that it does not provide for spending a cent now.

Mr. CARLISLE. It is not proposed to expend a dollar of money now, nor to take any measure now toward changing the channel or the construction of a dam, or the settlement of the question in any way, but simply to authorize the executive department to enter into negotiations with the Republic of Mexico and see whether some plan can not be devised by which the difficulties which have existed heretofore may be obviated in the future.

Mr. FLOWER. The same difficulties in regard to the shifting of the channel from one place to another exist in the Missouri and Mississippi Rivers.

Mr. MORROW. Those are not international boundary lines.

Mr. CARLISLE. Those matters do not affect the boundary between our own and any other country.

Mr. LANHAM. The preamble goes on to recite certain grave conditions existing at the locality mentioned, relating to dearth of water, confusion of boundary, etc.; and then the resolution—a mere concurrent resolution—provides that the President of the United States be requested, if in his judgment it be not incompatible with the public interest, to enter into negotiations with a view simply of remedying the troubles recited in the preamble. That is the extent of the proposition. Whatever shall be found necessary after the proposed negotiation ought to be done.

Now, it is a matter of great importance that this question should be brought prominently to the attention of the two Governments. Mexico is our near neighbor and her people are interested.

For four months last year the Rio Grande, the international stream which constitutes the boundary between the United States and Mexico, was absolutely dry for a distance of about 500 miles. What these negotiations shall develop I am not prepared to say. There is certainly nothing final or conclusive about this legislation. It is simply "a stitch in time" which may "save nine" and avoid serious complications in future. I have letters in my desk which I might read from the Secretary of State and the Secretary of the Interior, both recognizing the importance of this measure; and the necessity exists for its early consideration. Being as I have said a mere concurrent resolution, the whole matter being left to the discretion of the President, it ought to pass, and pass at once.

I will now, unless some gentleman desires to ask some question——

Mr. CANNON. If I understand the gentleman from Texas, the object of the concurrent resolution is to enable the Executive to negotiate with Mexico with a view to fixing a permanent boundary-line between the two countries, and not with a view to irrigating the lands on either side of the Rio Grande.

Mr. LANHAM. The gentleman from Illinois does not fully understand me. The object of the concurrent resolution is to institute negotiations with a view to the determination of both of these questions. The preamble of the concurrent resolution recites in substance that on account of the opening of irrigating ditches and canals, taking the water from the Rio Grande River (occurring mainly in Colorado and New Mexico, although that is not stated in the preamble), the water of the Rio Grande is practically exhausted before it reaches the international boundary line between the two countries, and as a consequence the lands in the valley of the Rio Grande are rendered arid and to a great extent unproductive.

It is also recited that in former years the annual floods in the Rio Grande have been such as to vary the channel of it, producing serious avulsions in many places, and leaving large tracts of land belonging to the people of the United States on the Mexican side of the river and Mexican lands on the American side, thus producing a great confusion of boundary and disturbance of private and public titles, also provoking conflicts of jurisdiction between the two Governments and offering facilities for smuggling. Now, the concurrent resolution proposes that the whole matter shall be laid before the President of the United States; and he is invited, if in his discretion it ought to be done, to enter into negotiations with the Mexican Government with a view to the application of proper remedies. Nothing is suggested to him in the premises, nothing dictated, no terms laid down which he is compelled to follow, but simply the matter is placed in his hands to enter into negotiations with a view to remedying the troubles.

Mr. FLOWER. Let me ask the gentleman why it is this comes from the Committee on Arid Lands instead of the Committee on Foreign Affairs.

Mr. LANHAM. I will answer the gentleman.

Mr. CANNON. Before the gentleman from Texas leaves the point he has just been discussing, let me say this: The intention, as I understand him, is to fix a permanent and certain boundary line between the two Governments.

Mr. LANHAM. That, I hope, may follow as a consequence, and, if so, I respectfully submit to my friend from Illinois it is a matter of sufficient importance to warrant prompt action upon this question.

Mr. CANNON. I quite agree with my friend from Texas in that view of the case. I am with him on that point, though not on the other.

Mr. LANHAM. Now, Mr. Speaker, if no other gentleman desires further information, I ask the previous question upon the adoption of the resolution.

Mr. FLOWER. I wish the gentleman would first give me an answer to the question I have asked, why this comes from the Committee on Arid Lands, if it fixes a boundary-line, instead of the Committee on Foreign Affairs?

Mr. LANHAM. I will state to the gentleman from New York that this matter was considered by the Committee on Arid Lands in the Senate, and after a report and some discussion it then went to the Committee on Foreign Affairs of the Senate, was considered by that committee, and reported by Mr. SHERMAN from the Committee on Foreign Affairs in the present shape; the whole subject-matter has heretofore been considered by an intelligent committee of the House, has received their approval, and a bill has accordingly been reported from that committee.

Mr. FLOWER. I have your report in my hand, and I would like to have it printed.

Mr. PICKLER. There is an answer to the gentleman from New York that this matter is in the district of the gentleman from Texas, and he is a member of the Arid Lands Committee. That is another reason for its passage.

Mr. LANHAM. I demand the previous question.

The House divided; and there were—ayes 147, noes 19.

So the previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

Mr. KERR, of Iowa. I make the point of order; I wish to call the attention of the gentleman from Texas to the last clause of Rule XXIV——

The SPEAKER. The Chair will state to the gentleman from Iowa that debate is not in order after the previous question has been ordered.

Mr. LANHAM. Regular order.

The SPEAKER. But the gentleman from Iowa made a point of order. The Chair thought the gentleman understood the question. The Chair desires to say that the resolution comes within the clauses of Rule XXIV.

Mr. KERR, of Iowa. But my point is that the last clause of Rule XXIV has not been complied with; that is, that the committee has not directed this action.

Mr. LANHAM. Why, Mr. Speaker, does the gentleman suppose that I would assume that kind of authority without instructions from the committee? Here is my chairman and my colleagues are all around me. I claim to act by the authority of the committee.

Mr. KERR, of Iowa. If the gentleman says that, of course it obviates the point.

The SPEAKER. The Chair understood that to be the fact, and so communicated to the gentleman from Iowa.

Mr. KERR, of Iowa. I did not so understand.

The SPEAKER. The first question is on agreeing to the amendment.

The amendment was adopted.

The resolution as amended was adopted.

Mr. LANHAM. I now move to adopt the preamble.

The motion was agreed to.

Mr. LANHAM moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection, the (bill H. R. 3924) of substantially the same character as the matter just acted upon will be laid upon the table.

There was no objection, and it was so ordered.

PUBLIC BUILDING, CHESTER, PA.

The SPEAKER also laid before the House the bill (S. 859) for the erection of a public building at Chester, Pa., with House amendments disagreed to by the Senate, and a conference asked with the House thereon, Mr. QUAY, Mr. SPOONER, and Mr. VEST having been appointed conferees on the part of the Senate.

Mr. MILLIKEN. I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

LIEUT. HENRY R. LEMLY.

The SPEAKER also laid before the House the joint resolution (S. R. 76) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the Republic of Colombia.

Mr. CUTCHEON. Mr. Speaker, I am directed by the Committee on Military Affairs to ask the concurrence of the House in this joint resolution. It is identically, word for word, the joint resolution of the House No. 147, now on the House Calendar, and was reported unanimously from the Committee on Military Affairs.

The joint resolution was read, as follows:

Resolved, etc., That Lieut. Henry R. Lemly, of the United States Army, be, and he is hereby, permitted to accept from the Government of the Republic of Colombia the position of instructor in the national military school at Bogota and the emolument pertaining thereto.

Mr. TRACEY. Is that in order under the rules?

The SPEAKER. It is.

The joint resolution was read a first and second time, ordered to a third reading, read the third time, and passed.

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

The latter motion was agreed to.

The SPEAKER. In the absence of objection, the joint resolution of the House No. 147, of the same title, will be laid on the table.

There was no objection, and it was so ordered.

WILLIAM DAWSON.

The SPEAKER. The Chair understands that the following bills were made a special order for to-day.

Mr. PEEL. I desire to ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. It is a private bill and will take but a moment, as it has only one section.

The SPEAKER. After the House disposes of the bills which come over under the special order, the gentleman can ask recognition.

The Clerk read as follows:

The bill (H. R. 1788) to remove certain charges from the record of William Dawson.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion and taking an oath to aid the Southern Confederacy now standing upon the record of William Dawson, late private of Company I, Second West Virginia Volunteers, be, and the same is hereby, removed.

Mr. KILGORE. I think there is a report accompanying that bill. I understand that this is a bill to remove the charge of desertion from a soldier who deserted from the Federal Army; and I think that the report should be read so that the House may know precisely what we are voting upon.

The SPEAKER. The Chair understands that there are fifteen minutes of debate allowed on either side. Does the gentleman desire to have the report read in his time?

Mr. KILGORE. I do.

The SPEAKER. The Clerk will read the report.

The report is as follows:

The Committee on Military Affairs, having had under consideration House bill 1788, respectfully recommend that the bill do pass.

William Dawson was enrolled in Company I, Second West Virginia Cavalry Volunteers, August 5, 1861, and was captured by the Confederate forces about September 12, 1863, and was confined in military prisons at Richmond, Va., and Andersonville, Ga., until about January 23, 1865, when he joined the Confederate forces.

His term of service actually expired in the Union Army on August 4, 1864.

The evidence shows that this man abandoned all hope of getting out of the Confederate prison alive, and enlisted in the Confederate forces with a view of deserting; that he did desert the Confederate army at the earliest possible opportunity, and rejoined his regiment about April 15, 1865, at Knoxville, Tenn.

"The penalties attaching to his having enlisted in the rebel army have been removed," and this bill is for the purpose of removing the charge of desertion and taking an oath to aid the Southern Confederacy. The charge of desertion stands against him on the theory that the time he was in the rebel army he was absent without leave.

The committee is satisfied that under all the circumstances of this case the charges standing against William Dawson should be removed.

The record of William Dawson while in the military service of the United States is hereunto annexed as a part of this report.

[Case of William Dawson, late private, Company I, Second West Virginia Cavalry.]

RECORD AND PENSION DIVISION, *January* 29, 1890.

William Dawson, private, Company I, Second West Virginia Cavalry Volunteers, was enrolled on August 5, 1861, to serve three years. On the company muster-out roll (non-veterans), dated November 28, 1864, he is reported "prisoner of war; captured in Smyth County, Virginia, September 14, 1863."

He was mustered out by reason of expiration of term of service on June 20, 1865, at Wheeling, W. Va., on an individual muster-out roll with the remark, "Escaped from Andersonville, Ga., and reported within our lines at Nashville, Tenn., May 8, 1865."

The records of the Confederate States Military Prison, Richmond, Va., show this man was captured in Smyth County, Virginia, September 12, 1863; was confined at Richmond, Va., September 15, 1863; and was sent to Andersonville, Ga., March 21, 1864. The records of the prison at Andersonville, Ga., show him "transferred to Colonel O'Neil, January 23, 1865."

His term of service expired actually on August 4, 1864.

In affidavits submitted by this man to the War Department he makes the following statements: When he was sent to Andersonville, Ga., a prisoner of war, he was kept there about seven months; was then taken to Savannah, Ga., where he was kept two months; thence was taken to Millen, Ga., and there kept one month; and was returned to the prison at Andersonville. He then abandoned all hope of getting out of prison alive unless he could enlist in the rebel service and desert therefrom. About three months after his return to Andersonville he did enlist in the rebel service under Colonel O'Neil; was sent to Augusta, but found no opportunity to desert until a month or two afterward, when, on or about April 15, 1865, he managed to escape, and by marching day and night, he reached the Union lines at Knoxville, Tenn., and rejoined his regiment.

On November 18, 1876, after an investigation of the case, the War Department made the following record:

"The penalties attaching to his having enlisted in the rebel army are removed; but he was absent without leave for the time he served in the rebel army, namely, from January 23, 1865, to April 15, 1865."

In view of this action the charge of desertion implied by his enlistment in the rebel army no longer stands against the record of this soldier; but the fact of his having so enlisted and served can not under existing law be expunged.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

Mr. KILGORE (during the reading) said: I withdraw the demand for the reading of the report.

Mr. CAREY. I understand there are fifteen minutes allowed for debate on each side.

The SPEAKER. That is the understanding.

Mr. TARSNEY. Mr. Speaker, this is a bill to expunge from the records of the War Department a record of desertion from the Union Army and enlistment in the Confederate army. The effect of the passage of this bill will be to restore the claimant to the right of pay and compensation from the time he was taken prisoner until after he returned to the Union lines, and carry with it for that eighteen months commutation of rations, commutation of clothing, and place his record in shape so that if he be laboring under disability he can get upon the pension-roll. If this bill be passed it will take out of the Treasury $1,000 at the present time. The record shows and the report of the committee contains all the facts and all the evidence that we have: that in September, 1863, he was captured; that he remained a prisoner of war until January, 1865, when, at Andersonville, Ga., he enlisted in the Confederate army.

The next we know of him from this report is on the 15th day of April, six days after the surrender of the Army of Northern Virginia at Appomattox, he reports inside of the Union lines at Knoxville, Tenn. He files before this committee an affidavit or affidavits, and it is the only evidence we have in this case outside of the simple records of the War Department, that he was taken prisoner, and the records of Confederate prisons that he was turned over or transferred to one Colonel O'Neil, who was a Confederate officer; this record evidence he supplements by his own affidavit that he enlisted in the Confederate army; that he did not return to the Union lines until after the war had been virtually closed, until the last engagement in the war had been fought; and it is now asked that this House shall expunge that record and place him on the same roll as honorable soldiers who did their duty until finally they were honorably discharged. I reserve the balance of my time.

Mr. GROSVENOR. Mr. Speaker, am I recognized to control the time in favor of the bill?

The SPEAKER. The gentleman from Ohio.

Mr. GROSVENOR. I desire only to occupy five minutes.

Mr. Speaker, it will be very difficult to make the House hear me this morning in the condition my voice is in, and I will take it as a personal favor if gentlemen will listen to a brief statement of the facts in this case.

William Dawson, who is a laborer and coal-miner at Middleport, Ohio, in my district, and a worthy, sober, and valuable citizen, was a soldier in the Second West Virginia Cavalry and was taken prisoner confessedly in the line of duty. At the end of an imprisonment of eighteen months, after he had been reduced by that imprisonment to a condition almost of a mere skeleton, he took the oath of allegiance to the Southern Confederacy and was discharged from Andersonville, Ga. He was sent to Macon, Ga., and remained five weeks in a Confederate hospital. He was never placed in the Confederate army; never joined any company or regiment in the army; never had a rebel gun in his hands, and from the hospital in Macon made his escape to the Union lines, rejoined his regiment, served out to the end of the war, was honorably discharged, paid all that was due him; makes no claim for pay, rations, or anything else, and has had, by the order of the War Department, the charge of desertion removed from his military record.

All this bill seeks is simply to have amnesty for having taken the oath of allegiance in order to escape from Andersonville prison and have that stain removed from his record. That is all he asks. It is all there is of it, either in the present or in the future. It can not affect any man but a single helpless American citizen who, while in Andersonville prison, starving and dying, elected to save his life by the unfortunate act of taking the oath of allegiance to the Southern Confederacy; and this act of Congress is in the nature of an amnesty.

It is simply coming to the American Congress and saying, here is a loyal man who had served in the Army in the time of war, but under the impulse of self-preservation took this oath, and he asks the American Congress to say that it shall not stand against his record. That is all there is in this case. Every day the executive officers of this Government are pardoning criminals, murderers, counterfeiters, and men of all grades of crime. Here is a man who simply says that "I did so under the impulse of self-preservation, and afterwards I did my duty." All this service in the Southern Confederacy was after his term of service had expired. The War Department says that his term of service

expired on the 4th day of August, 1864. That was the time when his three years' enlistment was up.

Mr. WILLIAMS, of Ohio. And he had been two years in the rebel prison.

Mr. GROSVENOR. I hope the bill will pass. I can see no possible reason why it should not. He took that oath three months after his time was out, and in five weeks thereafter he was inside of the Union lines, was received by his company and regiment, served to the end of the regimental term, and was honorably discharged. I reserve the balance of my time.

Mr. TARSNEY. Mr. Speaker, the records of the War Department show that he was mustered out by reason of expiration of his term of service on June 30, 1865, at Wheeling, W. Va., on an individual muster-roll, with the remarks: "Escaped from Andersonville, Ga., and reported within our lines at Nashville, Tenn., May 8, 1865." From this it is evident that this man reported to the officers at Wheeling, W. Va., where he was being mustered out, that he had made his escape from Andersonville; yet in his own affidavit, upon which this report is founded, he admits that he enlisted in the Confederate army, and in that affidavit he swears that as soon as he could escape he did escape, and, marching day and night, reported to his own regiment at Knoxville, Tenn., on the 15th of April.

There it will be seen that there is a contradiction between his statement and the records of the War Department. Now, the gentleman from Ohio [Mr. GROSVENOR] says that this man never served in the Confederate army, but that he was sent immediately to hospital at Macon, in Georgia, after enlisting in the Confederate army. Where is the evidence of that? If there is any evidence of it it must be in an *ex parte* affidavit of the claimant himself. But if such evidence existed this report would have stated that fact, because that would have been a material and significant fact, showing the animus or rather the good faith of this man. If the evidence that he had been in the hospital there and had never done any service in the Confederate army existed it would have been incorporated in this report.

But, Mr. Speaker, the records of the War Department are silent upon that matter. The penalty for his having enlisted in the rebel army, not for deserting from the Union Army, was remitted, "but he was absent without leave for the time he served in the rebel army," and the record for desertion still stands, or this bill would not have been presented. He was absent without leave "for the time he served in the rebel army" is the recital of the records of the War Department, not, as stated in his own affidavit, for the time that he was in hospital in the city of Macon, Ga. Mr. Speaker, we had well pause here and consider before we act upon this bill. Are you to remove such a record as this upon the affidavit of a man who himself confesses that he abandoned his flag, abandoned his country's cause, which he had sworn to stand by, deserted, and went into the ranks of the enemy? Are we to take the affidavit of this man in contradiction of the record of the War Department, which shows the facts I have stated?

Mr. WILLIAMS, of Ohio. Will the gentleman permit a question?

Mr. TARSNEY. I can not be interrupted. Mr. Speaker, on the floor of this House in the discussion of this measure on last Friday night it was asserted that this man, to save his life, because he was a mere skeleton, because he feared death as the result of his imprisonment, went out and enlisted in the rebel army with the mental reservation of violating the oath which he then took and with the intention of deserting at the earliest possible moment. Upon this floor it was announced that that was a meritorious act to do. Here upon this floor has the doctrine been taught to the youth of this land that there can be mental reservation in the taking of oaths; that men can stand up and call on God to witness the truth of their utterances, yet have a mental reservation, and intend to lie even to Him.

Is this the doctrine gentlemen would teach their own sons or would teach the youth of this land? And will they say that when a man stands a self-confessed double perjurer another affidavit made by him can set aside the force and effect of his admitted perjury? Mr. Speaker, we go too far when we do that; and I say to gentlemen all over this House the loyal soldiery of this Union will brook no such insult as the passage of this measure would be to them. There are honorable soldiers in this Union to-day who did meritorious service all along the line of their duty, but who have not met with the consideration which they should have received from this Government, because a portion of your time, which ought to be devoted to looking after their claims for consideration, is devoted to picking out such unmeritorious cases as this, passing such bills through this House, and putting them upon the statute-books of the land, a standing disgrace to the legislation of this nation.

But gentlemen tell me that this man did this to save his life, that he was mere skin and bone. But let me say to those gentlemen that the Confederate recruiting officers were not recruiting men who were dying; they were not recruiting men who were mere skeletons; they were recruiting able-bodied fighting men; and if gentlemen who champion this bill had been in the prison at Millen, as I was, when men went out and enlisted in the Confederate army, and had seen the men who staid there, had witnessed their indignation, had heard their groanings and their jeerings, and had seen the Confederate officers come in with their guards to escort these traitors out in safety for fear of violence to them from their outraged companions and comrades, we would hear no such talk as we have heard this morning in favor of this bill.

Mr. GROSVENOR. I yield three minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I am much surprised at the passion and the animus exhibited by my friend from Missouri [Mr. TARSNEY] in his remarks on this bill. One would suppose from the warmth of his remarks that the whole structure of this Government and the whole cause of patriotism in this country depend in some way or other upon whether we shall remove from the name of this former Union soldier the offensive record which stands in the War Department against him, that he took the oath of allegiance to the Confederacy.

Now, what are the facts? This man was not one of those who waited until near the close of the war to offer their services, when they could get a big bounty. He went in in 1861, early in 1861. He served two years honestly and faithfully, so far as appears from the record; and then he had the misfortune to be captured, to be made a prisoner of war. He remained in prison (and there is no sort of question whatever about this) until his term of enlistment had expired by more than five months.

Mr. KERR, of Iowa. Does the gentleman know in what battle he was captured?

Mr. CUTCHEON. I do not; I simply know the place where he was captured. It was in Smyth County, Virginia. But no question is made here that he was a good, faithful soldier. He was taken to various Confederate prisons, where he remained, as I have said, until his term of enlistment had expired for more than five months, when in January, 1865, he was transferred from the inside of the prison to the outside, in charge of Colonel O'Neil, of the Confederacy. He made his escape about April 15, 1865, and rejoined his command. He was mustered out honorably June 20, 1865, on individual muster-out roll.

There is nothing in the records of the War Department, except this man's own affidavit, which shows that he took any oath of allegiance to the Confederacy; and if there is anything patent upon the face of this record it is that he took the oath simply and only that he might have the opportunity to regain the Union lines and rejoin his command. He never took that oath with any purpose of serving the Confederacy honestly and faithfully, but as a mere stratagem. Now, I suppose that my friend from Missouri, if he had succeeded in escaping from that Confederate prison of which he has told us so many times during this session of Congress, and if, while wending his way toward the north star and Stars and Stripes, he had been met by a squad of Confederate cavalry, and they had asked him whether he was an escaping Yankee soldier, he would have told them, "Yes; take me right back." [Laughter.] He would not have evaded that question. He would not have prevaricated. He would not have given them any misinformation. He would have held up his hands and sworn to the fact that he was a Union soldier.

[Here the hammer fell.]

Mr. CUTCHEON. I am very sorry I have not more time. I will only say I hope this bill may pass. There is no charge of desertion against this man.

Mr. GROSVENOR. I yield two minutes to my colleague from Ohio [Mr. WILLIAMS].

Mr. WILLIAMS, of Ohio. I yield my two minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. As I was about to say, Mr. Speaker, there is not any charge of desertion against this soldier. In the nature of the case there could not be. His term of enlistment expired August 4, 1864, and he was not transferred to Colonel O'Neil, of the Confederacy, until January, 1865. He could not have deserted, because at that time he was a civilian. He simply took an oath of allegiance to the Confederacy. We are asked to amnesty that act. We have amnestied every man who has come to this House and asked for it. Since I have been a member I have never known a bill for amnesty that was not passed by a unanimous vote.

Mr. MORSE. We forgive everybody but Union soldiers!

Mr. CUTCHEON. The report of the War Department says:

> The penalties attaching to his having enlisted in the rebel army are removed. * * * In view of this action the charge of desertion implied by his enlistment in the rebel army no longer stands against the record of this soldier, but the fact of his having so enlisted and served can not, under existing law, be expunged.

The object of this bill is not to remove the charge of desertion; this man never did desert. When he was transferred to Colonel O'Neil he was a civilian. But undoubtedly he did lie in order to get out of prison; and the gentleman from Missouri, unless he has more virtue than I believe he has, would have lied if he could have got out by that means; and I would be ready to forgive him. I ask this House to join with me in forgiving this man, who, after eighteen months of incarceration in the worst Confederate prison of the South, did lie in order that he might get out, get back to the Federal lines, and rejoin his command.

Mr. KERR, of Iowa. Does the gentleman know of his own knowledge that the Confederate authorities enlisted sick men?

Mr. TARSNEY. Can the gentleman give us any assurance that some

of us on this floor to-day, with wounds upon our bodies, did not receive them from this man while he was serving in the Confederate army?

Mr. CUTCHEON. Why, as I understand, there is no evidence that this man ever had a gun in his hand as a Confederate soldier.

Mr. GROSVENOR. The evidence is positive that he never had; and it is only a misrepresentation to say that he ever had.

Mr. CUTCHEON. As I understand, he simply performed civilian duty.

Mr. GROSVENOR. I yield the remainder of my time to the gentleman from Wyoming [Mr. CAREY].

Mr. CAREY. Mr. Speaker, it so happened that I reported this bill to the House. There was abundant testimony before the committee and a very thorough examination was made of the case.

If there ever was a meritorious case of this kind presented for the consideration of Congress, this case of Dawson is one, I think. If this House will but listen to me and compare the dates as we get them from the War Department they can not hesitate about rendering a righteous decision and giving relief to this man. Dawson enlisted on the 5th day of August, 1861, and was captured by the Confederates on September 12, 1863, while out with a party burning bridges in West Virginia. His term of service expired August 4, 1864.

Now, Mr. Speaker, let it be borne in mind that he was captured on the 12th day of September, 1863, the September preceding the August when his regular term expired. He remained in prison until January 23, 1865, the January after the August when his term expired in the Union service. He was enlisted in the Confederate service by a Captain O'Neil on the 23d day of January, 1865, and he took the ordinary oath of allegiance to the Southern Confederacy.

The evidence shows that at the earliest possible moment, and before the performance of any military service in the Confederacy, he escaped through the Confederate lines and reported to his old company at Nashville, Tenn. He escaped on the 15th day of April. The War Department, on an examination of the case, removed at once the penalties that attached to his enlistment in the Southern Confederacy; but they have charged him up with an absence without leave between January 23 and May, 1865, when he reported for duty again in the Union lines. It will be noted by reference to the record of the case that between January 23 and May, 1865, he was not actually in the service of the United States, as his term had expired in the August preceding.

Mr. TARSNEY. He was not discharged.

Mr. CAREY. No; he was not discharged, because it was not possible to be discharged. He was in the rebel service.

Mr. TARSNEY. He discharged himself.

Mr. CAREY. Now, can any man stand up and say that he would be more courageous or brave than this man was? Men in their health and strength are often courageous, but when men are very sick, enfeebled, and debilitated they often become as children and lose their bravery and courage. This probably would not apply to the gentleman on the other side who has taken the stand he has, for he would, I suppose, be brave under all circumstances. He has so stated himself before the House. But Mr. Dawson should be relieved, because of the circumstances surrounding his case; and the record of the case shows it to be a meritorious and worthy one.

I yield the remainder of the time to the gentleman from Ohio [Mr. WILLIAMS].

Mr. WILLIAMS, of Ohio. Mr. Speaker, it strikes me that the House has not as yet a true conception of the history of this case. The gentleman from Missouri entirely misapprehends it.

The soldier's time expired in August, 1864; he was in a rebel prison. Now, by what ruling of law or principle of equity the War Department had the right, that being the case, to set against his name the dishonorable record of "absent without leave," when his time had expired, is beyond my comprehension. He was a civilian from the date of the expiration of the time of enlistment, but was in a rebel prison and remained there for eighteen months until, as he stated, he became reduced to mere skin and bones and thought he would die; and so, in order to save his life, he enlisted in the rebel army in January, 1865, with a view of deserting. The very first opportunity that presented itself he deserted the rebel army without performing any duty in it; and it seems to me, Mr. Speaker and gentlemen of the House of Representatives, the complaint of the gentleman from Missouri is that this man ought not to be relieved by the War Department from the record of "absent without leave" simply because he deserted the Confederate army.

Do you want to make that record and go before the country upon it? Was it a crime to desert the Confederate army? All the desertion in this case is a desertion from the Confederate army in which he enlisted after his term of service in the Federal Army had expired. The soldier states he enlisted to save his life. Some men perhaps would not have enlisted under the circumstances.

Mr. TARSNEY. This man failed to make a record for himself during all the time from 1861 up to the time the Army was disbanded. Now he seeks to have a record made for him long after the war closed.

Mr. WILLIAMS, of Ohio. The gentleman from Missouri no doubt would have died and gone to his long home rather than do what this man did. But we can not judge other men by that standard. We know that this man was placed in a position where it was a matter of life and death with him.

The SPEAKER. The time allowed for the debate has expired. The question is on the engrossment and third reading of the bill.

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

The question recurred on the passage of the bill.

Mr. TARSNEY. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 88, not voting 112; as follows:

YEAS—127.

Allen, Mich.	Craig,	Kinsey,	Rockwell,
Anderson, Kans.	Culbertson, Pa.	Laidlaw,	Russell,
Andrew,	Cutcheon,	Laws,	Sanford,
Arnold,	Darlington,	Lehlbach,	Sawyer,
Atkinson, Pa.	Dingley,	Lind,	Scranton,
Atkinson, W. Va.	Dolliver,	Lodge,	Scull,
Baker,	Dunnell,	Mason,	Seney,
Banks,	Evans,	McAdoo,	Sherman,
Belden,	Farquhar,	McClellan,	Smith, Ill.
Belknap,	Featherston,	McCord,	Smith, W. Va.
Bingham,	Fithian,	McKinley,	Smyser,
Bliss,	Forman,	Miles,	Snider,
Boothman,	Fowler,	Moore, N. H.	Spooner,
Brookshire,	Funston,	Morey,	Stephenson,
Brosius,	Gear,	Morrill,	Stivers,
Brower,	Gest,	Morse,	Stockbridge,
Browne, Va.	Greenhalge,	Niedringhaus,	Taylor, E. B.
Bullock,	Grosvenor,	Nute,	Taylor, Ill.
Burrows,	Hall,	O'Neil, Mass.	Taylor, J. D.
Burton,	Hansbrough,	O'Neill, Pa.	Taylor, Tenn.
Caldwell,	Harmer,	Osborne,	Townsend, Colo.
Cannon,	Haugen,	Owen, Ind.	Vandever,
Carter,	Haynes,	Payne,	Van Schaick,
Cheadle,	Henderson, Ill.	Perkins,	Wade,
Cheatham,	Henderson, Iowa	Peters,	Wallace, Mass.
Chipman,	Hill,	Pickler,	Watson,
Clancy,	Hitt,	Pugsley,	Wickham,
Clunie,	Holman,	Quackenbush,	Williams, Ohio
Coleman,	Hopkins,	Raines,	Wilson, Ky.
Comstock,	Houk,	Randall,	Wilson, Wash.
Conger,	Kennedy,	Ray,	Yardley.
Connell,	Ketcham,	Reyburn,	

NAYS—88.

Abbott,	Cothran,	Henderson, N. C.	Richardson,
Alderson,	Covert,	Kerr, Iowa	Rogers,
Anderson, Miss.	Cowles,	Kerr, Pa.	Rusk,
Barnes,	Crain,	Lanham,	Sayers,
Barwig,	Crisp,	Lester, Ga.	Shively,
Biggs,	Culberson, Tex.	Lewis,	Simonds,
Blanchard,	Cummings,	Magner,	Skinner,
Blount,	Davidson,	Martin, Ind.	Springer,
Boatner,	Dockery,	Martin, Tex.	Stewart, Ga.
Breckinridge, Ky.	Dunphy,	McClammy,	Stewart, Tex.
Brickner,	Edmunds,	McCreary,	Stockdale,
Brunner,	Elliott,	McRae,	Stone, Ky.
Buchanan, Va.	Ellis,	Mills,	Tarsney,
Buckalew,	Enloe,	Montgomery,	Tucker,
Bynum,	Forney,	Moore, Tex.	Turner, Ga.
Campbell,	Geissenhainer,	Morgan,	Turner, N. Y.
Candler, Ga.	Gibson,	Norton,	Walker, Mo.
Carlisle,	Goodnight,	O'Neall, Ind.	Washington,
Caruth,	Grimes,	Owens, Ohio	Wheeler, Ala.
Catchings,	Hare,	Peel,	Wike,
Clements,	Hatch,	Pierce,	Williams, Ill.
Cobb,	Hemphill,	Reed, Iowa	Wilson, W. Va.

NOT VOTING—112.

Adams,	De Lano,	Mansur,	Rowland,
Allen, Miss.	Dibble,	McCarthy,	Spinola,
Bankhead,	Dorsey,	McComas,	Stahlnecker,
Bartine,	Ewart,	McCormick,	Stewart, Vt.
Bayne,	Finley,	McKenna,	Stone, Mo.
Beckwith,	Fitch,	McMillin,	Struble,
Bergen,	Flick,	Milliken,	Stump,
Bland,	Flood,	Moffitt,	Sweney,
Boutelle,	Flower,	Morrow,	Thomas,
Bowden,	Frank,	Mudd,	Thompson,
Breckinridge, Ark.	Gifford,	Mutchler,	Tillman,
Brewer,	Grout,	Oates,	Townsend, Pa.
Brown, J. B.	Hayes,	O'Donnell,	Tracey,
Browne, T. M.	Heard,	O'Ferrall,	Turner, Kans.
Buchanan, N. J.	Herbert,	Outhwaite,	Turpin,
Bunn,	Hermann,	Parrett,	Venable,
Butterworth,	Hooker,	Paynter,	Waddill,
Candler, Mass.	Kelley,	Payson,	Walker, Mass.
Carlton,	Kilgore,	Penington,	Wallace, N. Y.
Caswell,	Knapp,	Perry,	Wheeler, Mich.
Clark, Wis.	Lacey,	Phelan,	Whiting,
Clarke, Ala.	La Follette,	Post,	Whitthorne,
Cogswell,	Lane,	Price,	Wiley,
Cooper, Ind.	Lansing,	Quinn,	Wilkinson,
Cooper, Ohio	Lawler,	Reilly,	Willcox,
Dalzell,	Lee,	Rife,	Wilson, Mo.
Dargan,	Lester, Va.	Robertson,	Wright,
De Haven,	Maish,	Rowell,	Yoder.

So the bill was passed.

The following pairs were announced until further notice:

Mr. THOMAS M. BROWNE with Mr. JASON B. BROWN.

Mr. LACEY with Mr. WILSON, of Missouri.

Mr. GROUT with Mr. HEARD.

Mr. TOWNSEND, of Pennsylvania, with Mr. BUNN.

Mr. CLARK, of Wisconsin, with Mr. CATCHINGS.

Mr. THOMPSON with Mr. OATES.

Mr. GIFFORD with Mr. WHITTHORNE.

Mr. FINLEY with Mr. CANDLER, of Georgia.

Mr. WALKER, of Massachusetts, with Mr. LANE.
Mr. BLISS with Mr. STONE, of Missouri, from April 27.
Mr. BERGEN with Mr. BRECKINRIDGE, of Arkansas.
Mr. KNAPP with Mr. MCCARTHY.
Mr. MCCOMAS with Mr. STUMP.
Mr. WADDILL with Mr. O'FERRALL.
Mr. WHEELER, of Michigan, with Mr. PHELAN.
Mr. WRIGHT with Mr. PENINGTON.
Mr. COOPER, of Ohio, with Mr. MAISH.
Mr. SWENEY with Mr. MANSUR, except upon the silver bill.
Mr. MCCORMICK with Mr. KERR, of Pennsylvania, excepting the bankrupt bill and silver bill.
Mr. BOWDEN with Mr. LESTER, of Virginia, except the river and harbor bill.
Mr. CANDLER, of Massachusetts, with Mr. MCMILLIN, except on the silver bill.
For this day:
Mr. DALZELL with Mr. PAYNTER.
Mr. WALLACE, of New York, with Mr. COOPER, of Indiana.
Mr. MOFFITT with Mr. ROWLAND.
Mr. STRUBLE with Mr. PERRY.
On this vote:
Mr. BECKWITH with Mr. FLOWER.
Mr. BOUTELLE with Mr. YODER.
For the rest of this day:
Mr. MUDD with Mr. TILLMAN.
Mr. BAYNE with Mr. LAWLER.
Mr. DE HAVEN with Mr. HERBERT, until the end of this week.
Mr. McCOMAS. I find I am paired, and withdraw my vote.
Mr. HEARD. I am paired with Mr. GROUT, who is absent on account of illness. If he were present, I would vote "no."
Mr. MUDD. I find that I was paired with some one, and therefore desire to withdraw my vote. I would vote "ay" if the gentleman were present.
The result of the vote was then announced as above recorded.

MARY H. NICHOLSON.

The next bill coming over was the bill (H. R. 6688) asking an increase of pension for Mary H. Nicholson.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Nicholson, widow of the late Rear-Admiral J. W. S. Nicholson, United States Navy, at the rate of $100 per month, in lieu of the pension she is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.
The SPEAKER. The question is on the passage of the bill.
The question was put, and the Speaker announced that the noes seemed to have it.
Mr. FLOWER. Division.
Mr. CHEADLE. I ask for the yeas and nays on this bill.
The question was taken on ordering the yeas and nays.
The SPEAKER (after counting). Twenty gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.
A division was called for.
The House divided; and there were—ayes 64, noes 17.
Several MEMBERS. No quorum.
The SPEAKER. The Chair does not see any gentleman rising and making the point that no quorum is present. [Laughter.]
So the bill was passed.
Mr. FLOWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

DISPOSAL OF MILITARY RESERVATION IN COLORADO AND NEBRASKA.

Mr. TOWNSEND, of Colorado. Mr. Speaker, I present a report from the Committee on Public Lands, of which I ask immediate consideration.
The Clerk read as follows:

A bill (S. 361) to provide for the disposal of the Fort Sedgwick military reservation, in the States of Colorado and Nebraska, to actual settlers under the provisions of the homestead laws.

Whereas the tract of land in the States of Colorado and Nebraska known as the Fort Sedgwick military reservation is no longer needed or used for military purposes and has been abandoned as a military reservation by Executive authority: Therefore,

Be it enacted, etc., That the lands embraced in the former military reservation known as the Fort Sedgwick, in the States of Colorado and Nebraska, having been surveyed according to law, shall, from and after the passage of this act, be subject to disposal, to actual settlers thereon, as lands held at the minimum price, according to the provisions of the homestead laws only: *Provided*, That any person who, prior to the passage of this act, may have become an actual resident with permanent improvements thereon, may, if living, enter one-quarter section of said land, to include his residence and improvements, under the provisions of the homestead laws, notwithstanding he may have previously exhausted his rights thereunder; or, if deceased, his heirs may enter such quarter section, and may perfect title thereto in like manner as if the land had been entered by the deceased settler during his lifetime.

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

Mr. TOWNSEND, of Colorado, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
The SPEAKER. If there be no objection, House bill 3811, on the same subject, will be ordered to lie on the table.
There was no objection.

ALBERT H. EMERY.

Mr. HOLMAN. Mr. Speaker, I rise to a privileged motion. I ask to enter a motion to reconsider the vote of the House by which the House non-concurred in the Senate amendment to the bill (H. R. 3538) for the relief of Albert H. Emery.

ORDER OF BUSINESS.

Mr. DINGLEY. I move that the House resolve itself into Committee of the Whole for the purpose of considering House bill 9548.
Mr. SPRINGER. That does not indicate what the bill is. Let the title of the bill be read.
Mr. CARLISLE. I understand that the morning hour has not as yet been occupied.
Mr. SPEAKER. It has not.
Mr. CARLISLE. Then, under the rules of the House, the gentleman can only make the motion to go into Committee of the Whole House on the state of Union, to consider revenue bills, without designating any particular bill; but I suppose that this is perhaps the only bill on the Calendar.
Mr. DINGLEY. I take it for granted that the motion to consider any particular revenue bill would be in order.
Mr. CARLISLE. Not until after the expiration of the morning hour.
Mr. DINGLEY. I refer that to the Speaker.
The SPEAKER. The Chair has already decided that the motion can be made.
Mr. CARLISLE. At any time?
The SPEAKER. At any time.
Mr. CARLISLE. Of course I have no desire to discuss the matter with the Speaker, but Rule XXIV provides that after sixty minutes have expired any gentleman by direction of a committee may move to go into Committee of the Whole House on the state of the Union to consider any particular bill designated by it, to which one amendment may be offered designating another bill. I suppose the result would be substantially the same in either case, because this is the only revenue bill on the Calendar.
The SPEAKER. The Chair has already ruled on that point in regard to an appropriation bill.
Mr. McRAE. I ask the gentleman from Maine to withhold his motion until I can make a privileged report. It is one that I have been trying to make for a couple of days.
Mr. DINGLEY. We can do that after we get through with this.
Mr. McRAE. But it may take you a couple of days.
Mr. DINGLEY. It will take a very short time; but I will yield to the gentleman.

ORIGINAL LAND PATENTS.

Mr. McRAE. I am directed by the Committee on Public Lands to ask immediate consideration of the resolution as proposed to be amended.
The Clerk read as follows:

"Whereas there are in the General Land Office a large number of old original land patents which from various causes have not been delivered to the grantees of the United States as they should have been; and
"Whereas their retention in the Department is an expense and burden to the Government and the source of annoyance and vexation to the present owners who are generally not aware of the non-delivery: Therefore,
"*Be it resolved by the House of Representatives*, That the Secretary be, and he hereby is, requested to cause to be made a list and description of such patents as were issued prior to August 20, 1866, and not yet delivered, showing the number, date, grantee, and description of the land, and transmit the same to the House for information."
The Committee on Public Lands having having had the accompanying resolution under consideration report the same back with the recommendation that it pass, with the following amendments:
Insert after the word "Secretary," in line 14, the words "of the Interior."
Insert after the word "issued," in line 16, the words "for lands in the States of Arkansas and Mississippi."
Insert after the word "delivered," in line 17, the words "by land districts."

Mr. McRAE. I move the adoption of the amendments.
The amendments were agreed to.
The resolution as amended was adopted.
Mr. McRAE moved to reconsider the motion by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 9856) making appropriations for the service of the Post-Office for the fiscal year ending June 30, 1891; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.
Mr. CLEMENTS and Mr. HOLMAN reserved all points of order upon the bill.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Maine [Mr. DINGLEY] that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 9548) providing for the classification of worsted cloths as woolens.

The question was taken on the motion of Mr. DINGLEY; and the Speaker declared that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. I ask for a division.

The House divided; and there were—ayes 85, noes 61.

Mr. BRECKINRIDGE, of Kentucky. I ask for tellers.

Tellers were ordered; and the Speaker appointed Mr. BRECKINRIDGE, of Kentucky, and Mr. DINGLEY to act as tellers.

The House again divided; and the tellers reported—ayes 91, noes 70.

Mr. BRECKINRIDGE, of Kentucky. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on the motion of Mr. DINGLEY; and it was decided in the affirmative—yeas 113, nays 95, not voting 119; as follows:

YEAS—113.

Adams,	Ewart,	Lodge,	Simonds,
Allen, Mich.	Farquhar,	Mason,	Smith, Ill.
Anderson, Kans.	Flick,	McKinley,	Smith, W. Va.
Arnold,	Flower,	Miles,	Smyser,
Atkinson, Pa.	Frank,	Moore, N. H.	Snider,
Baker,	Gear,	Morrow,	Spooner,
Banks,	Gest,	Morse,	Stephenson,
Belden,	Greenhalge,	Niedringhaus,	Stewart, Vt.
Belknap,	Grosvenor,	Nute,	Stivers,
Bliss,	Hall,	O'Donnell,	Stockbridge,
Boothman,	Hansbrough,	O'Neill, Pa.	Taylor, E. B.
Brewer,	Harmer,	Osborne,	Taylor, Ill.
Brosius,	Haugen,	Owen, Ind.	Taylor, J. D.
Buchanan, N. J.	Henderson, Ill.	Payne,	Taylor, Tenn.
Burton,	Henderson, Iowa	Peters,	Thomas,
Carter,	Hermann,	Pickler,	Townsend, Colo.
Cheadle,	Hill,	Post,	Tracey,
Cheatham,	Hitt,	Pugsley,	Vandever.
Cogswell,	Hopkins,	Raines,	Van Schaick,
Comstock,	Houk,	Randall,	Wade,
Conger,	Kelley,	Ray,	Wallace, Mass.
Connell,	Kennedy,	Reed, Iowa	Watson,
Craig,	Kerr, Iowa	Reyburn,	Wickham,
Cutcheon,	Ketcham,	Rockwell,	Williams, Ohio
Darlington,	Kinsey,	Russell,	Wilson, Ky.
Dingley,	La Follette,	Sanford,	Yardley.
Dolliver,	Lansing,	Scranton,	
Dunnell,	Laws,	Scull,	
Evans,	Lehlbach,	Sherman,	

NAYS—95.

Abbott,	Crain,	Kerr, Pa.	Reilly,
Allen, Miss.	Crisp,	Kilgore,	Richardson,
Anderson, Miss.	Dargan,	Lanham,	Rogers,
Barnes,	Davidson,	Lee,	Rusk,
Barwig,	Dockery,	Lester, Ga.	Sayers,
Bland,	Edmunds,	Martin, Ind.	Seney,
Blount,	Elliott,	Martin, Tex.	Shively,
Boatner,	Ellis,	McAdoo,	Springer,
Breckinridge, Ky.	Enloe,	McClellan,	Stewart, Tex.
Brickner,	Fithian,	McCreary,	Stockdale,
Brookshire,	Forman,	McRae,	Stone, Ky.
Brunner,	Forney,	Mills,	Tarsney,
Buchanan, Va.	Fowler,	Montgomery,	Tucker,
Buckalew,	Geissenhainer,	Moore, Tex.	Turner, Ga.
Bynum,	Gibson,	Morgan,	Turner, N. Y.
Caruth,	Goodnight,	Mutchler,	Turpin,
Chipman,	Grimes,	Norton,	Walker, Mo.
Clancy,	Hare,	O'Neall, Ind.	Wheeler, Ala.
Clarke, Ala.	Hayes,	O'Neil, Mass.	Wike,
Clements,	Haynes,	Outhwaite,	Willcox,
Clunie,	Hemphill,	Owens, Ohio	Williams, Ill.
Cobb,	Henderson, N. C.	Peel,	Wilson, W. Va.
Covert,	Holman,	Pierce,	Yoder.
Cowles,	Hooker,	Quinn,	

NOT VOTING—119.

Alderson,	Catchings,	Lester, Va.	Robertson,
Andrew,	Clark, Wis.	Lewis,	Rowell,
Atkinson, W. Va.	Coleman,	Lind,	Rowland,
Bankhead,	Cooper, Ind.	Magner,	Sawyer,
Bartine,	Cooper, Ohio	Maish,	Skinner,
Bayne,	Cothran,	Mansur,	Spinola,
Beckwith,	Culberson, Tex.	McCarthy,	Stahlnecker,
Bergen,	Culbertson, Pa.	McClammy,	Stewart, Ga.
Biggs,	Cummings,	McComas,	Stone, Mo.
Bingham,	Dalzell,	McCord,	Struble,
Blanchard,	De Haven,	McCormick,	Stump,
Boutelle,	De Lano,	McKenna,	Sweney,
Bowden,	Dibble,	McMillin,	Thompson,
Breckinridge, Ark.	Dorsey,	Milliken,	Tillman,
Brower,	Dunphy,	Moffitt,	Townsend, Pa.
Brown, J. B.	Featherston,	Morey,	Turner, Kans.
Browne, T. M.	Finley,	Morrill,	Venable,
Browne, Va.	Fitch,	Mudd,	Waddill,
Bullock,	Flood,	Oates,	Walker, Mass.
Bunn,	Funston,	O'Ferrall,	Wallace, N. Y.
Burrows,	Gifford,	Parrett,	Washington,
Butterworth,	Grout,	Paynter,	Wheeler, Mich.
Caldwell,	Hatch,	Payson,	Whiting,
Campbell,	Heard,	Penington,	Whitthorne,
Candler, Ga.	Herbert,	Perkins,	Wiley,
Candler, Mass.	Knapp,	Perry,	Wilkinson,
Cannon,	Lacey,	Phelan,	Wilson, Mo.,
Carlisle,	Laidlaw,	Price,	Wilson, Wash.
Carlton,	Lane,	Quackenbush,	Wright.
Caswell,	Lawler,	Rife,	

So the motion was agreed to.

The following additional pairs were announced on this vote:

Mr. BARTINE with Mr. CARLTON.

Mr. MILLIKEN with Mr. BLANCHARD.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. BROWNE, of Virginia, with Mr. COTHRAN.

The following were announced as paired for the rest of this day:

Mr. FUNSTON with Mr. BIGGS.

Mr. LIND with Mr. ANDREW.

Mr. WILSON, of Washington, with Mr. SKINNER.

Mr. BECKWITH with Mr. MAGNER.

Mr. LAIDLAW with Mr. DUNPHY.

Mr. BOUTELLE with Mr. WILKINSON.

Mr. McKENNA with Mr. WASHINGTON.

Mr. DORSEY and Mr. BANKHEAD were announced as paired until further notice.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair.

CLASSIFICATION OF WORSTED CLOTHS.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering a bill (H. R. 9548) providing for the classification of worsted cloths as woolens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to classify as woolen cloths all imports of worsted cloth, whether known under the name of worsted cloth or under the names of worsteds, or diagonals, or otherwise.

Mr. DINGLEY. Mr. Chairman, before proceeding I would like to inquire of the gentleman from Kentucky [Mr. CARLISLE], in view of the fact that this is a simple business proposition, how much time will be required on that side of the House for general debate.

Mr. CARLISLE. I am not prepared to say. I concurred with the gentleman from Maine in reporting this bill from the Committee on Ways and Means, and therefore I am not opposing it on the floor, and it will be for gentlemen who desire to oppose the bill to state how much time is required on this side.

Mr. DINGLEY. Mr. Chairman, as this bill involves but a single proposition, and that a business one, it seems to me that a brief statement of the facts involved is all that is needed for the guidance of the committee and the House. The bill authorizes and directs the Secretary of the Treasury to classify as woolen cloths all worsted cloths by whatever name known. The object is to make clear a question which has arisen in respect to the classification of these goods under the existing tariff and to correct all doubts and misapprehensions in reference to the same. Justice, as well as the avoidance of all improper discriminations, requires that worsted cloths should be classed as woolens.

Worsted cloths are made of wool precisely the same as woolen cloths technically so called. It requires the same number of pounds of wool to make a pound of worsted cloth as a pound of so-called woolen cloth. The cost of production is substantially the same and the uses to which they may be put are identical.

It was evidently the intention of the framers of the act of 1883 to make what are now known as worsted cloths for men's wear bear the same duty as woolen cloths bear. It was evidently their intention, first, for the reason that they are woolen cloths for men's wear and precisely the same kind of goods for all practical purposes, and even sold at a higher price, as my colleague on the committee suggests. The only difference in the mode of manufacture of the two goods is that worsted cloth is made of combed wool, combing being a process by which the fibers of the wool are drawn out parallel to each other, while woolen cloth, so called, is made of carded wool, carding being a process by which the fibers are intermingled in all directions and felted. The process of manufacturing is the same, with the single exception of the combing process; the cost of the goods, the materials of which they are made, the quantity required, and the uses to which they may be put are identical.

In the tariff act of 1883 there are two paragraphs from which this difficulty has arisen. The first paragraph provides for woolen cloth and all manufactures of wool of every description, and provides that the compensatory duty, that is, the duty intended to be equivalent to the duty on the wool if imported, shall be 35 cents per pound.

The second paragraph under which the contention has arisen is a provision for unfinished goods made in general partly of wool, such as cheap blankets, cheap flannels, and cheap hats of wool. And in this provision of the act of 1883 there were added the words "and made of worsted." It so happened that at the time this act was framed the articles then known as worsted valued at less than 80 cents per pound were what is known as "worsted stuff," a cheap article, not conforming to woolen cloth.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. SHERMAN having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had adopted a resolution, in which the concurrence of the House was asked, requesting the President to return to the Senate the bill (S. 895) to provide a tempo-

rary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes.

ORDER OF BUSINESS.

Mr. PERKINS. Before the House again resolves itself into Committee of the Whole I would like to ask unanimous consent to act at once upon this resolution which has come from the Senate.

The CHAIRMAN (Mr. BURROWS in the chair, the House having again resolved itself into Committee of the Whole). The House is now in Committee of the Whole.

Mr. McKINLEY. I think there ought to be no objection to the adoption of this resolution.

Mr. PERKINS. It will give rise to no debate.

Mr. McKINLEY. As I understand this resolution will consume no time I move that the committee rise so as to give the gentleman from Kansas [Mr. PERKINS] an opportunity to take up the resolution.

The motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. SHERMAN having taken the chair as Speaker *pro tempore*, Mr. BURROWS reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 9548) providing for the classification of worsted cloths as woolens, had come to no resolution thereon.

OKLAHOMA.

Mr. PERKINS. I ask unanimous consent for the consideration at this time of the resolution which has just come from the Senate. It will take only a moment, I think. There can be no objection to the adoption of the resolution. Allow me to explain the necessity for it. In reciting in the bill the boundaries of Oklahoma the word "west" was used where the word "east" should have been used. Upon consultation it has been thought best to recall the bill from the hands of the President in order that this single correction may be made.

Mr. BRECKINRIDGE, of Kentucky. The correction, as I understand——

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 28, 1890.

Resolved by the Senate (*the House of Representatives concurring*), That the President be, and he is hereby, requested to return to the Senate the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes.

The SPEAKER *pro tempore*. Is there objection to considering at this time the resolution just read?

Mr. McMILLIN. Mr. Speaker, I think this an appropriate time to emphasize the manner in which we have been legislating for some weeks past. It will be remembered that this is one of the bills taken out of the Committee of the Whole by sudden change of the rules and forced through here without the opportunity for amendment and debate provided by the rules.

Mr. PERKINS. My friend is very much mistaken. This bill was considered carefully here. But I will say that this mistake results——

Mr. McMILLIN. Was not the bill finally taken out of the Committee of the Whole——

Mr. PERKINS. I make the suggestion to my friend from Tennessee——

Mr. McMILLIN. Before the consideration of the bill in the Committee of the Whole was concluded, you took it out of the committee, wrested it from the committee, and passed it, cutting off debate and depriving members of the safe privilege of amending it.

Mr. PERKINS. But that is not why the mistake occurred. The mistake did not occur here in this bill——

Mr. McMILLIN. I do not care how this particular mistake occurred. I am saying that under this slipshod, breakneck manner of throttling debate, cutting off amendment, depriving members of their rights and the country of its rights, such occurrences as these are likely to happen at any time. It is impossible to have safe and conservative legislation in the manner in which we have been proceeding. This is the second measure we have had to ask the President to return to us this session.

This is no fault of this side of the House. The members from Texas exercised all the vigilance it was possible to exercise, but the error crept in in conference, when they could no more prevent it than they could prevent the majority from recklessness generally.

And whilst this originated elsewhere and may have arisen from an entirely different source, it is an accident that is liable to creep into our legislation at any time, and one that is likely to occur at all times when matters are pushed through in such heedless haste, and I have taken this occasion purposely to call the attention of the House and country to the entirely reckless manner in which these things are done here. I think the resolution ought to pass; but I think at the same time it is proper to emphasize the reason for its passage. This is ceasing to be a deliberative body.

Mr. PERKINS. I will say in answer to my friend from Tennessee that this mistake occurred in the conference report, and that the rules of the House for the consideration of conference reports are precisely the same as they were in the last Congress and as they have been for years. Conference reports are submitted to the House and are considered and adopted under the rules of the House, and there is where the mistake occurred.

Mr. McMILLIN. As the matter has not been stated, I want to call attention to the fact that the little mistake in this bill which requires its recall from the President legislates the great State of Texas out of existence and puts it into the Territory of Oklahoma. [Laughter.]

Mr. PERKINS. Under the provisions of this bill we are dividing or cutting off a part of the State of Texas without the consent of the State. [Laughter.] That State objects naturally, and recognizing the feeling of our friends upon the other side from that State we desire to make the correction.

Mr. LANHAM. It would be better to put Oklahoma into Texas.

The SPEAKER *pro tempore*. Is there objection to the consideration of the resolution?

Mr. BRECKINRIDGE, of Kentucky. What is the exact effect of the error sought to be corrected?

Mr. PERKINS. The word "west" is used in describing one of the boundaries of Oklahoma, instead of the word "east," so that the boundary line runs into the State of Texas.

Mr. BRECKINRIDGE, of Kentucky. If we vote the resolution down and let the bill remain with the President as it is, would it allow Texas to remain within the Territory of Oklahoma? [Laughter.] Because, if that is the result, I think possibly that would be the best solution of this whole question.

Mr. PERKINS. Undoubtedly we take a part of Texas into Oklahoma by this bill.

Mr. BRECKINRIDGE, of Kentucky. Is not that the best solution of the question?

Mr. CUTCHEON. It might probably be an advantage to Texas to cut off the Panhandle.

Mr. BRECKINRIDGE, of Kentucky. What would be the effect of refusing to pass the resolution? Would it make the mistake valid in law?

Mr. CUTCHEON. The probable effect would be that the President would decline to sign it.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution.

The resolution was adopted.

CLASSIFICATION OF WORSTED CLOTHS.

Mr. McKINLEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the worsted bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair.

Mr. DINGLEY. Mr. Chairman, if I can have the attention of the House for not more than ten minutes, I think I can make this matter so plain that we may proceed to dispose of it without further delay.

Mr. BRECKINRIDGE, of Kentucky. If it does not interrupt my friend from Maine—because this is a matter with which he is very familiar—I understood him to say that the difficulty arose under the consideration of the second clause in the schedule of the act of 1883, imposing duties upon manufactured woolen articles.

Mr. DINGLEY. Under what is known as the flannel clause.

Mr. BRECKINRIDGE, of Kentucky. Now, under the first clause is it not true—and that the gentleman has not yet fully explained to the committee—that under this first clause woolen manufactures were divided simply into two classes, all under the valuation of 80 cents per pound and all over 80 cents per pound?

Mr. DINGLEY. Yes; but the specific duty on each class of woolen cloths was the same. The ad valorem only varied.

Mr. BRECKINRIDGE, of Kentucky. Which was meant to be compensatory for the duties imposed on wool.

Mr. DINGLEY. Yes, the pound duties.

Mr. BRECKINRIDGE, of Kentucky. Now, is my friend not mistaken when he says that in the second or flannel or worsted class it was meant to include articles in an unmanufactured state?

Mr. DINGLEY. In an unfinished state was what I said.

Mr. BRECKINRIDGE, of Kentucky. Well, in an unfinished condition; for I will beg my friend to see if that is not a carefully prepared clause making the classification five instead of two.

Mr. DINGLEY. But that is as to the specific or pound duties.

Mr. BRECKINRIDGE, of Kentucky. Yes, and practically as to the valuation.

Mr. DINGLEY. Yes, undoubtedly.

Mr. BRECKINRIDGE, of Kentucky. So that, instead of being in an unfinished condition, the last classification is one that ran the duties up——

Mr. DINGLEY. That is when valued over 80 cents per pound.

Mr. BRECKINRIDGE, of Kentucky. Now, is not the trouble that has actually overtaken the worsted men this—and that is what I want the gentleman to come to particularly—that when the bill of 1883 was enacted into a law Botany wool was selling at a certain price which

brought worsted goods under the carefully arranged classifications 1 and 2?

Mr. DINGLEY. The lower classes covered the wool used in cheap flannels, blankets, etc.

Mr. BRECKINRIDGE, of Kentucky. But the price of the wool went down all over the world, and the duties on worsted cloths, which were designed to be that which was fixed by the first and second classifications, became those fixed under the third and fourth classifications. And the difficulty occurred not because of the difference between wool and worsted goods, but because of the decline in the price of Botany wools and the classifications based on the price of such wools at that time.

Mr. DINGLEY. Of course that had something to do with it.

Mr. BRECKINRIDGE, of Kentucky. Did not it have all to do with it; was not that the real difficulty?

Mr. DINGLEY. Not with reference to those worsteds which were under 80 cents at the passage of the act. But these, let me state to the gentleman, were coarse, unfinished goods, ordinarily used in upholstering furniture. They were under 80 cents, of the character used for flannels, blankets, etc., and goods of that character not necessarily all wool. The only reason that flannels and blankets at 80 cents were put at a lower rate was because these goods imported under 80 cents under the act of 1883 were not all wool, but were used as adulterants and come in at the cheaper specific or pound duty. But that does not affect the equity in this case.

Mr. BRECKINRIDGE, of Kentucky. That is the very question that I want my friend to explain to the House, because I do not think that he has explained it.

Mr. MILLS. Mr. Chairman, we can not hear a word.

The CHAIRMAN. The Chair has not heard a single word that the gentleman from Kentucky has said, and only judges from the fact that the gentleman appears to be speaking that he has the floor.

Mr. BRECKINRIDGE of Kentucky. But the Chair is so entirely familiar with this subject that it might not be so necessary that the Chair should hear.

The CHAIRMAN. The committee will be very glad to hear the debate, and the gentleman will suspend until order is obtained.

Mr. BRECKINRIDGE, of Kentucky. The sole object that I had, and I do not desire to interrupt the gentleman from Maine, but I know how familiar he is with the subject, and while it is a business proposition I wish to attract his attention to, whether he was not entirely mistaken as to what the difficulty was as pointed out by him between worsteds and woolens and whether it was not a difficulty that grew out of the classifications in the act of 1883? By that act woolen manufactures were divided into two classes: all under 80 cents and all over 80 cents per pound. Now, in the next clause, there were five classifitions, and the worsted goods were supposed to come under the first and second classifications. If wool had continued at the price it then was they would still come under the first and second classifications, which would be the classification substantially of woolen goods; but woolens went down and the value of worsted goods went down. The duty, of course, was diminished, and the result was that the worsted goods came in at the lowest duty then on woolen goods.

Now, the question I wanted my friend's attention to was whether it was just and equitable now to change the rate of duty so as to offset the advantage that the consumer of these goods got by the diminution of the price of the material out of which they were made in the other markets of the world.

Mr. DINGLEY. But the gentleman from Kentucky is aware that this compensatory duty has reference solely to the duty on wool; that there has been no change of the duty on wool since the act of 1883 was framed. It still takes the same quantity of wool and the duty on wool is the same as when the act of 1883 was framed. So far, therefore, as compensatory duties are concerned, there was no idea of the framers of the act of 1883, no matter how this language came into the bill—there could be no intent that the duty of 10, 18, or 24 cents on worsteds of the same kind that now are known in the markets as woolen cloths would bear the same amount. Therefore, as to how the error came about and as to how it happened that the language was used on which this dispute has arisen is a matter of no consequence at all. The simple fact is that before the ruling of the Secretary of the Treasury was made, on the 27th of May, 1889, worsted cloths, having in them the same amount of wool per pound, costing the same and used for the identical purpose for which woolen cloth was then being used, were coming into the markets of the United States and paying a duty of only 18 and 24 cents a pound, when the duty upon the wool of which they were made exceeded 35 cents per pound and when woolen cloth was paying a compensatory duty of 35 cents per pound.

It was evidently not the intention of the framers of the act of 1883 to make any such discrimination against worsteds, and, whatever may have arisen since that time, these goods have been imported at these low rates for coarse articles, like blankets and flannels; yet the fact that it is claimed by the importers that they are entitled to have these worsted cloths come in at 10, 18, or 24 cents a pound, when the duty on the wool is at least 35 cents a pound, shows at once a discrepancy that Congress ought to hasten to correct and to do full justice, and only justice, to all concerned. Secretary Fairchild recognized this, and in his annual report in 1887 said upon this subject:

> A conspicuous example of the inequalities of the tariff is found in the discrimination in the rates of duty imposed upon woolen and worsted cloths.
>
> Improvement in recent years in the machinery employed in combing wool has so changed the character of what are commercially known as worsted cloths that the latter have largely superseded woolen cloths for use as men's wearing-apparel. This change in the style of manufacture and use of worsted cloths has operated to the serious injury of our domestic manufacturers of these goods, because the duty on the wool which they must use is the same as that upon wool used in making woolen cloths, while the rates of duty imposed upon the latter when valued at not exceeding 80 cents per pound are 35 cents per pound and 35 per cent. ad valorem, whereas the duty on worsted cloths valued at not exceeding 80 cents ranges from 10 to 24 cents per pound and 35 per cent. ad valorem. In some cases the duty on the wool used in making worsted cloths exceeds the duty imposed on the finished article.
>
> Earnest representations have been made to me of the hardships suffered by domestic interests on account of these changed conditions. There is much reason to believe that the manufacture of worsted cloths must soon cease in this country unless the tariff law in this regard is amended.

Mr. BRECKINRIDGE, of Kentucky. If the Secretary of the Treasury on the 27th of May decided the law to be as my friend says it ought to be, why, then, should we pass this act? That decision has been in existence a year. Why interfere by legislation with the Executive Department charged with the administration of this law when the construction of the law by the Department is precisely what you have inserted in this bill?

Mr. DINGLEY. Now, this is precisely a copy of the provision that was introduced into the tariff bill reported by the gentleman himself two years ago. Why did you introduce it?

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly it is. I will state that with perfect candor. We disagreed with what the Secretary has since decided. We believed that the law drew a distinction for many years between worsted and woolen, and that the law meant what it said, and that there was this inequality between worsteds and woolens which ought not to exist; and so, as we were changing this classification, altogether wiping out this classification and reducing woolen goods down to a proper duty, as we thought, we wiped out the distinction between woolen and worsted, and as our bill was not to take effect immediately, and, as there was a contest which is still existing as to the opinion of various gentlemen, as a matter of compromise we thought that that particular provision should take effect upon the passage of the bill.

Mr. DINGLEY. Precisely; and that is the proposition to-day, that it shall take effect upon the passage of the bill.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly upon the passage of the bill, but this was all based upon a hypothesis which turned out to be incorrect: that my friend and his associates in both ends of this Capitol were interested in a revision of the tariff by a reduction of the rates, and would equalize all these inequalities downward, and not take those that were low and equalize them upward.

Mr. DINGLEY. The justice of this bill is the same whatever may be the hypothesis, and the gentleman believed that woolen cloths and worsted cloths ought to be equalized, and united in reporting a bill that should go into effect immediately upon its passage and before the tariff bill went into effect.

Mr. BRECKINRIDGE, of Kentucky. I agree with my friend now that this classification of woolens is not a proper classification and ought to be brought down so that worsteds and woolens might be on an equality. The difference between us is that he wants to elevate the worsteds to the woolens, while I want to bring the woolens down to the worsteds.

Mr. DINGLEY. But the gentleman elevated the worsteds to the woolens in the bill which he united in favorably reporting two years ago.

Mr. BRECKINRIDGE, of Kentucky. Only for a period of a very few months, at the end of which we destroyed the entire classification. We were willing, if we could get the gentleman and others who act with him to give us a permanent reduction on all these goods, to consent to a temporary increase of taxation on these particular articles. I am sorry that the arrangement failed.

Mr. DINGLEY. Now, Mr. Chairman, I wish to say, in reference to this matter, that in the annual report of Secretary Fairchild in 1887 he called the attention of Congress to this discrepancy and asked that precisely the same legislation should be had that is contemplated by this bill, and the gentleman from Arkansas [Mr. BRECKINRIDGE] at once introduced a bill for the purpose, of which the bill now before the committee is an exact copy. And so fully did the justice of that bill commend itself to my friends upon the other side that they unanimously incorporated in their tariff bill a provision precisely the same as the pending bill, and unanimously supported it in the House.

Now, Mr. Chairman, there can be no question in reference to the justice or propriety of this measure. It does not involve any questions that are in dispute between the two sides of the House on the general question of tariff. The question here is, the tariff being as it is and the duties upon wool as they are, is it not just and proper that there should be the same compensatory duties on worsted cloths as on so-called woolen cloths? We have entire unanimity of opinion upon that point. Whatever we may do when the tariff bill proper shall be taken up and we come to discuss the general question as to what shall be the

duty on wool and what the duty on cloth, that question is properly relegated to the discussion in connection with the general tariff bill.

Mr. BRECKINRIDGE, of Kentucky. But my friend does not answer my question, why there is any necessity for any legislation upon this subject, since the present Secretary of the Treasury, reversing the decision of his predecessor, has held that the law allowing worsteds to come in imposes the same duties upon them as upon woolens.

Mr. DINGLEY. The gentleman is aware that there was never any decision or ruling by the Treasury Department upon this question until the 27th of May, 1889. Then the question was brought before the Department, and the Secretary of the Treasury on the 27th of May, 1889, made a ruling covering precisely the position that had been taken by Secretary Fairchild in his communication to Congress, and covering the position taken in the bill which had been introduced by the gentleman from Arkansas [Mr. BRECKINRIDGE], precisely the same position taken in this bill, namely, that worsted cloths ought to be classified as, and ought to pay the same duty as, woolen cloths.

Mr. BRECKINRIDGE, of Kentucky. I do not know that I catch my friend's statement exactly, but, if I do, it is that Secretary Windom took the same position as Secretary Fairchild.

Mr. DINGLEY. Secretary Fairchild made no ruling upon the subject. I do not understand that the question was brought to his attention in such a way that he could make any ruling upon it. There was no ruling made upon this question by the Treasury Department until the 27th of May, 1889.

Mr. BRECKINRIDGE, of Kentucky. Had there not been prior rulings taking ground precisely contrary to that taken by Secretary Windom?

Mr. DINGLEY. I am not aware that the Secretary of the Treasury ever made a ruling upon this subject prior to that time.

Mr. McKINLEY. No case had been presented to him.

Mr. DINGLEY. I am not aware that any case was ever carried in the proper way to any Secretary of the Treasury so as to require a ruling upon his part until the case upon which the ruling was made on the 27th of May, 1889.

Mr. BRECKINRIDGE, of Kentucky. Are not my friend who is upon the floor [Mr. DINGLEY] and the chairman of the Committee on Ways and Means [Mr. McKINLEY] aware that the matter was very elaborately argued before the predecessor of Secretary Windom, and that a statement was made to the Committee on Ways and Means which required us to bring in legislation because the then Secretary of the Treasury would not make such a ruling as that which Secretary Windom has made?

Mr. DINGLEY. But no ruling on the subject was ever made, I think, by Secretary Fairchild.

Mr. BRECKINRIDGE, of Kentucky. Until the statement of the gentleman from Ohio [Mr. McKINLEY] and the gentleman from Maine [Mr. DINGLEY], made just now, I was of the opinion that the ruling had been made.

Mr. DINGLEY. I think not. However, that is unimportant. On the 27th of May, 1889, there was a ruling made which classified worsted cloths as woolens, precisely as this bill authorizes and requires their classification. That classification has gone on and duties have been collected precisely as proposed by this bill from that time until the present day; but in the mean time the importers of worsted cloths have paid their duties under protest, and in a case which arose in the United States district court for the southern district of New York a verdict of the jury was rendered week before last which, so far as the verdict went, seemed to establish that worsteds were to be classified as worsted cloth, paying the same duty as flannels and blankets, and not the same as woolen cloths. That was a verdict rendered on the technical view of the question, and the case has gone to the Supreme Court of the United States for final adjudication.

But, as I have said, in the mean time the importers of worsteds, seemingly confident that they will finally obtain a decision in their favor, are preparing to make large importations of worsted goods into the United States to be used for the same purposes as woolen goods and costing the same; and, in the expectation that there will be ultimately a decision of the Supreme Court in their favor, they will go on and import these large quantities of goods and charge the duty which is being collected under the decision of the Secretary of the Treasury in large part over upon those to whom they sell and upon the consumers, and when there shall be a final decision they hope and expect that it will be such a decision as will enable them to come back to the United States Treasury to refund the duties which they have paid, and thus to compensate themselves doubly.

Indeed, I understand that a "pool" has been formed among them for that purpose, that the expenses of maintaining this suit against the Government are being paid out of the amount they expect finally to obtain, and that the balance is to be divided pro rata among the importers.

Mr. McMILLIN. Does not the gentleman know that the recovery of the money from the Treasury and the getting of "double duties" in the manner that he speaks of is an impossibility unless the ruling of the present Secretary of the Treasury is erroneous?

Mr. DINGLEY. Unless it is overruled; but the doctors disagree on legal questions very frequently; and the theory is, judging from the verdict of the jury the week before last, that the Supreme Court may ultimately overrule that decision of the Secretary, in which case the importers will not only collect these duties from those people to whom they sell the goods, but will come back to the Treasury for the purpose of having the duties refunded.

Mr. McMILLIN. My friend has said that there is a prospect of large importations. Does he not know that at the hearing before the Ways and Means Committee only last week it was stated that no orders had been placed since this ruling, but that ruin would come to the importers from the passage of this bill and its going into effect at once on account of orders given before the decision in that case?

Mr. McKINLEY. Permit me to read, in answer to the inquiry of the gentleman from Tennessee, a dispatch received only a few moments ago:

TROY, N. Y., *April* 29, 1890.

To Hon. JOHN A. QUACKENBUSH:

The immediate passage of the Dingley bill is very important. My cables from Bradford say since the decision of the court in the Joseph worsted case large amounts of worsted cloth are being bought in England out of warehouse for immediate shipment.

S. W. BAKER.

Mr. McMILLIN. Does not the chairman of our committee [Mr. McKINLEY] know that at the hearing before us last week directly the contrary was stated by reputable gentlemen?

Mr. McKINLEY. Yes, I remember that distinctly; but I did not believe it at the time; I do not believe it now; and all the evidence is that these men are preparing to make large purchases abroad for the purpose of glutting this market pending the decision of the Supreme Court of the United States.

Mr. DINGLEY. Expecting to recoup themselves doubly.

Mr. McMILLIN. And all this under the act of 1883!

Mr. DINGLEY. I will ask the gentleman whether precisely the same thing would not have happened under the provision of the tariff bill which he joined in reporting two years ago. That bill contained an exactly similar provision: that it should go into effect immediately on its passage. Could not these importers, such as we saw in the committee-room the other day, have come in at that time and said to you, "Oh, we have given large orders for goods; and it will ruin our business to pass this tariff bill?" But the answer would very readily have come back—and it comes back now with additional force—that importers in ordering goods from abroad must take account of the possibility not only of the changes of the law, but of the exact manner in which the laws are administered. I am informed that as a matter of fact no contract is entered into for the delivery of imported goods in the future unless it contains the provision "subject to changes in tariff."

Mr. McMILLIN. Now permit me to state in reference to that phase of the case that the conditions are entirely different. As the gentleman will bear testimony, the bill to which he refers, the bill of two years ago, was upon the Calendar for weeks. Before it was taken up it was agreed that there should be twenty days for general debate. As a matter of fact twenty-three days were ultimately given to such debate. It was known and recognized by everybody that it would take weeks to consider the bill in the House and months to get it through the Senate, in whatever form it might take. That bill, therefore, was in itself a notice of weeks to those engaged in the business of importation. But here the gentleman brings up a bill which I believe was reported last week; it is to be passed this week, to be railroaded through the Senate, and to become a law in less than a fortnight. Is not that the object?

Mr. McKINLEY. A bill that proposes to collect precisely the same duties that are now assessed under the decision of the Secretary of the Treasury.

Mr. McMILLIN. Does not the gentleman believe that the ruling of the Secretary of the Treasury is illegal? Has not a jury recently held that it is so?

Mr. DINGLEY. I think the ruling is correct.

Mr. McMILLIN. Did not the present Secretary, when in office before, hold that a similar provision of law was entitled to a different construction?

Mr. DINGLEY. I do not so understand. I do not understand that he ever made any ruling on this question until May 27, 1889.

But I want to call the attention of the gentleman to one point in the present situation that places this legislation in much stronger position than was the case with the bill which he aided in reporting two years ago. At that time, when your proposition was incorporated in the bill then reported, the duty which was actually being collected and which everybody doing business under this Government expected would be collected was the lower rate of duty, the duty on flannels——

Mr. McMILLIN. And that would be the rate to-day but for a political decision—purely political.

Mr. DINGLEY. Let me complete my statement first, and then I will yield to the gentleman with pleasure.

But now for nearly a year the Treasury has been collecting the same rate of duty upon worsteds as upon woolens, and if these gentlemen ordered their goods three months ago, as stated, they ordered them with the knowledge that on that day and so far as they could see, ex-

cept at the end of a lawsuit to determine the question for the future, precisely the same rate of duties would continue to be collected and the same rate of classifications made as are provided by this bill. So they had no excuse at that time, if it be true that they did go forward and make their contracts, which I do not believe; but if so I repeat that they had no excuse to do it, for they had before them on that very day the rates being collected, and there was no reason to expect otherwise in the future.

Now, Mr. Chairman, I have made as brief a statement as I could of this matter, and I yield to the gentleman from Kentucky [Mr. CARLISLE].

Mr. CARLISLE. Mr. Chairman, having concurred with the majority of the committee in reporting this bill, I think it proper to say a few words in explanation.

It is scarcely necessary for me to say that with the views which I entertain upon the general subject to which this bill relates I would much prefer to equalize the rates of duty between the two classes of goods by a reduction of the duties rather than by an increase. But it will be conceded, I presume, that this is impossible at the present time. The rates of duty imposed now by the law upon worsted cloths to be affected by the pending bill are 18 cents per pound for one class, with 35 per cent. ad valorem, and 24 cents per pound for the other, with 35 per cent. ad valorem.

This bill does not propose to change the ad valorem rate of duty; and I may say here that the theory upon which the act of 1883 was constructed was that the specific duty of so many cents per pound was to compensate the manufacturers of these goods for the duty they were required by the law to pay upon the wool used as a material in their production, and the protective duty was the 35 per cent. ad valorem. This bill therefore does not propose to change the protective duty, but leaves it at precisely the same rate at which it exists in the statutes to-day. The effect of the bill will be simply to raise the specific or compensatory duty upon these two classes of goods from 18 cents in the one case and 24 cents in the other to a uniform rate of 35 cents per pound, and thus place them upon the same footing precisely as woolen cloths of the same value.

Ever since the passage of the act or at least almost ever since the passage of the act of 1883, manufacturers of these worsted cloths, conceding that the law was as I have stated it, have been appealing to Congress to have it changed by legislation, upon the ground that it discriminated unjustly against them, for they insisted that they had to purchase the same kind of wool and use the same quantity in the production of their fabrics as the manufacturers of woolen cloths had to purchase and consume in the production of theirs.

The justice of the claim was recognized by the Secretary of the Treasury, Mr. Fairchild, who recommended a change in the law by legislation, which was the only proper way, so as to remedy the defect; and it was recognized by the Committee on Ways and Means in the last House of Representatives, which reported it in the bill known as the Mills bill, and recommended that the rates of duty on these classes of goods should be equalized in the manner proposed here, and almost, if not identically, in the same language as this bill.

It is true, as stated by the gentleman from Kentucky [Mr. BRECKINRIDGE], that the equalization was proposed in a bill the purpose of which was to reduce the duties upon the manufactures of woolen cloths as well as worsteds. That bill proposed to put wool upon the free-list, which would dispense altogether with the necessity for a specific duty per pound upon woolen and worsted cloths, which duty, as I have already said, is the compensatory duty imposed because of the duty levied upon raw wool itself; and that bill proposed to levy upon both classes simply the ad valorem rate, which has always been claimed as the only protection the manufacturers have.

I much prefer that method of correcting the inequality, and, if I could secure the passage of such legislation as I desire upon the subject, these gentlemen would be given their wool free of duty, and the specific duty upon the manufacturers would be repealed, leaving them a reasonable ad valorem rate upon the finished product. But that can not now be done, and the situation which confronts us is simply this: In May last the present Secretary of the Treasury, in the very face of the law, as I understand it and as I am sure the courts will construe it (one having already done so), decided that no legislation was necessary in order to correct this inequality, although the manufacturers themselves had conceded that it was for many years, and that under the law as it then stood he would direct the customs offices of the United States to impose a specific duty of 35 cents per pound and an ad valorem rate of 35 per cent. upon worsted cloths as well as upon woolen cloths, and in accordance with that the United States customs officers at all of the ports of the country have been from that day to this, and still are, collecting this high rate of duty.

It may be that this decision coming suddenly upon the importers of these cloths caught many in the condition where they would sustain some losses, because, as I understand the course of business in these matters, it is frequently the case that the importers of goods have actually contracted and sold the goods to be imported before their arrival. In such cases, of course, the importer who had made contracts abroad for the goods and at home for their sale upon the rate of duty imposed by the statute would lose the difference between that and the higher rate imposed by the decision of the Secretary of the Treasury. But, sir, from that time to this these gentlemen have been importing these goods, paying the higher rate under protest and bringing suits in the courts of the United States to recover it back; and only a week or so ago, in the circuit court of the United States, in the city of New York, it was held that the higher rate was unauthorized.

Therefore, they will necessarily, if this decision is affirmed by the Supreme Court of the United States, of which I have no doubt, recover from the public Treasury all duties paid in excess of the 18 cents and 24 cents, respectively, they having already added that to the selling price of the articles and received it from the consumers. This part of the evil we can not now correct. This result follows from the erroneous decision of the Secretary of the Treasury, and we can not, I say, prevent it or correct it at this time. But we can prevent the importers of the goods from continuing, from this time on until the Supreme Court decides the case, to charge the increased rates of duty to the consumers and then coming back afterwards and claiming the amount from the United States Treasury.

The Secretary of the Treasury, notwithstanding the decision of the United States court in New York, is continuing to collect the higher rates of duty, and will continue to collect them until that decision is affirmed by the Supreme Court; so that the consequences which I have stated must inevitably follow, provided the Supreme Court sustains the decision of the court below. The consumers of these goods will be compelled to pay many hundreds of thousands, perhaps millions of dollars, because I am not prepared to state the amount of the difference between the lower and higher rates of duty on the imported goods, and then the importers will go into the court, having paid these duties under protest, and recover them back again from the Treasury of the United States.

Now, I submit, Mr. Chairman, without regard to the question of rates of duties, whether in view of this situation it is not the duty of Congress to protect the people and the Treasury against this wrong. That there is a discrimination made in the law itself between manufactures of worsted cloths and the manufactures of woolen cloths, is conceded, as I have said, by every one, and by my colleague from Kentucky to-day, a discrimination which everybody admits ought to be corrected, and the only serious objection which I have heard against the passage of this bill is that it is special legislation upon this one subject.

Mr. Chairman, according to the view I have taken of it, the situation in which we are placed justifies special legislation upon this subject for the protection of the people and the public Treasury. If it were purposed in this bill or in any other bill to increase the so-called protective duty upon these articles or this class of articles, I would vote against it and resist it with all the power at my command; but when it is simply asked that these gentlemen shall be placed upon the same footing with regard to these specific or compensatory duties with the manufacturers of woolen goods, without affecting the question of protection at all, I cannot see any valid objection to it.

Now, Mr. Chairman, I have thought it proper to make these remarks for the purpose of explaining the reasons why I feel compelled to concur in the passage of this bill. I do not go into the discussion of the question as to what ought to be the rates of duty upon these two classes of goods. I accept the situation as we find it, a situation which we can not change, but the evils resulting from which we may avoid by this legislation.

Mr. DINGLEY. I now yield to the gentleman from Texas.

Mr. MILLS. Mr. Chairman, this controversy arises out of a conflict made by a ruling of the Secretary of the Treasury, a conflict that does not necessarily arise in the proper construction of the law of March 3, 1883. Under this law woolen goods are divided into two classes. All woolen goods valued at not exceeding 80 cents per pound are dutiable at 35 cents per pound and 35 per cent. ad valorem. All woolen goods valued at over 80 cents per pound are dutiable at 35 cents per pound and 40 per cent. ad valorem.

Now, worsted goods are divided into several subdivisions. The subdivisions under which this controversy has arisen are two, as I am informed. These two are that all worsted goods valued at between 40 and 60 cents per pound shall be dutiable at 18 cents per pound and 35 per cent. ad valorem and all worsted goods valued at between 60 and 80 cents per pound shall be dutiable at 24 cents per pound and 35 per cent. ad valorem. Now, the law is perfectly clear. There is no place for any controversy about it at all, any more than there is in any other provision of any law of Congress. But it is one of many cases that are occurring constantly in the interpretation of our tariff law, and it occurs in this wise: The courts hold that a tax is a burden upon the people, and that where there is any possible controversy or doubt about the construction of the law the court must hold that the law shall have that construction that imposes the least burden upon the tax-payer. Hence in all this controversy the courts lean one way; our friends on the other side, who have the administration of the Government, lean the other way.

Now, the Secretary of the Treasury is a Republican, believing in duties for protection that will prohibit importation, and the manufacturers

come around him and say that this low duty lets in a large importation of goods. He yields to their importunities and makes a decision that is as palpably a violation of the law as if he were to make a decision abrogating the House of Representatives or the Senate. In this Government of ours the legislative power is placed by the Constitution in the Senate and House of Representatives. It has been held in all free Governments that it is absolutely necessary, to preserve the freedom of the people, that the law-making power should be in the representatives of the people; and our Government has been divided into executive, legislative, and judicial departments, three co-ordinate, independent departments that are necessary to preserve free government among any people.

It has not been a part of the history of the Anglo-Saxon people that they shall be governed by orders and proclamations; but the Secretary, when the law was clear and explicit and when he did not have the right to change it, yet, to gratify his party friends and to carry out his party doctrines, issued an order or a proclamation that violated the law, and usurped the legislative power of the country, and compelled his subordinates to demand from importers the rates of duty which were demanded by manufacturers, though these rates were in palpable violation of law.

Mr. TURNER, of Georgia. Will the gentleman state whether this proposed legislation has the sanction of the Secretary of the Treasury?

Mr. MILLS. I do not know whether it has or not. All I know is that he has issued the order.

Mr. TURNER, of Georgia. The purpose of this bill, then, is to conform the law to the decision of the Secretary?

Mr. MILLS. Certainly it is, when he should conform his decision to the law.

Mr. McMILLIN. To the decision of the Secretary, but against the decision of the jury.

Mr. MILLS. Now, Mr. Chairman, the Secretary of the Treasury in May last issued his order to his subordinates to compel the importers, in violation of the law, to pay these duties which were illegal and which he knew that the importers could recover back from the Government whenever the cases got before the courts. One of them has gone before the courts, and the court has passed upon it, as it passed upon the sugar cases, the silk cases, and others.

The court has rendered a decision that the order of the Secretary of the Treasury was in violation of law, that the collectors made collections which were unauthorized by law, and that the Government must pay back to the importers the money thus extorted from them. What is the result? In order to save ourselves from the consequences of the illegal action of the Secretary of the Treasury, in which he persists—for he refuses to yield even to the decisions of the courts of the country, to which we have all to yield—in order to save the pockets of the people of this country five millions or perhaps ten millions of dollars, we must yield and the people must yield, so as to prevent this money being taken from their pockets twice. A gentleman near me suggests that the Secretary has simply got us in his power, and he has. Now, what ought to be the remedy?

Why, sir, the Secretary of the Treasury, like every other citizen and every other officer of the Government, ought to yield a prompt and uncomplaining obedience to the decision of the courts of the country. That is the duty of every citizen; and when the court had decided that the Secretary of the Treasury had done wrong and that his decision was erroneous and unauthorized, he ought to have instructed his subordinates to collect the duties under the worsted section of the law, and not under the woolen section. But he refuses to do that, and the question is: What are we to do about it? My friend [Mr. CARLISLE] has just told you about the situation, and told it clearly and well. We are just in this position: We have got to vote for this bill and compel our people to pay the higher duties one time or let the Secretary go on in the course he is pursuing, defeat this bill, and then require the people to pay these duties twice.

That is all there is about it. It is a remarkable position for one of the chief advisers of the Executive to occupy to say to the people, "I do not intend to obey the law of the land; I intend to persist in this order which I have made, although it is in violation of law." He knows it is illegal, and every man who knows anything at all on the subject knows it is illegal; yet he persists in his course and we are compelled to pass this bill and to permit the collection of money which ought not to be taken at all, either out of the Treasury or out of the pockets of the people, or have them to pay it to the importer and then have the Treasury to pay it again.

It is said, Mr. Chairman, that this same provision was in the bill reported two years ago.

We reported and passed through the House a bill putting a uniform duty of 40 per cent. on all woolen goods; but, as one of the many compromises which always have to be made in formulating bills of that kind, like the one now pending before the House, of which our friends upon the other side have had the construction, and in the preparation of which they have had to do so much conceding and compromising, in like manner two years ago we placed a provision in our bill, as one of the necessary compromises or concessions, that the bill should take effect at once so far as the correction of this error in the law of 1883 was concerned, while the rest of it took effect on the 1st day of October after its passage.

This provision which my friend [Mr. DINGLEY] has brought before the House now was incorporated into that bill and was to continue in force for a few months, until the time when this whole system of classification was to be swept away, and then all woolen and worsted goods were to be placed upon an ad valorem basis of 40 per cent. duty, with free wool. Now, I am going to vote against this bill; but I am inclined to think, with my friend from Kentucky [Mr. CARLISLE], that we are just in this situation: We can not control the Secretary of the Treasury, and if he persists in his course the people have got to pay this increased duty at one time and then the importers are going to come back and take it out of the Treasury a second time, so that it may be wiser to have this bill passed as it is, rather than to have the people pay twice; but I shall let those who are responsible for the Secretary be responsible for the passage of the bill.

Mr. BLAND. Will the gentleman yield for a question?

Mr. MILLS. I will.

Mr. BLAND. It will be remembered that on one occasion a few years ago Congress was coerced pretty much in the same way by a gentleman named Brady, who, in running the Post-Office Department, had by fraudulent contracts and otherwise, expended all the money that was appropriated for the mail service and sent in a deficiency bill here with a warning that unless we passed it the mails throughout the country would be stopped, and we were compelled to pass the bill notwithstanding the fraudulent misuse of the previous appropriation. I suppose this is on the same footing with that case.

Mr. MILLS. Yes, precisely. That is all I have to say, Mr. Chairman, on this subject.

Mr. McMILLIN rose.

Mr. DINGLEY. I will yield to the gentleman.

Mr. McMILLIN. Mr. Chairman, I shall detain the House but a moment and will then yield to another gentleman. I desire to call attention to the method in which we are giving tariff relief. The dose to be administered to this country is such that it is easy to foresee the country will not take it all at once. We have already passed one bill, known as the "administrative tariff bill," which is now pending in the Senate, a bill by which the right of trial by jury is taken away, the very method that had to be resorted to in order to restrain the Secretary of the Treasury and which after all did not restrain him.

In addition to this, by that bill a tax is imposed on coverings, and other expenses are added which will increase the duty not less than 10 per cent., or about 10 per cent., on many classes of goods, and much more than that on a few. That bill has already gone to the Senate. Now we propose, not willing to wait the time coming with the general tariff bill, when the general woolen schedule is to be raised to a point above 90 per cent., to give instantaneous action to set at naught the rulings of previous Secretaries of the Treasury, to reverse the ruling of the officers under the present Secretary of the Treasury when he occupied the same office before, to set aside the decision of a jury, and to hold that that shall be law which never was law in the mind of any intelligent lawyer who understood the question. That is the proposition. And the question is whether we are to be bulldozed into it by statements of the Secretary's officials that if we do not take the measure in this form importers may collect excessive duties from their customers and then have those duties repaid under a decision of the court.

Now, the Secretary of the Treasury for the last eleven months does not seem to have had any great fear about this double taxation which would be imposed. What great judge or great lawyer, examining this woolen schedule, has ever come to any other conclusion than that the decision of the Secretary of the Treasury made last May was an erroneous decision? All his predecessors have held differently; all the judges who have passed upon the question indirectly have held differently; he himself, as I have stated, has held differently in administration; and the law has so universally been held differently from the recent decision of the Secretary that I do not remember there was ever a direct appeal on the question before. It is due to the present Secretary of the Treasury to say that no appeal came before him, so far as I know, when he was in the office before, and substantially the present provision of law was in the then existing law.

We are to have these three bills, and by the three bills going hand in hand it is proposed to enormously increase taxation. There are about four thousand articles on the tariff list. It is proposed by the tariff bill now pending in the House to increase the duties on a vast majority of them. Yet in hot haste, as it is foreseen that that bill can not go through instanter, we are to single out one class of manufacturers to be rewarded and one class of importers to be punished; we are to take these matters in detail and announce to this country that all that is necessary to be done to change the law is to get a foolish or corrupt decision from the Secretary of the Treasury and then come to Congress to have it ratified.

I did not desire this bill to go through without some such statement being made concerning it as I have submitted. I now yield to the gentleman from New York [Mr. CUMMINGS] such time as he may desire, not exceeding half an hour.

Mr. CUMMINGS. Mr. Chairman, it seems to me——

Mr. DINGLEY. How much time does the gentleman from New York desire?

Mr. CUMMINGS. Ten or twelve minutes.

Mr. DINGLEY. I yield the gentleman ten minutes.

Mr. McMILLIN. I beg pardon of the gentleman from Maine. I have yielded to the gentleman from New York. I took the floor in my own right.

Mr. DINGLEY. I held the floor and yielded to the gentleman from Tennessee.

Mr. McMILLIN. No, sir; I did not take the floor from the gentleman.

Mr. DINGLEY. I have not yielded the floor.

Mr. MILLS. The time of the gentleman from Maine [Mr. DINGLEY] expired.

Mr. CUMMINGS. I will ask the Chair which gentleman has the floor.

The CHAIRMAN. The gentleman from New York [Mr. CUMMINGS] is entitled to the floor.

Mr. McMILLIN. I do not want any misunderstanding. I did not understand myself as accepting the floor from the gentleman from Maine.

The CHAIRMAN. There will be no difficulty about the matter. The gentleman from New York will proceed.

Mr. CUMMINGS. Mr. Chairman, it seems to me that instead of being an act of justice this proposed legislation will be an act of injustice. For twenty-three years no different rates of duty had ever been exacted on worsted cloths until the decision of the Secretary of the Treasury May 27, 1889. That decision was declared inoperative in the first suit tried under protest and appeal from the classification which he established by his ruling. That classification was based upon an error of fact. What did the Secretary decide? I quote from his decision:

> It appears from the samples submitted that these cloths are what are popularly known as coatings, suitings, etc., and are so finished and close as to be specially adapted for use in the manufacture of garments worn by men and boys. With the papers transmitted is the report of the chemist at the United States laboratory at New York, to the effect that samples of the cloth have been chemically and microscopically examined by him and "found to be composed wholly of wool fibers."
>
> The assistant appraiser in his report, which is concurred in by the appraiser, stated "that the merchandise covered by the invoices in question, consisted of cloth composed wholly of wool, and therefore dutiable under the provisions of paragraph 362, T. I., new, as a manufacture of wool, valued at less than 80 cents per pound, at the rate of 35 cents per pound and 35 per cent. ad valorem."
>
> This view accords with the unanimous conclusion reached by the local appraisers of the principal ports at their conference in New York in April last, "that the so-called worsted coatings, suitings, etc., were manufactured of wool, and should be returned as properly dutiable according to value for all manufactures of wool of every description made wholly or in part of wool not specially enumerated or provided for."
>
> The question involved thus becomes one of fact, and the proper customs officers upon whom the law has conferred jurisdiction in the first instance to examine and certify as to the fact, having found and decided that these goods are "woolen goods" and "manufactures of wool" within the meaning of those terms as used in the tariff act, their decision in this respect ought not to be disturbed, unless it clearly appears that they have misapprehended the facts or reached a conclusion unsupported by them.

You will see by this extract, Mr. Chairman, that the Secretary in no way undertook to change the letter of the statute by construction. He held as a matter of fact, and not of law, that the goods were not made of worsted, as that term was known when the act of 1883 was passed. The same wools are used in the manufacture of worsteds to-day that were used in the manufacture of worsteds before the passage of the act of 1883.

The importers relied upon their knowledge of these facts. They believed that they might continue in their business until Congress saw fit to pass a general revisory tariff. They never dreamed that there would be special legislation against their interests. Such legislation would cause them a large loss for the benefit of others. They have contracts based upon the present law for goods sold to their customers. The passage of this resolution will entail a heavy loss on them on these contracts. They made them in the expectation that no tariff legislation would take effect without time to adjust their business in conformity with the proposed legislation.

Sir, this is special legislation. It changes the duties on a single article, without warning, to take effect immediately. And this is done when a tariff bill is pending in which the rates of duty on worsted goods are assessed at higher rates than by this resolution.

On behalf of the importers I protest against the passage of this resolution. Changes of duty have never been made by Congress without due notice. The acts take effect at some future day. This bill discriminates. It virtually robs merchants who have obeyed the law for the benefit of a small body of citizens. Goods, like those to be affected by this proposed legislation, are made mainly upon orders and are delivered here in from three to six months after the orders are given.

The merchants of New York and of other seaboard cities are to-day receiving goods ordered in the winter. They did this in full reliance that there would be no change in the tariff laws before July 1. These goods were sold to arrive and at prices which do not cover the cost of the goods and the duties exacted under the rulings of the Secretary. As these rulings have been held erroneous by the judicial tribunals this special legislation is sought to legalize them. You are simply asked to overrule the decisions of the courts in the interests of the men who are dissatisfied with the decisions.

It is urged that at the time of the passage of the act of 1883 it was not supposed that worsted could be made at a foreign valuation of less than 80 cents per pound. Very well. Is Congress to legislate for every fluctuation in the price of wool? If so, where is the thing to stop? The grain, cotton, and stock exchanges may claim our attention if this is admitted.

The importers have suffered enough. Since the change of classification of worsted goods by the Secretary of the Treasury they have lost upon all their outstanding contracts for goods sold. They have also lost the increased duties on all goods imported since then which they sold on prices based upon the lower rates. The consumer has received the benefit of the increased duty which the importer has had to pay and of which he will be forever deprived by the passage of this special act.

Mr. Chairman, Congress is now asked to declare by a special act that a particular fabric shall be deemed to be, for tariff purposes, a different article from what it, in fact, is and has always been. It is asked to reverse the ruling of a United States circuit court to sustain a decision of the Secretary of the Treasury. I submit, sir, that this proposed legislation is not only special legislation, but special legislation without a shadow of justice.

Mr. DINGLEY. I move now that the committee rise for the purpose of limiting debate.

Mr. SPRINGER. Will the gentleman allow me to offer an amendment?

Mr. DINGLEY. An amendment would not be in order at present.

Mr. SPRINGER. General debate has not yet been closed.

The CHAIRMAN. The gentleman from Maine moves that the committee rise for the purpose of limiting debate.

Mr. DINGLEY. It may be that some arrangement can be made without rising. I would inquire——

Mr. McMILLIN. One or two gentlemen on this side desire to speak. The gentleman from Kentucky [Mr. BRECKINRIDGE] is one.

Mr. DINGLEY. How much time will be required on that side?

Mr. McMILLIN. I suppose we can get through in an hour. I do not know whether any gentlemen besides the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Kentucky [Mr. BRECKINRIDGE] desire to speak.

Mr. DINGLEY. It is now 4 o'clock——

Mr. McMILLIN. I find that a number of gentlemen on our side wish to speak for a short time. I think that an hour and a quarter would be sufficient.

Mr. DINGLEY. Would not half an hour for your side answer the purpose?

Mr. McMILLIN. No, sir; it would not accommodate the gentlemen who wish to speak. There are four or five gentlemen who do not propose to occupy a great length of time, but who desire a short time.

Mr. DINGLEY. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill providing for the classification of worsted and woolen cloths had come to no resolution thereon.

Mr. DINGLEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill No. 9548; and, pending that, I move that all general debate be limited to thirty-five minutes.

I will state that I will give twenty-five minutes of the time to gentlemen on the other side.

Mr. McMILLIN. I will say to the gentleman, however, that he has consumed an hour on his side and there has not been exceeding twenty-five minutes occupied on this side.

Mr. DINGLEY. The gentleman is mistaken in that. A large part of my time was consumed on that side.

Mr. McMILLIN. I mean by those who are opposed to the bill. The principal time has been occupied by the gentleman and those who favor the bill. The time the gentleman fixes is not reasonable. Quite a number of gentlemen, three or four at least, on this side want to discuss it; and I suggest that there be an hour and a quarter on this side of the House, and the gentleman can take such time as he deems necessary on that. The four or five gentlemen on this side who desire to discuss it are willing to restrict themselves to the shortest possible time. I think the time I have mentioned is the shortest that we can properly discuss the bill in.

Mr. DINGLEY. I will say to the gentleman that I am entirely willing to make the time forty minutes and to give all but ten minutes to that side.

Mr. McMILLIN. That will not be enough.

Mr. DINGLEY. Mr. Speaker, I ask the previous question upon the motion.

Mr. McMILLIN. I move to amend by making it an hour and a quarter on each side.

The SPEAKER. But the gentleman has demanded the previous question.

Mr. McMILLIN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 94, not voting 126; as follows:

YEAS—107.

Adams,	Craig,	McComas,	Scranton,
Allen, Mich.	Culbertson, Pa.	McKinley,	Scull,
Anderson, Kans.	Darlington,	Miles,	Sherman,
Arnold,	Dingley,	Moore, N. H.	Simonds,
Atkinson, Pa.	Dolliver,	Morey,	Smith, Ill.
Atkinson, W. Va.	Dunnell,	Morrill,	Smith, W. Va.
Banks,	Ewart,	Morrow,	Smyser,
Belden,	Farquhar,	Morse,	Snider,
Belknap,	Flick,	Niedringhaus,	Spooner,
Bliss,	Gear,	Nute,	Stephenson,
Boothman,	Gest,	O'Donnell,	Stivers,
Brewer,	Greenhalge,	O'Neill, Pa.	Stockbridge,
Brosius,	Grosvenor,	Osborne,	Taylor, J. D.
Browne, Va.	Harmer,	Owen, Ind.	Taylor, E. B.
Buchanan, N. J.	Henderson, Ill.	Payne,	Taylor, Tenn.
Burrows,	Henderson, Iowa	Peters,	Thomas,
Burton,	Hill,	Pickler,	Townsend, Colo.
Caldwell,	Houk,	Post,	Turner, Kans.
Cannon,	Kennedy,	Pugsley,	Vandever,
Carter,	Kerr, Iowa	Quackenbush,	Van Schaick,
Cheadle,	Ketcham,	Raines,	Wallace, Mass.
Cheatham,	Kinsey,	Ray,	Watson,
Cogswell,	La Follette,	Reed, Iowa	Wickham,
Coleman,	Laws,	Reybuin,	Williams, Ohio
Comstock,	Lehlbach,	Rockwell,	Wilson, Ky.
Conger,	Lind,	Russell,	Yardley.
Connell,	Lodge,	Sanford,	

NAYS—94.

Abbott,	Crisp,	Hooker,	Quinn,
Alderson,	Culberson, Tex.	Kilgore,	Reilly,
Anderson, Miss.	Cummings,	Lanham,	Rogers,
Andrew,	Dargan,	Lee,	Sayers,
Barnes,	Davidson,	Lester, Ga.	Seney,
Barwig,	Dockery,	Martin, Ind.	Shively,
Blanchard,	Edmunds,	Martin, Tex.	Springer,
Blount,	Ellis,	McAdoo,	Stewart, Ga.
Breckinridge, Ky.	Enloe,	McClammy,	Stewart, Tex.
Brickner,	Fithian,	McClellan,	Stockdale,
Brookshire,	Forman,	McCreary,	Stone, Ky.
Brunner,	Forney,	McRae,	Tarsney,
Buchanan, Va.	Fowler,	Mills,	Tracey,
Buckalew,	Geissenhainer,	Montgomery,	Turner, N. Y.
Bullock,	Gibson,	Moore, Tex.	Turpin,
Bynum,	Goodnight,	Morgan,	Walker, Mo.
Carlisle,	Grimes,	Mutchler,	Washington,
Caruth,	Hare,	Norton,	Wheeler, Ala.
Clancy,	Hatch,	O'Neil, Mass.	Wike,
Clements,	Hayes,	Outhwaite,	Willcox,
Clunie,	Haynes,	Owens, Ohio	Williams, Ill.
Cobb,	Hemphill,	Peel,	Wilson, W. Va.
Covert,	Henderson, N. C.	Pierce,	
Cowles,	Holman,	Price,	

NOT VOTING—126.

Allen, Miss.	Cutcheon,	Lansing,	Rusk,
Baker,	Dalzell,	Lawler,	Sawyer,
Bankhead,	De Haven,	Lester, Va.	Skinner,
Bartine,	De Lano,	Lewis,	Spinola,
Bayne,	Dibble,	Magner,	Stahlnecker,
Beckwith,	Dorsey,	Maish,	Stewart, Vt.
Bergen,	Dunphy,	Mansur,	Stone, Mo.
Biggs,	Elliott,	Mason,	Struble,
Bingham,	Evans,	McCarthy,	Stump,
Bland,	Featherston,	McCord,	Sweney,
Boatner,	Finley,	McCormick,	Taylor, Ill.
Boutelle,	Fitch,	McKenna,	Thompson,
Bowden,	Flood,	McMillin,	Tillman,
Breckinridge, Ark.	Flower,	Milliken,	Townsend, Pa.
Brower,	Frank,	Moffitt,	Tucker,
Brown, J. B.	Funston,	Mudd,	Turner, Ga.
Browne, T. M.	Gifford,	Oates,	Venable,
Bunn,	Grout,	O'Ferrall,	Waddill,
Butterworth,	Hall,	O'Neall, Ind.	Wade,
Campbell,	Hansbrough,	Parrett,	Walker, Mass.
Candler, Ga.	Haugen,	Paynter,	Wallace, N. Y.
Candler, Mass.	Heard,	Payson,	Wheeler, Mich.
Carlton,	Herbert,	Penington,	Whiting,
Caswell,	Hermann,	Perkins,	Whitthorne,
Catchings,	Hitt,	Perry,	Wiley,
Chipman,	Hopkins,	Phelan,	Wilkinson,
Clark, Wis.	Kelley,	Randall,	Wilson, Mo.
Clarke, Ala.	Kerr, Pa.	Richardson,	Wilson, Wash.
Cooper, Ind.	Knapp,	Rife,	Wright,
Cooper, Ohio	Lacey,	Robertson,	Yoder.
Cothran,	Laidlaw,	Rowell,	
Crain,	Lane,	Rowland,	

So the previous question was ordered.

The following additional pairs were announced for the rest of the day:

Mr. BINGHAM with Mr. YODER.

Mr. DALZELL with Mr. O'NEALL, of Indiana.

Mr. MCKENNA with Mr. STUMP.

Mr. DE LANO with Mr. RUSK.

Mr. MILLIKEN with Mr. MORGAN.

Mr. RANDALL with Mr. FLOWER.

Mr. STEWART, of Vermont, with Mr. ALLEN, of Mississippi.

Mr. EVANS with Mr. RICHARDSON.

Mr. HANSBROUGH with Mr. TUCKER.

Mr. HOPKINS with Mr. ELLIOTT.

Mr. BAKER with Mr. TURNER, of Georgia.

Mr. PERKINS with Mr. PARRETT.

Mr. KETCHAM with Mr. COTHRAN.

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. HERMANN with Mr. CLARKE, of Alabama.

Mr. LANSING with Mr. SPINOLA.

Mr. BYNUM. Has the vote been verified?

The SPEAKER. Does the gentleman mean recapitulated?

Mr. BYNUM. Yes.

The SPEAKER. The vote will be recapitulated.

The Clerk read the names of those voting.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Maine that the time for general debate on this bill be limited to forty minutes.

Mr. McMILLIN. On that I demand a division.

The question was taken; and there were—ayes 83, noes 79.

Mr. BRECKINRIDGE, of Kentucky. I ask for tellers.

Mr. McKINLEY. We may as well have the yeas and nays at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 93, not voting 130; as follows:

YEAS—104.

Adams,	Dingley,	Lind,	Sawyer,
Allen, Mich.	Dolliver,	Lodge,	Scranton,
Anderson, Kans.	Dunnell,	McKinley,	Scull,
Arnold,	Ewart,	Miles,	Sherman,
Atkinson, Pa.	Farquhar,	Moore, N. H.	Simonds,
Atkinson, W. Va.	Flick,	Morey,	Smith, Ill.
Banks,	Gear,	Morrill,	Smith, W. Va.
Belden,	Gest,	Morrow,	Snider,
Belknap,	Greenhalge,	Morse,	Spooner,
Bingham,	Grosvenor,	Niedringhaus,	Stephenson,
Bliss,	Hall,	O'Donnell,	Stivers,
Boothman,	Hansbrough,	O'Neill, Pa.	Stockbridge,
Brewer,	Harmer,	Osborne,	Taylor, E. B.
Brosius,	Haugen,	Payne,	Taylor, Tenn.
Browne, Va.	Henderson, Ill.	Peters,	Thomas,
Buchanan, N. J.	Henderson, Iowa	Pickler,	Townsend, Colo.
Butterworth,	Hill,	Post,	Turner, Kans.
Cannon,	Hitt,	Pugsley,	Vandever,
Cheadle,	Houk,	Quackenbush,	Van Schaick,
Cogswell,	Kelley,	Raines,	Wade,
Coleman,	Kerr, Iowa	Reed, Iowa	Wallace, Mass.
Conger,	Ketcham,	Reyburn,	Watson,
Connell,	Kinsey,	Rockwell,	Wickham,
Craig,	La Follette,	Rowell,	Williams, Ohio
Cutcheon,	Laws,	Russell,	Wilson, Ky.
Darlington,	Lehlbach,	Sanford,	Yardley.

NAYS—93.

Abbott,	Cobb,	Holman,	Reilly,
Alderson,	Covert,	Hooker,	Robertson,
Anderson, Miss.	Crisp,	Kilgore,	Rogers,
Andrew,	Culberson, Tex.	Lanham,	Sayers,
Barnes,	Dargan,	Lee,	Seney,
Barwig,	Davidson,	Lester, Ga.	Shively,
Blanchard,	Dibble,	Martin, Ind.	Springer,
Bland,	Dockery,	Martin, Tex.	Stewart, Ga.
Blount,	Edmunds,	McAdoo,	Stewart, Tex.
Boatner,	Ellis,	McClammy,	Stone, Ky.
Breckinridge, Ky.	Enloe,	McClellan,	Tracey,
Brickner,	Fithian,	McCreary,	Turner, N. Y.
Brookshire,	Forman,	McRae,	Turpin,
Brunner,	Forney,	Mills,	Walker, Mo.
Buchanan, Va.	Fowler,	Montgomery,	Washington,
Bullock,	Geissenhainer,	Moore, Tex.	Wheeler, Ala.
Bynum,	Gibson,	Morgan,	Wike,
Carlisle,	Goodnight,	Mutchler,	Willcox,
Carlton,	Grimes,	Norton,	Williams, Ill.
Caruth,	Hare,	O'Neil, Mass.	Wilson, W. Va.
Chipman,	Hatch,	Peel,	Yoder.
Clancy,	Haynes,	Pierce,	
Clements,	Hemphill,	Price,	
Clunie,	Henderson, N. C.	Quinn,	

NOT VOTING—130.

Allen, Miss.	Crain,	Lewis,	Rusk,
Baker,	Culbertson, Pa.	Magner,	Skinner,
Bankhead,	Cummings,	Maish,	Smyser,
Bartine,	Dalzell,	Mansur,	Spinola,
Bayne,	De Haven,	Mason,	Stahlnecker,
Beckwith,	De Lano,	McCarthy,	Stewart, Vt.
Bergen,	Dorsey,	McComas,	Stockdale,
Biggs,	Dunphy,	McCord,	Stone, Mo.
Boutelle,	Elliott,	McCormick,	Struble,
Bowden,	Evans,	McKenna,	Stump,
Breckinridge, Ark.	Featherston,	McMillin,	Sweney,
Brower,	Finley,	Milliken,	Tarsney,
Brown, J. B.	Fitch,	Moffitt,	Taylor, Ill.
Browne, T. M.	Flood,	Mudd,	Taylor, J. D.
Buckalew,	Flower,	Nute,	Thompson,
Bunn,	Frank,	Oates,	Tillman,
Burrows,	Funston,	O'Ferrall,	Townsend, Pa.
Burton,	Gifford,	O'Neall, Ind.	Tucker,
Caldwell,	Grout,	Outhwaite,	Turner, Ga.
Campbell,	Hayes,	Owen, Ind.	Venable,
Candler, Ga.	Heard,	Owens, Ohio	Waddill,
Candler, Mass.	Herbert,	Parrett,	Walker, Mass.
Carter,	Hermann,	Paynter,	Wallace, N. Y.
Caswell,	Hopkins,	Payson,	Wheeler, Mich.
Catchings,	Kennedy,	Penington,	Whiting,
Cheatham,	Kerr, Pa.	Perkins,	Whitthorne,
Clarke, Ala.	Knapp,	Perry,	Wiley,
Clark, Wis.	Lacey,	Phelan,	Wilkinson,
Comstock,	Laidlaw,	Randall,	Wilson, Mo.
Cooper, Ind.	Lane,	Ray,	Wilson, Wash.
Cooper, Ohio	Lansing,	Richardson,	Wright.
Cothran,	Lawler,	Rife,	
Cowles,	Lester, Va.	Rowland,	

So the motion to limit debate was agreed to.

The following additional pairs were announced for the rest of the day:

Mr. CASWELL with Mr. COWLES.

Mr. FRANK with Mr. OUTHWAITE.

Mr. NUTE with Mr. STOCKDALE.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. CUMMINGS. Mr. Speaker, I ask to be recorded. I was in the Hall and heard my name called, and immediately after it was called the name of Mr. CUTCHEON was called, and I thought it best to wait until the roll-call was completed.

The SPEAKER. The Chair thinks the gentleman should have responded.

Mr. CUMMINGS. I had not time to respond when my name was called, because the name of Mr. CUTCHEON was called so quickly that at the distance at which I was sitting I would not have been heard. I ask to be recorded. I heard my name called and would not have been heard at the rate at which the names were being called.

The SPEAKER. The gentleman did not respond. The Chair is not allowed, under the rules, to record the vote.

Mr. CUMMINGS. I submit to the injustice.

The SPEAKER. It is an injustice of which the House is guilty, and not the Speaker.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs upon the motion that the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the bill (H. R. 9548) to provide for the classification of worsted cloths as woolens.

Mr. BYNUM. I move that the House do now adjourn.

The question was put; and the Speaker announced that the "noes" seemed to have it.

Mr. BYNUM. Division.

The House divided; and there were—ayes 82, noes 91.

Mr. BYNUM. I ask for tellers.

Tellers were ordered.

Mr. DINGLEY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 91, nays 107, not voting, 129; as follows:

YEAS—91.

Abbott,	Covert,	Henderson, N. C.	Reilly,
Anderson, Miss.	Cowles,	Holman,	Robertson,
Andrew,	Crisp,	Kilgore,	Rogers,
Barnes,	Culberson, Tex.	Lanham,	Sayers,
Barwig,	Cummings,	Lester, Ga.	Seney,
Blanchard,	Dargan,	Martin, Ind.	Shively,
Bland,	Davidson,	Martin, Tex.	Springer,
Blount,	Dibble,	McAdoo,	Stewart, Ga.
Boatner,	Dockery,	McClammy,	Stewart, Tex.
Breckinridge, Ky.	Edmunds,	McClellan,	Stone, Ky.
Brickner,	Ellis,	McCreary,	Tarsney,
Brookshire,	Enloe,	McRae,	Tracey,
Brunner,	Fithian,	Mills,	Turner, N. Y.
Buchanan, Va.	Forney,	Montgomery,	Turpin,
Bullock,	Fowler,	Moore, Tex.	Walker, Mo.
Bynum,	Geissenhainer,	Mutchler,	Washington,
Carlton,	Gibson,	Norton,	Wheeler, Ala.
Caruth,	Goodnight,	O'Neil, Mass.	Wike,
Chipman,	Grimes,	Owens, Ohio	Willcox,
Clancy,	Hatch,	Peel,	Williams, Ill.
Clements,	Hayes,	Pierce,	Wilson, W. Va.
Clunie,	Haynes,	Price,	Yoder.
Cobb,	Hemphill,	Quinn,	

NAYS—107.

Adams,	Culbertson, Pa.	Lodge,	Sanford,
Allen, Mich.	Darlington,	McComas,	Sawyer,
Anderson, Kans.	Dingley,	McKinley,	Scranton,
Arnold,	Dolliver,	Miles,	Scull,
Atkinson, Pa.	Dunnell,	Moore, N. H.	Sherman,
Banks,	Ewart,	Morey,	Simonds,
Belden,	Farquhar,	Morrill,	Smith, W. Va.
Belknap,	Flick,	Morrow,	Smyser,
Bingham,	Gear,	Morse,	Snider,
Bliss,	Gest,	Niedringhaus,	Spooner,
Boothman,	Greenhalge,	O'Donnell,	Stephenson,
Brewer,	Grosvenor,	O'Neill, Pa.	Stivers,
Brosius,	Hall,	Osborne,	Stockbridge,
Buchanan, N. J.	Harmer,	Owen, Ind.	Taylor, E. B.
Burrows,	Haugen,	Payne,	Taylor, Tenn.
Burton,	Henderson, Ill.	Peters,	Thomas,
Caldwell,	Henderson, Iowa	Pickler,	Townsend, Colo
Cannon,	Hill,	Post,	Turner, Kans.
Carter,	Houk,	Pugsley,	Vandever,
Cheadle,	Kelley,	Quackenbush,	Wade,
Cheatham,	Kennedy,	Raines,	Wallace, Mass.
Cogswell,	Kerr, Iowa	Ray,	Watson,
Coleman,	Ketcham,	Reed, Iowa	Wickham,
Comstock,	Kinsey,	Reyburn,	Williams, Ohio
Conger,	La Follette,	Rockwell,	Wilson, Ky.
Connell,	Laws,	Rowell,	Yardley.
Craig,	Lehlbach,	Russell,	

NOT VOTING—129.

Alderson,	Biggs,	Bunn,	Clarke, Ala.
Allen, Miss.	Boutelle,	Butterworth,	Cooper, Ind.
Atkinson, W. Va.	Bowden,	Campbell,	Cooper, Ohio
Baker,	Breckinridge, Ark.	Candler, Ga.	Cothran,
Bankhead,	Brower,	Candler, Mass.	Crain,
Bartine,	Brown, J. B.	Carlisle,	Cutcheon,
Bayne,	Browne, T. M.	Caswell,	Dalzell,
Beckwith,	Browne, Va.	Catchings,	De Haven,
Bergen,	Buckalew,	Clark, Wis.	De Lano,
Dorsey,	Lacey,	O'Ferrall,	Sweney,
Dunphy,	Laidlaw,	O'Neall, Ind.	Taylor, Ill.
Elliott,	Lane,	Outhwaite,	Taylor, J. D.
Evans,	Lansing,	Parrett,	Thompson,
Featherston,	Lawler,	Paynter,	Tillman,
Finley,	Lee,	Payson,	Townsend, Pa.
Fitch,	Lester, Va.	Penington,	Tucker,
Flood,	Lewis,	Perkins,	Turner, Ga.
Flower,	Lind,	Perry,	Van Schaick,
Forman,	Magner,	Phelan,	Venable,
Frank,	Maish,	Randall,	Waddill,
Funston,	Mansur,	Richardson,	Walker, Mass.
Gifford,	Mason,	Rife,	Wallace, N. Y.
Grout,	McCarthy,	Rowland,	Wheeler, Mich.
Hansbrough,	McCord,	Rusk,	Whiting,
Hare,	McCormick,	Skinner,	Whitthorne,
Heard,	McKenna,	Smith, Ill.	Wiley,
Herbert,	McMillin,	Spinola,	Wilkinson,
Hermann,	Milliken,	Stahlnecker,	Wilson, Mo.
Hitt,	Moffitt,	Stewart, Vt.	Wilson, Wash.
Hooker,	Morgan,	Stockdale,	Wright.
Hopkins,	Mudd,	Stone, Mo.	
Kerr, Pa.	Nute,	Struble,	
Knapp,	Oates,	Stump,	

So the House refused to adjourn.

Mr. HAYES. Mr. Speaker, I was in my seat, but the names were called so fast that my name was passed.

The SPEAKER. The Chair thinks the gentleman is entitled to vote. He witnessed the action.

Mr. MORGAN. On a former call I inadvertently voted. I desire to say that I was paired with the gentleman from Maine [Mr. MILLIKEN] and voted by mistake.

The following additional pairs were announced for the rest of the day:

Mr. CASWELL with Mr. WILLCOX.

Mr. VAN SCHAICK with Mr. LEE.

Mr. BUTTERWORTH with Mr. HOOKER.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Maine [Mr. DINGLEY] that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the bill (H. R. 9548) providing for the classification of worsted cloths as woolens.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. McMILLIN. Division.

After the count,

The SPEAKER said: On this question the ayes are 104, the noes 69; so the House agrees to resolve itself into Committee of the Whole House on the state of the Union——

Mr. McMILLIN. Tellers.

The SPEAKER. The gentleman did not rise to demand tellers.

Mr. McMILLIN. I rose as soon as the Speaker announced the result.

Mr. KERR, of Iowa. I ask for the yeas and nays.

Mr. McMILLIN. We will give you the yeas and nays.

The question was put on ordering tellers.

After the count,

The SPEAKER said: Fifty gentlemen have arisen—a sufficient number—and tellers are ordered. The gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Maine [Mr. DINGLEY] will act as tellers.

Mr. BRECKINRIDGE, of Kentucky. I thought the gentleman from Iowa demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 101, nays 80, not voting 146; as follows:

YEAS—101.

Adams,	Darlington,	McComas,	Scranton,
Allen, Mich.	Dingley,	McKinley,	Scull,
Arnold,	Dolliver,	Miles,	Sherman,
Atkinson, Pa.	Dunnell,	Moore, N. H.	Simonds,
Banks,	Ewart,	Morey,	Smith, Ill.
Belden,	Farquhar,	Morrill,	Smith, W. Va.
Belknap,	Flick,	Morse,	Smyser,
Bliss,	Gear,	Niedringhaus,	Snider,
Boothman,	Gest,	O'Donnell,	Stephenson,
Brewer,	Greenhalge,	O'Neill, Pa.	Stivers,
Brosius,	Grosvenor,	Osborne,	Stockbridge,
Browne, Va.	Hall,	Payne,	Taylor, E. B.
Buchanan, N. J.	Harmer,	Peters,	Taylor, Tenn.
Burrows,	Haugen,	Pickler,	Thomas,
Burton,	Henderson, Iowa	Post,	Townsend, Colo.
Caldwell,	Hill,	Pugsley,	Turner, Kans.
Cannon,	Hitt,	Quackenbush,	Wade,
Carter,	Houk,	Raines,	Wallace, Mass.
Cheadle,	Kennedy,	Ray,	Watson,
Cheatham,	Kerr, Iowa	Reed, Iowa	Wickham,
Coleman,	Ketcham,	Reyburn,	Williams, Ohio
Comstock,	Kinsey,	Rockwell,	Wilson, Ky.
Conger,	Laws,	Rowell,	Yardley.
Connell,	Lehlbach,	Russell,	
Craig,	Lind,	Sanford,	
Culbertson, Pa.	Lodge,	Sawyer,	

NAYS—80.

Abbott,	Barwig,	Brickner,	Bynum,
Anderson, Kans.	Blanchard,	Brookshire,	Carlton,
Anderson, Miss.	Blount,	Brunner,	Caruth,
Andrew,	Boatner,	Buchanan, Va.	Chipman,
Barnes,	Breckinridge, Ky.	Bullock,	Clancy,

Clements,	Forman,	Martin, Ind.	Robertson,
Cobb,	Forney,	Martin, Tex.	Sayers,
Covert,	Fowler,	McClammy,	Shively,
Cowles,	Geissenhainer,	McClellan,	Springer,
Crisp,	Gibson,	McCreary,	Stewart, Tex.
Culberson, Tex.	Goodnight,	McRae,	Stone, Ky.
Cummings,	Grimes,	Montgomery,	Tarsney,
Dargan,	Hatch,	Moore, Tex.	Turner, N. Y.
Davidson,	Hayes,	Mutchler,	Turpin,
Dibble,	Haynes,	Norton,	Walker, Mo.
Doskery,	Hemphill,	Owens, Ohio	Washington,
Edmunds,	Henderson, N. C.	Peel,	Wheeler, Ala.
Ellis,	Holman,	Pierce,	Wike,
Enloe,	Kilgore,	Price,	Williams, Ill.
Fithian,	Lanham,	Reilly,	Yoder.

NOT VOTING—146.

Alderson,	De Haven,	Maish,	Skinner,
Allen, Miss.	De Lano,	Mansur,	Spinola,
Atkinson, W. Va.	Dorsey,	Mason,	Spooner,
Baker,	Dunphy,	McAdoo,	Stahlnecker,
Bankhead,	Elliott,	McCarthy,	Stewart, Ga.
Bartine,	Evans,	McCord,	Stewart, Vt.
Bayne,	Featherston,	McCormick,	Stockdale,
Beckwith,	Finley,	McKenna,	Stone, Mo.
Bergen,	Fitch,	McMillin,	Struble,
Biggs,	Flood,	Milliken,	Stump,
Bingham,	Flower,	Mills,	Sweney,
Bland,	Frank,	Moffitt,	Taylor, Ill.
Boutelle,	Funston,	Morgan,	Taylor, J. D.
Bowden,	Gifford,	Morrow,	Thompson,
Breckinridge, Ark.	Grout,	Mudd,	Tillman,
Brower,	Hansbrough,	Nute,	Townsend, Pa.
Brown, J. B.	Hare,	Oates,	Tracey,
Browne, T. M.	Heard,	O'Ferrall,	Tucker,
Buckalew,	Henderson, Ill.	O'Neall, Ind.	Turner, Ga.
Bunn,	Herbert,	O'Neil, Mass.	Vandever,
Butterworth,	Hermann,	Outhwaite,	Van Schaick,
Campbell,	Hooker,	Owen, Ind.	Venable,
Candler, Ga.	Hopkins,	Parrett,	Waddill,
Candler, Mass.	Kelley,	Paynter,	Walker, Mass.
Carlisle,	Kerr, Pa.	Payson,	Wallace, N. Y.
Caswell,	Knapp,	Penington,	Wheeler, Mich.
Catchings,	Lacey,	Perkins,	Whiting,
Clark, Wis.	La Follette,	Perry,	Whitthorne,
Clarke, Ala.	Laidlaw,	Phelan,	Wiley,
Clunie,	Lane,	Quinn,	Wilkinson,
Cogswell,	Lansing,	Randall,	Willcox,
Cooper, Ind.	Lawler,	Richardson,	Wilson, Mo.
Cooper, Ohio	Lee,	Rife,	Wilson, Wash.
Cothran,	Lester, Ga.	Rogers,	Wilson, W. Va.
Crain,	Lester, Va.	Rowland,	Wright.
Cutcheon,	Lewis,	Rusk,	
Dalzell,	Magner,	Seney,	

So the motion of Mr. DINGLEY that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The following additional pairs were announced for the rest of this day:

Mr. OWEN with Mr. TRACEY.

Mr. MORROW with Mr. STEWART, of Georgia.

Mr. VANDEVER with Mr. BLAND.

Mr. LA FOLLETTE with Mr. MILLS.

Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.

Mr. BINGHAM with Mr. WILSON, of West Virginia.

The result of the vote was then announced as above recorded.

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

CLASSIFICATION OF WORSTEDS.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. 9548) providing for the classification of worsted and woolen cloths. All general debate upon this bill is limited by order of the House to forty minutes, twenty minutes on the side of those who oppose the measure and twenty minutes on the other side. The Chair will recognize the gentleman from Tennessee [Mr. MCMILLIN] to control the time in opposition to the bill.

Mr. MCMILLIN. I yield four minutes to the gentleman from Alabama [Mr. COBB].

Mr. COBB. Mr. Chairman, the situation on the pending measure seems to be this: On account of an illegal and unjust ruling of the Secretary of the Treasury the people are required and forced to pay double duty on certain articles of importation. If we pass this bill the double payment will cease, but the import duty will be largely increased and this against the best judgment of a large number of the members of this House. Hence the question, shall we yield to constraint and threats and depart from principle? Shall we give our assent to the "stand-and-deliver" argument? or shall we not rather hold to our convictions and to the decisions of the courts until the people, as they surely will, apply the corrective?

I am for the latter course. Pass this bill and the mouths of those who vote for it are closed against denunciation of a robber tariff, so far as the articles embraced in the bill are concerned. Refuse to pass it, and while a portion of our people will suffer for a time, they will make haste on this very account to demand and secure officials to administer the Government who are fair-minded and obedient to law.

Mr. MCMILLIN. I now yield ten minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I hope the gentleman in charge of this bill will not insist upon its being disposed of to-night. It is now nearly 6 o'clock. Forty minutes' debate is allowed on the bill, and there is no occasion to rush it through to-night. I do not see any necessity for staying here until 7 or 8 o'clock in order to pass this bill, when it can as well be passed to-morrow.

The CHAIRMAN. The gentleman from Illinois will proceed in his time.

Mr. SPRINGER. Mr. Chairman, I am opposed to this bill for the reason that the duties upon worsted goods are already higher than they should be in order to afford that "protection" which gentlemen on the other side are pleased to define as "an amount sufficient to compensate for the difference between the wages paid in this country and the wages paid in Europe." The gentleman from Ohio [Mr. MCKINLEY] chairman of the Committee of Ways and Means, on page 11 of the report which he has submitted on the tariff bill, says that, if it had not been for the ruling of the Secretary of the Treasury in regard to these duties, the average rate of the duty upon woolen goods on the woolen schedule would have been nearly 80 per cent. And notwithstanding the fact that this bill if passed will make the average of duty upon woolen goods 80 per cent., as will be found from the report of the Committee on Ways and Means on the tariff bill, the majority of that committee have recommended an increase of those duties to an average of 91.72 per cent.

If gentlemen will examine the schedule which has been submitted by the Ways and Means Committee of the duties imposed on woolen goods under the present law, they will find that some of those duties are more than 100 per cent., and yet it is proposed to increase those duties by this bill and by the bill which we shall be called upon to consider in a few days. By the system of compound duties, so much per pound or per square yard and so much ad valorem, the tariff upon some classes of woolen goods is as high as 110 or 120 per cent., and it appears from an examination of this schedule that the cheaper the goods the higher the rate of duty. In other words, those goods which are worn by the masses of the people, the working classes of the country, are taxed as high as 120 per cent. under the present law, yet it is proposed to increase the tax.

Now, I shall favor an amendment to this bill which will limit all duties upon woolen and worsted goods hereafter to an amount not exceeding 60 per cent. ad valorem. That will more than compensate for the ad valorem duties upon wool, for the raw material, and for the difference in wages between this country and Europe.

The gentleman from Ohio [Mr. MCKINLEY] who has submitted the report upon the tariff bill, on page 14 of that report, speaking of sugar, uses this language:

> So large a proportion of our sugar is imported that the home production of sugar does not materially affect the price, and the duty is therefore a tax, which is added to the price not only of the imported but of the domestic product, which is not true of duties imposed on articles produced or made here, substantially to the extent of our wants.
>
> In 1889 the duties collected on imported sugar and molasses amounted to $55,-975,610. Add to this the increase of price of domestic sugar arising from the duty, and it is clear that the duty on sugar and molasses made the cost of the sugar and molasses consumed by the people of this country at least $64,000,000, or about $1 for each man, woman, and child in the United States, more than it would have been if no such duties had been levied and the domestic product had remained the same.

Here is a distinct admission, in fact an argument, to the effect that the consumer pays, not only the duty that is exacted at the custom-house on the foreign article, but also an equal amount upon the domestic article. Why is that so? The gentleman from Ohio in this report is speaking of sugar, and he says it is because the domestic product is not equal to the amount consumed by our people. Now, that argument applies as well to woolen goods as to sugar.

The amount of woolen goods made in this country does not equal the demand of the people; so that all that is paid on account of the duty on the imported article is added to the price of the article and is to be paid by the consumer, and an amount equal to the duty is added to the price of the domestic article also. If you will apply that principle, therefore, to the woolen schedule which we have before us now, you will find that the consumers of this country will be required, as they are now required, to pay at least $150,000,000 a year on account of the tariff on woolen goods. And it is proposed by the bill which we shall have before us for consideration in a few days not to relieve the people of those burdens, but to actually increase the tariff from 80 to 91.72 per cent.

Instead of bringing in a bill here and forcing it through, as this one is forced through, to relieve the people of these burdens of taxation, a bill is brought in for the purpose of still further increasing those burdens and increasing the taxes upon those very articles which, according to the argument of the chairman of the Ways and Means Committee, bear most directly upon the great masses of the people of the country, woolen goods being among the most universally necessary articles that our people use.

So that, instead of hurrying to the front with a measure to relieve the burdens of the people, you are rushing through here with forty or fifty minutes' debate a bill which is to increase their burdens still further.

I have seen it stated in the newspapers that the Senate was preparing a tariff bill; that the Senate hoped to have the honor of bringing in a bill

on this subject which should become the law of the land; and the precedents of the Forty-seventh Congress were cited, when a small internal-revenue bill which passed this House was taken up in the Senate and a complete tariff bill added to it. That bill was brought in here and passed under the "gag law." Now you are about to pass a little bill in this House which will give the Senate jurisdiction of the whole subject of the tariff. I should not be surprised if that article in the newspaper was founded in fact, and that the Senate had contrived this means of getting jurisdiction of the tariff question before the House can consider the subject upon the bill reported by the Committee on Ways and Means. The few lines which comprise this bill are to be sent to the Senate for the purpose of meeting any emergency that may happen.

It seems to me to be a trick to enable the Senate of the United States to get control of the tariff question and to bring in through their Finance Committee a complete revision of the tariff. Such a measure may be brought into the House, the McKinley bill laid on the table, or allowed to remain on the table or in Committee of the Whole House, and this measure from the Senate be put through. I do not know whether that is the programme to be carried out or not; but this will give the Senate the opportunity to do so.

Mr. KERR, of Iowa. I would ask the gentleman whether the Senate has not already before it a bill on this subject from the House, so that this bill would be altogether unnecessary in that view of the case.

Mr. SPRINGER. That is an administrative tariff bill. It does not relate to rates, but to custom-house regulations, and would not give the Senate jurisdiction of rates. This will give that body jurisdiction of tariff rates, and to it the Senate may add a complete revision of the tariff.

Mr. Chairman, I had hoped that this committee would not rush this bill through in such hot haste as seems to be determined upon. I had desired to submit some remarks in regard to the effect that would be produced by putting wool on the free-list. Instead of increasing the duty on woolen goods I would, if possible, reduce it, and at the same time place wool on the free-list.

[Here the hammer fell.]

Mr. McMILLIN. I yield five minutes to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON, of West Virginia. Mr. Chairman, this is in effect a proposition to add several million dollars of taxes to one class of people in this country—the consumers of worsted goods; and as I understand the argument made in behalf of the measure by the gentleman from Kentucky [Mr. CARLISLE] the object is simply to make the law conform to a ruling already made by the Secretary of the Treasury which has been overruled by the courts and which is contrary to the action of previous Secretaries of the Treasury. A ruling having thus been made and continued in the face of the decisions of the courts, it is urged that we are obliged to enact it into law under this compulsion, that if we do not make the law correspond to the ruling the people will be compelled twice to pay taxes upon this class of articles of necessary consumption.

Now, Mr. Chairman, it seems to me that is an extremely bad precedent to set, because it establishes or tends to establish the principle that a Secretary of the Treasury can at any time compel an increase of duties by a ruling of his own, which will throw upon Congress a necessity either to conform the law to that ruling, or to compel the people, so long as that ruling remains not set aside by the highest court of the country, to pay double taxes.

I have not time in the five minutes allotted to me to discuss this matter as I should like to do. I have not the time, and perhaps this is not the proper occasion, to put into the RECORD some facts to which I would like to call the attention of the country in regard to this particular schedule. It is, in my judgment, the most merciless piece of taxation in existence anywhere in the world to-day. I consider it nothing less than a dishonor to a great Government like that of the United States, with so many other resources of taxation, that it should gather more than one-tenth part of its revenues upon its liberal scale of expenditure from this single class of articles, wool and woolen fabrics, plain necessaries of life, in common use and common consumption; and this immense tax is gathered under a schedule of duties that imposes the highest rate upon those persons who wear the commonest grades of clothing.

And, sir, an examination of the bill reported by the Committee on Ways and Means shows that these taxes, already merciless, already not possible to be justified under any system of enlightened and just taxation, are to be increased fifteen and a half millions of dollars; and these tables also show us that the taxes upon worsted goods are to be increased, under the rates proposed in that bill, over $4,000,000 upon such an importation as we had last year.

I say that such a burden of taxation as this can not be justified; and I should like to inquire of my friends on the other side, as I hope to have an opportunity to do when the woolen schedule is reached, whether this system of taxation, this system of compensating duties, as they call it, is intended to increase the price of wool for the American woolgrower, or, as the manufacturers of Philadelphia say, is intended to decrease the price of wool and make it cheaper for the manufacturer?

It must be either in the supposed interests of the farmer, to give him a higher price for his raw product, or in the interest of the manufacturers, as they claim through their official organ, to cheapen wool for them.

Now, Mr. Chairman, I could go into other matters if the time allotted to me permitted. I would like very much to do so, but as I have only five minutes I am afraid to branch off into any other line of discussion at this time.

The CHAIRMAN. The time allotted to the gentleman has expired.

Mr. McMILLIN. I now yield the remaining time, excepting two minutes, to the gentleman from Kentucky [Mr. BRECKINRIDGE].

The CHAIRMAN. The gentleman from Kentucky is recognized for eight minutes.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I did not, when this bill came into the House, expect to say a word about it. If there had been a unanimous report in its favor by the Democratic members of the Ways and Means Committee or a unanimous report against it, I would not have said a word. But under the circumstances I think it but due to myself to put on record some of the reasons why I protest against the passage of this measure.

The tariff act of 1883 was perhaps the most unequal revenue act ever passed by a Congress of the United States, and I do not suppose that any act has ever been passed of which so much in criticism by an administrative officer of the Government on whom devolved the duty of executing it has been said as in regard to this act by the present Secretary of the Treasury.

I have not time, Mr. Chairman, to collate those paragraphs in the report of the Secretary of the Treasury which set out the inequalities, the ambiguities, and the iniquities of the act of 1883, an act which was passed like this, without much debate and under the operation of a peculiar rule. Now, in that act there was a careful classification of worsted goods—exceedingly so—based upon the then price of Botany wool, and it was supposed that that price would continue practically uniform. But the price of Botany wool went down all over the world, and they who digged the ditch fell into it. The men who wrote into that act that particular provision for their personal benefit wrote that which in the end turned out to be hurtful to them.

The classification under which the duties on worsted goods fell, and under which they have been levied and collected from that day to this, is one of the most, if not the most, carefully prepared provision in the act itself. It was under the operation of the law of supply and demand, which no legislation can control, that law became practically amended by the change in the price of Botany wool. Then the worsted men went to the Secretary of the Treasury, that distinguished New York jurist, Secretary Folger, and asked to have this construction placing worsted in the same classifications with woolens, and it was refused. Afterwards they went to that Secretary who has made the largest reputation in that position in fifty years, Secretary Manning, and while there was some pressure brought to bear upon him and he recommended the change to Congress, he responded, substantially, "I can not make the law; my duty is to administer it."

On the accession of Secretary Fairchild to the head of the Treasury Department they appealed to him and received the same answer. But pending the Presidential canvass and before the election it was announced in the newspapers of the country that the election of President Harrison would be followed by the appointment of a Secretary of the Treasury who would overrule the decisions of Secretaries Folger, Manning, and Fairchild, and after the election the name of the gentleman who would thus overrule them was printed in the newspapers before his appointment. Subsequent to his appointment this decision was made.

Now, Mr. Chairman, I will not use any language that is in the slightest degree offensive to a distinguished Cabinet officer. But I suppose it is undoubtedly true that among those lawyers who have examined the question presented there is a consensus of opinion that this decision was a mistake; nor is there a court, I prophesy, before whom it will come that will not so decide. And so on the very first opportunity given to a court the court so charged the jury as to substantially make its charge a peremptory one, and under that the verdict was found which puts us in the present dilemma.

Under the changed price of certain wools the duties on worsteds were not as large as desired, nor as on woolens; and, without any true reason in the language or intention of the law, it was claimed that in the very teeth of all the tariff laws for many years the Executive Department should amend the law by holding that worsteds should be classified as woolens. This was done by the present Secretary. A court on a proper case has construed the law otherwise. The Secretary will not conform to that decision.

The illegal duties he will continue to collect, and we must pass this act to make the law conform to his decision, or hereafter return to those from whom the excessive duties are coerced the sums thus exacted. It is not even hinted that this administrative officer ought to reverse his order and administer the law as the court has declared it to be, or that we should rebuke him and require him to execute the law. But we must thus increase the duties and thus legalize the action of the customs officers.

And this is further justified upon the ground that the woolens have imposed on them these duties, and therefore worsteds ought also.

I therefore protest against this bill: First, because in my opinion it is an abdication of our legislative sovereignty to be coerced into enacting an amendment of the law to legalize the violation of the legislative will by an administrative officer. Secondly, because it is based upon the hypothesis that unjust taxation of the people in favor of one class or interest is a reason for giving unjust taxation in favor of others. If it so happens that some favored class receives a higher rate of taxation than it should, that the burdens upon certain necessities are greater than they ought to be, surely this does not make it our duty to increase the burden of the people by increasing taxation upon such other necessities as are competitors to those which have already received too high a protection. Nothing seems to me to justify this. It is true that money may go into the Treasury under the illegal exactions of the customs officers. I can now say in my place that they are illegal, for a court of competent jurisdiction has so decided against the decision of the administrative officer of the Government. I might have heretofore hesitated about using such an expression in regard to that decision, but since the court has decided that it is improper, then it is not unbecoming to say that it is an illegal exaction.

Now, then——

Mr. CULBERSON, of Texas. Do I understand the gentleman from Kentucky to say that the decision of the present Secretary of the Treasury was reversed on an appeal from his decision?

Mr. BRECKINRIDGE, of Kentucky. No, sir; there was no direct appeal from his decision. The Secretary of the Treasury gave an order to the collector of customs to collect duties on certain imports under a certain classification, which duties were paid by the importer under protest. Then the importer sued the collector and has obtained a judgment for the excess between the duty formerly levied under the law and the duty levied under this order.

Mr. CULBERSON, of Texas. I understand that there has been an appeal.

Mr. BRECKINRIDGE, of Kentucky. This is not an appeal from the decision of the Secretary of the Treasury.

Mr. CULBERSON, of Texas. I understand that there is an appeal from the decision.

Mr. BRECKINRIDGE, of Kentucky. This was not an appeal from the action of the Secretary in this given case. An appeal properly made came before the Secretary, and he decided that worsteds must be classified as woolens, and issued an order directing duties to be thus levied and collected. Under this order a collector collected certain duties, which were paid under protest, and then suit was instituted for the excess of duties paid.

Mr. CUTCHEON. By whom is the decision given?

Mr. SPRINGER. By the judge of the district court in the city of New York.

Mr. McMILLIN. I reserve the balance of my time.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to complete my statement.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky to complete his statement.

Mr. BRECKINRIDGE, of Kentucky. I simply wanted to say, Mr. Chairman, in completing the sentence that I had begun when interrupted by the gentleman from Texas, that I felt, under the circumstances, that I could not vote against a resolution which would receive the reluctant vote of the eminent gentleman, my colleague [Mr. CARLISLE], without saying that the reasons which he has, with his accustomed lucidity and frankness, submitted to the House could not conquer my repugnance against voting for an increase of taxation under any excuse or under any circumstances. I cordially agree with the principles he lays down. I follow him always with pleasure and confidence. On this question of expediency my convictions control me.

Mr. McMILLIN. I yield one minute to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. I want to state, Mr. Chairman, as an excuse for interrupting the gentleman from Kentucky [Mr. BRECKINRIDGE], that, as I understand it, the method of procedure under the action of the law now under discussion is that the importer has to pay a rate prescribed by the collector, and if he is dissatisfied with it he files his protest. Then that matter is submitted to the Secretary of the Treasury, and if he sustains the collector an appeal goes to the courts of the United States. I understand that to be the rule and to be the law. Now, I do not understand that in this case the opinion of the Secretary of the Treasury has been overruled in the mode and manner prescribed by statute, but that this importer has sued the collector and recovered, as I understand, the excess.

Mr. BRECKINRIDGE, of Kentucky. This collector required the payment of certain duties under an order of the Secretary of the Treasury. The importer paid it under protest, sued for the excess, and recovered it.

Mr. CULBERSON, of Texas. Why did not the importer proceed according to the statute, and file his protest against the rate prescribed?

Mr. BRECKINRIDGE, of Kentucky. That very question had been decided in another case on an appeal taken to the Secretary of the Treasury; and therefore he appealed to the court.

Mr. CULBERSON, of Texas. And that has not been decided.

Mr. BRECKINRIDGE, of Kentucky. It has been decided.

Mr. McMILLIN. By a jury trial.

Mr. KERR, of Iowa. Has not there been an appeal from that decision?

Mr. BRECKINRIDGE, of Kentucky. It was only made a week or two ago.

Mr. KERR, of Iowa. I understand there has been an appeal taken.

Mr. McKINLEY. The question is thus simply and plainly stated. Last May the Secretary of the Treasury rendered a decision fixing the duty to be thereafter collected upon worsted goods the same as was then collected upon woolen goods, and as there has been very much said in unfriendly criticism of the decision of the Secretary of the Treasury, and as I have it before me, I wish leave to print it in the RECORD, accompanied by the very elaborate statement made by Mr. Hepburn, Solicitor of the Treasury, who for many years was a member of this House, and was recognized when here as a strong and able lawyer. But, Mr. Chairman, what is the real issue?

Mr. BRECKINRIDGE, of Kentucky. Do I understand the gentleman to say that he wants to print that opinion of the Solicitor of the Treasury?

Mr. McKINLEY. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. I hardly think that, as debate has been limited, it would be fair.

Mr. McKINLEY. If the gentleman objects I will not insist.

Mr. BRECKINRIDGE, of Kentucky. I do not object to the printing of the opinion of the Secretary of the Treasury.

Mr. McKINLEY. As there has been very much said in this debate characterizing the opinion of the Secretary of the Treasury as in violation of the plain written letter of the law, I have felt that in vindication of that decision his decision should be printed as a part of this discussion, and, in connection with that, the opinion of the law officer of his Department——

Mr. BRECKINRIDGE, of Kentucky. I have no objection——

Mr. McKINLEY. Because it has been said, Mr. Chairman, over and over again that the opinion given by the Secretary of the Treasury would not be supported by any lawyer who had any reputation either in or out of this House.

Mr. BRECKINRIDGE, of Kentucky. I have no objection to printing the opinion of the Secretary; but I do not think that, after debate has been limited, we ought to have put in the RECORD, where it can not be answered, the opinion of the Solicitor.

Mr. McKINLEY. If the gentleman does not object.

Mr. BRECKINRIDGE, of Kentucky. I do object.

Mr. CANNON. Does the Solicitor of the Treasury sustain that opinion and views of the Secretary?

Mr. McKINLEY. He not only sustains the opinion, but his opinion is referred to by the Secretary of the Treasury in his opinion, and is a full and exhaustive review of the whole subject, and supports the Secretary's order in every particular.

The opinion of Secretary Windom is as follows:

DUTY ON WORSTED CLOTHS.

TREASURY DEPARTMENT, *May* 27, 1889.

SIR: The Department duly received your letter of the 17th instant, transmitting the appeal (No. 6682 *v*) of Messrs. H. Herrman, Sternbach & Co., from your assessment of duty, at the rate of 35 cents per pound and 35 per cent. ad valorem, on certain merchandise imported by them per Adriatic, April 8, 1889.

The appellants, in their protest, claim that the goods in question "are manufactures of worsted and contain no wool, and, as such, costing under 60 cents per pound, are liable to a duty of only 18 cents per pound and 35 per cent. ad valorem," under Schedule K (T. I., new, 363), act of March 3, 1883.

It appears from the samples submitted that these cloths are what are popularly known as coatings, suitings, etc., and are so finished and close as to be specially adapted for use in the manufacture of garments worn by men and boys. With the papers transmitted is the report of the chemist at the United States laboratory at New York, to the effect that samples of the cloth have been chemically and microscopically examined by him and "found to be composed wholly of wool fibers."

The assistant appraiser in his report, which is concurred in by the appraiser, states "that the merchandise covered by the invoices in question consisted of cloth composed wholly of wool, and therefore dutiable under the provisions of paragraph 362, T. I., new, as a manufacture of wool, valued at less than 80 cents per pound, at the rate of 35 cents per pound and 35 per cent. ad valorem."

This view accords with the unanimous conclusion reached by the local appraisers of the principal ports at their conference held in New York in April last, "that the so-called worsted coatings, suitings, etc., were manufactured of wool, and should be returned as properly dutiable according to value under the provisions in 362, T. I., for all manufactures of wool of every description made wholly or in part of wool not specially enumerated or provided for."

The question involved thus becomes one of fact, and the proper customs officers, upon whom the law has conferred jurisdiction in the first instance to examine and certify as to the facts, having found and decided that these goods are "woolen cloths" and "manufactures of wool" within the meaning of those terms as used in the tariff act, their decision in this respect ought not to be disturbed, unless it clearly appears that they have misapprehended the facts or reached a conclusion unsupported by them. The question in the form presented by this appeal comes here for the first time, and is unembarrassed by any previous departmental ruling upon it. After careful research, I am unable to find any decision of the Department which can serve as a precedent for the disposition of this case. It does, however, appear from the files of the Department that at least three times during the past four years application has been made in behalf of the domestic manufacturers of woolen cloths to the Secretary of the Treasury for instructions to the collectors of customs at the several ports of entry to

classify and assess duty upon importations of goods of this character under paragraph 362, as woolen cloths or manufactures of wool, it being represented that they were erroneously classified under paragraph 363, and elaborate arguments were presented in support of this proposition, but no decision upon the subject was ever announced by the Department.

It is claimed in support of the contention that these cloths are manufactures composed wholly of worsted, and not specially enumerated or provided for in the tariff act; that the wool which is used in their manufacture has been combed as well as carded, and that whenever wool in the process of its manufacture into yarn is combed, the product is invariably a substance or material known as "worsted," and that when this substance or material is wholly employed in the manufacture of cloth the result is a manufacture "composed wholly of worsted" not specially provided for, and therefore dutiable at the lower rate prescribed in paragraph 363. It is claimed that this conclusion inevitably follows, without reference to the kind or quality of wool used or the uses and purposes for which the manufactured article may be intended or adapted.

But it is conceded that the wool now commonly used in the manufacture of the goods which are the subject of this appeal is not of the kind known as "combing wool" designated as class 2 (paragraph 354) in the tariff act, but is a fine "clothing wool," belonging to class 1 (paragraph 353). It is further shown that it is only within recent years that these cloths have been known to commerce, the use of improved machinery having made it practicable to manufacture them from the fine clothing wool which has been subjected to the process of combing after it has been carded.

It seems to be undisputed that the definition of "worsted" was originally confined to the product of long combing wools. Webster, in the latest edition, described the term as follows: "Worsted, well twisted yarn, spun of long staple wool which has been combed to lay the fibers parallel, used for carpets, hosiery, gloves, and the like."

It therefore becomes important to determine the sense in which the term is used in the tariff act, whether according to its original and proper meaning or whether it is to have a broader application and to be so construed as to include a large and important class of fabrics which were not within its scope when the term was first employed in our revenue laws.

In all cases of ambiguity or of conflicting statutory provisions, the familiar rule of construction requires that the intent of Congress should, if possible, be discovered, and such a view adopted as will harmonize and not destroy the manifest scheme of the statute.

In the present case there are two paragraphs under which it is contended the goods in question may be classified: 1. Paragraph 362: "Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not otherwise enumerated or provided for in this act," etc. 2. Paragraph 363: "Flannels, blankets, etc., woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other animals, except such as are composed in part of wool, not specially enumerated or provided for in this act, valued," etc.

If paragraph 362 stood alone it would not be disputed that worsted cloths were dutiable thereunder, either under the specific designation of woolen cloths or under the designation of all manufactures of wool of every description, worsted itself being a manufactured fabric or material made from wool either wholly or in part.

After a careful examination and consideration of all the papers and authorities bearing upon the question, I have reached the conclusion that there is nothing in the language employed in paragraph 363 which exempts these cloths from the operation of the provisions of the preceding paragraph.

The term "woolen cloths," in paragraph 362, is a specific designation of a class which was, I think, intended to include all cloths made from wool.

The term "cloths" has a technical and restrictive signification, and can properly be only applied to the thicker and heavier fabrics of wool, which are so finished and close as to be adapted for use by the tailor or clothier in the manufacture of garments for men and boys.

It appears that these so-called "worsted cloths" are made from clothing wool in the same mills in which other cloths are made, and by the same machinery; that the wool is carded as well as combed, and that they differ in no essential respect in the process of manufacture from other woolen cloths, except that, while in the latter case the wool is simply carded, in the former it is both carded and combed; and they are both adapted to the same uses. They are also classed with woolen cloths by many expert authorities upon the subject. In the report of the judges at the Centennial Expostion, consisting of five American and ten foreign experts, they are reported upon under class 235, which comprises the woolen cloths, and not under class 238, which comprises the worsted and combed wool fabrics.

The same classification is followed by the American commissioner at the Paris Exposition of 1878, where they are reported upon under class 33, cloth and other woolen fabrics, and not under class 32, which pertains to combed wool and worsted fabrics.

A noted writer, Mr. Alcan, in his treatise on woolen manufactures, published in 1866, described worsted fabrics as follows:

"We rank in the sixth class those innumerable articles whose wool is mixed with cotton, flax, silk, the hair of the goat and alpaca, cashmere, etc., to obtain the vast branch of products known under the name of orleans, coburgs, alpacas, bereges, lastings, gauze, grenadines, mozambiques, foulards, tissues, for furniture, etc., and which are designated more particularly under the generic name of worsted in England."

There being a special enumeration or provision in the tariff act, to wit, woolen cloths, under which these goods may be classified, it follows that paragraph 363 has no application to them, because it includes only such manufactures of worsted as are not specially enumerated or provided for.

In the case of Barber *vs.* Schell (107 U. S., 617), it was held that designations qualified by the word "cotton" in the act of 1846, were designations of articles by special description as contradistinguished from designations by a commercial name or a name of trade, and are designations of quality and material; and, applying the same principle to the term "woolen" as a designation of cloths, it must be held that it includes all cloths made of wool, and that commercial usage can not be resorted to for the purpose of showing that in the trade the term is restricted to those cloths which were manufactured from wool which had been carded and not combed.

A review of the various tariff enactments upon the subject from 1816 to the present time leads to the conclusion that the term "manufactures of worsted," in paragraph 363, was intended to include only those fabrics not specially enumerated or provided for which are made from the long staple or combing wools described in paragraph 354. In all the tariff laws the term seems to have been used as synonymous with that of "stuff goods," which being of a cheaper quality were always subjected to a lower rate of duty than woolen cloths and manufactures of wool generally.

The first tariff on woolen goods is found in the act of 1816, where an ad valorem duty of 25 per cent. was laid on "woolen manufactures of all descriptions, or of which wool is the material of chief value, except blankets, woolen rugs, and worsted or stuff goods."

Two things here are worthy to be observed: First, that the term "worsted goods" is used in this act as synonymous with "stuff goods" and, second, worsted goods are described as "woolen manufactures."

In the tariff act of 1824 a duty was first imposed upon "worsted-stuff goods," and they were classed under the head of "manufactures of wool, or of which wool shall be a component part."

The same classification was preserved in the act of 1828.

The act of 1832 imposed a duty of 5 per cent. ad valorem on "all milled and fulled cloths known by the name of plains, kerseys, or kendal cottons, composed exclusively of wool, not exceeding 35 cents a square yard in value, and 10 per cent. on "worsted-stuff goods, shawls, and other manufactures of silk and worsted," and on "all other manufactures of wool" 50 per cent. ad valorem.

Under this statute worsted cloths would have been dutiable at the same rate as other manufactures of wool. It is also to be observed that the term "worsted-stuff goods" is retained, to which is added "shawls and other manufactures of silk and worsted."

In the tariff act of 1842 "worsted-stuff goods" are again recognized as a manufacture of wool, and are excepted from the provision imposing the high rate of duty, and are included under the designation of "all manufactures, not otherwise specified, of combed wool or worsted, and manufactures of worsted and silk combined."

In the succeeding act of 1846 a duty of 30 per cent. ad valorem was imposed upon "manufactures of wool, or of which wool shall be a component material of chief value, not otherwise provided for," and 25 per cent. upon "manufactures of worsted or of which worsted shall be a component material, not otherwise provided for."

The word "worsted" does not occur in the tariff act of 1857.

In the subsequent tariff acts of 1861 and 1862 worsteds are mentioned in connection with dress delaines and goods of similar description, and bunting, as follows: "And all other manufactures of worsted or of which worsted shall be a component material, not otherwise provided for," the connection showing that worsteds were considered as varieties of "stuff goods."

The act of 1862 is the first act in which woolen cloths are specifically mentioned, and it will be observed that the heavier worsted goods were made to pay the same rate of duty as woolen cloths.

In the act of 1864 there is found, after a reference to bunting, the following: "And on all other manufactures of worsted, mohair, alpaca, or goats' hair, or of which worsted, mohair, alpaca, or goats' hair shall be a component material, not otherwise provided for, 50 per cent. ad valorem.".

The tariff act of 1867 is substantially the same in respect to worsteds as the act of 1883, except, instead of the phrase "not otherwise provided for," in the act of 1867 there is inserted in both paragraphs the phrase "not specially enumerated or provided for in this act."

All these statutes clearly had in view the manufactures from long combing wools, including the varieties of stuff goods designated by the names referred to by Mr. Alcan and the other authorities.

In a statute words are to be construed with reference to the company which they keep; and when the term "manufactures of worsted" is found invariably associated with the cheaper worsted fabrics, known as "stuff goods," and the terms are sometimes used interchangeably, the presumption can, I think, be fairly indulged that Congress intended to employ the term in its original and restricted signification.

The case of Elliott *vs.* Swartout (10 Peters, 137) is relied upon to sustain the claim that these coatings and suitings are manufactures of worsted, and hence are dutiable at the lower rate; but I do not consider the case fairly susceptible of such an application. The precise point involved was whether certain worsted shawls and worsted suspenders were dutiable under that provision of the act of 1832 which imposed a tariff of 50 per cent. ad valorem upon "all other manufactures of wool or of which wool is a component part." That act imposed a duty of 10 per cent. on "worsted-stuff goods, worsted shawls, and other manufactures of silk and worsted." And it being conceded by the counsel for the Government in that case that worsted is made out of wool by combing, and that it becomes thereby a distinct article, well known in commerce under the denomination of "worsted," it of course followed that these articles could not be classified as manufactures of wool. But the court did not hold that all manufactured articles in the production of which combed wool is used are to be regarded as manufactures of worsted. On the contrary, the Chief-Justice of the Supreme Court in a subsequent case at the circuit (Riggs *vs.* Frick, Taney's Circuit Court Decisions, 100) disclaimed any such broad application of the decision in the former case. At page 105 he says: "But neither of these terms—'combed wool' nor 'carded wool'—is used in any part of the law in describing the manufactures therein mentioned; the distinction taken in the act of Congress is between 'worsted' and 'woolen.' Although worsted is made of combed wool, yet we have seen nothing that would justify us in concluding that all manufactures of combed wool are worsted. On the contrary, for aught that appears to the court, there may be a variety of manufactures of combed wool which are not worsted, and which would be liable to the duties imposed on woolens."

If, as I think, it satisfactorily appears that the term "manufactures of worsted" when first introduced into our tariff laws referred exclusively to certain products manufactured from the long combing wools, then it should be so construed and limited in all subsequent statutes upon the subject into which it may be introduced.

It has been repeatedly held that the designation or description of an article or class of articles in a tariff enactment is not to be extended beyond the articles which, according to commercial usage prevailing at the time the law is passed, are included therein, and that articles which may be subsequently invented or produced composed of different materials can not properly be included in such classification, although they have the same commercial designation and are applied to the same uses. (Curtis *vs.* Martin, 3 Howard, 106; United States *vs.* One Hundred and Twelve Casks of Sugar, 8 Peters, 277; Roosevelt *vs.* Maxwell, 3 Blatchford, 391; Baxter *vs.* Maxwell, 4 Blatchford, 32; Bacon *vs.* Bancroft, 1 Story, 341; Lee *vs.* Lincoln, ib., 610; United States *vs.* Breed, 1 Sumner, 159.)

And in Roosevelt *vs.* Maxwell, *supra*, it was held that when a term or classification when first introduced into a tariff act has, according to commercial usage, a well understood and a well defined signification, which limits its scope and application, and such term is transferred to and incorporated in subsequent tariff laws, it will be presumed that Congress did not intend to use the term in the later statutes in a sense different from that in which it had been used in the first enactment.

It being undisputed that the term "manufactures of worsted" when first employed in the tariff act of 1842 was commercially known to include only certain products of the long combing wools, it would follow that, when used in subsequent statutes, it must be so understood, if the principle of these decisions of the Supreme Court is correct.

In determining the question involved, regard should also be had to the provisions of section 2499, that if two or more rates of duty should be applicable to any imported article, it shall be classified for duty under the highest of such rates.

There is certainly room for very serious contention that the goods in question should be classified under paragraph 362 as well as 363; and in such cases it would seem to be the duty of the revenue officers to impose the higher rate. It is only in this way that in doubtful or balanced cases a judicial construction can be had. The Government can not apply to the courts for an interpretation of the law, but the importer can, if he deems the rate of duty imposed excessive or unlawful.

In construing tariff laws where there is doubt as to the classification arising from the employment of ambiguous terms, regard should also be had to the general scheme or policy which underlies their enactment, which seeks to graduate the rate of duty according to the cost or expense involved in the production of the articles to which it relates, and especially according to the quantum of labor, skilled and unskilled, which may be required for their manufacture. We

find that this principle has been almost invariably observed in framing every act imposing duties, and the Supreme Court of the United States, in the case of Movius *vs.* Arthur (95 U. S., 104), regarded it as of great value in determining doubtful cases where it was sought to so construe the law as to make the less expensive article pay the higher rate of duty.

From the data before me it appears that the cost of the machinery and labor required for the manufacture of these coatings and suitings is greater than that required for the manufacture of cassimeres and other woolen cloths which are used for the same purposes, and yet if duty is assessed under paragraph 363 they will be made to pay a rate of duty in many cases 30 per cent. less than cassimeres and other woolen cloths costing in the foreign market the same price. It is not to be presumed that Congress intended so great a departure from the general plan of the statute.

As bearing upon this question of the intent of Congress, it is also a circumstance of great weight that in the present as well as in former tariff laws woolen and worsted yarns are subjected to the same rate of duty, and if it was the intention to discriminate in favor of worsted products generally by imposing upon them a lower rate this discrimination would have been extended to the different kinds of yarn, for it is in the treatment of the wool while in course of manufacture into yarn that the only difference occurs which creates the distinction between woolen and worsted.

So, too, in the case of ready-made clothing; there is no discrimination in the tariff law between clothing made from woolen and that made from so-called worsted cloths, but both are made to pay the same duty; and it is not reasonable to infer that it was intended to subject to different rates of duty cloths manufactured from yarn paying the same rate and used in the manufacture of clothing which pays when imported the same rate, and it should not be so held if by any fair construction of the law it can be avoided.

The familiar maxim should be applied that "A thing within the intention is within the statute, though not within the letter, and a thing within the letter is not within the statute unless within the intention."

Your decision being in accordance with the evident intention of the statute is, therefore, affirmed.

The questions involved in this appeal having been submitted to the Solicitor of the Treasury, the opinion of that officer, which is in harmony with the views above expressed, is herewith transmitted for your information.

This decision will also apply to the appeal (6659*v*) of Ballin, Joseph & Co., on entry of similar goods per City of Paris, April 11 last, which was transmitted with your letter of the 16th instant.

Respectfully yours,

WILLIAM WINDOM, *Secretary.*

COLLECTOR OF CUSTOMS, *New York.*

Now, Mr. Chairman, to the real question? The question is whether worsted shall pay the same duty as woolens. The wool is the same, the yarns are the same; each is dutiable at precisely the same rate. It requires just as much labor and just as much skill to produce a yard of worsted goods as it does a yard of woolen goods. The yarn pays the same duty; the wool pays the same duty; clothing made out of worsteds pays precisely the same duty as clothing made from woolen cloth; so the Secretary of the Treasury thought that it was manifestly an error, and that it never was the intent of the lawmaker that worsted should pay a duty of 18 to 24 cents a pound as compensatory duty for the wool contained therein when woolens made out of precisely the same wool should be required to pay 35 cents a pound compensatory duty, when the same quantity of wool is required in both fabrics.

Why, Mr. Chairman, they talk about the justice of this duty. The bill which passed the last House, and has been referred to in this debate over and over again, being for the reduction of duty, recognized the justice of this classification. The gentleman from Kentucky says that the Mills bill has just as much protective duty upon woolen and worsted goods as under the resolution offered by the gentleman from Maine, and precisely the same duty as is proposed by the general bill now on the Calendar for the revision of the tariff. The only difference between the Mills bill and the bill now under consideration was this: That your side of the House refused to give any protection or any duty to wool-growers, but gave the same protection to the manufacturers of woolen goods as is extended by this resolution. This gross injustice this side of the House opposes, and will continue to resist.

Now, all we ask in this resolution is to do simple justice to one of the great industries of the country and defend it against an unjust and indefensible discrimination. Why, when the Committee on Ways and Means considered the resolution there was but one of the minority members of that Committee who dissented from it, as I remember. The distinguished gentleman from Kentucky, the leader of the other side of the House [Mr. CARLISLE]; his associate, the distinguished gentleman from Texas [Mr. MILLS], and the gentleman from New York [Mr. FLOWER], all concurred, as I have understood, in believing that this resolution ought to pass as a simple act of justice. Not only that, Mr. Chairman, but the Democratic Secretary of the Treasury, Mr. Fairchild, in his report in 1879 called the attention of the last Congress to the importance of remedying this great wrong. Let me read what he said:

A conspicuous example of the inequalities of the tariff is found in the discrimination in the rates of duty imposed upon woolen and worsted cloths. Improvements in recent years in the machinery employed in combing wools has so changed the character of what are commercially known as worsted cloths that the latter have largely superseded woolen cloths for use as men's wearing apparel. This change in the style of manufacture and use of worsted cloths has operated to the serious injury of our domestic manufacturers of these goods, because the duty on the wool which they must use is the same as that upon wool used in making woolen cloth, while the rates of duty imposed upon the latter when valued at not exceeding 80 cents per pound are 35 cents per pound and 35 per cent. ad valorem; whereas the duty on worsted cloths valued at not exceeding 80 cents ranges from 10 to 24 cents per pound and 35 per cent. ad valorem. In some cases the duty on the wool used in making worsted cloths exceeds the duty imposed on the finished article. * * *

Earnest representations have been made to me of the hardships suffered by domestic interests on account of these changed conditions. There is much reason to believe that the manufacture of worsted cloth must soon cease in this country unless the tariff law in this regard is amended. I am so convinced of the imminent danger to large industries engaged in the manufacture of worsted and woolen cloths unless a change is soon made in the duties on wool and manufactures thereof, that I deem it proper to depart from my general practice in thus calling your attention to this particular provision of the tariff.

That is what your Secretary of the Treasury said in his official report to Congress. Now, that is the evil that it is proposed to correct by this bill. We do not increase the duty a single cent. The duty now assessed, levied, and paid is the duty under the decision of the Secretary of the Treasury. All this bill proposes is to continue the collecting of that duty under the interpretation of public law as given by that executive officer.

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. McKINLEY. In a moment. The gentleman from New York [Mr. CUMMINGS] says there will be positive loss to the importers and the business men of this country if this bill shall pass. Mr. Chairman, how can any loss accrue to any citizen of the United States by the passage of this bill?

Mr. CUMMINGS. I will answer the gentleman.

Mr. McKINLEY. Answer me.

Mr. CUMMINGS. Under the contracts that have been made since the decisions of the court have been rendered. That is where the loss will come in.

Mr. McKINLEY. Ah, Mr. Chairman, when the gentlemen whom my friend from New York [Mr. CUMMINGS] represents were before the committee only two days ago, they told us, in answer to a question I put them myself, that there had not been a single contract made since the decision of the court, in the city of New York. [Applause on the Republican side].

Mr. CUMMINGS. I do not know to whom the gentleman alludes. I would like to know how they knew who had or had not made contracts.

Mr. McKINLEY. And when I asked them what harm would follow to them if we passed this bill the answer was that the harm was to follow from contracts made three months ago; and when I pressed them to state what the duties were when these contracts were made three months ago, they said of course the higher duties, under the decision of the Secretary of the Treasury. Now, we propose to continue those duties; not to increase them, but simply to continue them; and I ask again, how can any harm come or loss accrue to any citizen of the United States from the passage of this bill?

Mr. McMILLIN. Will the gentleman permit a question?

Mr. McKINLEY. Certainly.

Mr. McMILLIN. Your argument is based on the idea that the Secretary's decision is the law and that the decision of the court is a mistake. Am I correct in that? Is the decision of the Secretary law or not?

Mr. McKINLEY. My interpretation is this: That the ruling of the Secretary of the Treasury was the law of the land touching the collection of customs duties until that decision had been overruled by the supreme judiciary of the United States.

Mr. McMILLIN. I am not going to let the gentleman fly from the question.

Mr. McKINLEY. I do not want to fly from the question.

Mr. McMILLIN. Very well; you are the man I want. Now, did the Secretary render a proper decision as to what the law is?

Mr. McKINLEY. My judgment is that he did.

Mr. McMILLIN. Then, why pass this act?

Mr. McKINLEY. Pass this act because the matter is now in the courts, and the reason given by the distinguished gentleman from Kentucky [Mr. CARLISLE], your colleague upon the Committee on Ways and Means, is an ample answer to your question. He said that peradventure the Supreme Court of the United States might overrule the decision of the Secretary, and then the importers would go to the Treasury and take millions of dollars out of it by way of repayment of the duties which they had paid in excess of the lower duties, having already sold and contracted for goods imported upon the basis of the duties collected under the order of the Secretary of the Treasury.

Mr. McMILLIN. Then, this is to raise the duties? That is the object, is it?

Mr. McKINLEY. It is to sustain existing law as interpreted by the Secretary of the Treasury.

Mr. McMILLIN. The law does not need sustaining. It sustains itself.

The CHAIRMAN. The time of the gentleman from Ohio has expired, and the time for general debate under the order of the House has expired. The Clerk will read the bill by paragraphs for discussion under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to classify as woolen cloths all imports of worsted cloth, whether known under the name of worsted cloth or under the names of worsteds, or diagonals, or otherwise.

Mr. CUMMINGS. I desire to offer an amendment as a substitute for the section.

Mr. BRECKINRIDGE, of Kentucky. I wish to offer an amendment to the text of the bill.

The CHAIRMAN. An amendment which seeks to perfect the text

must be considered before an amendment in the form of a substitute. The Chair recognizes first the gentleman from Kentucky and will recognize later the gentleman from New York. The Clerk will read the amendment proposed by the gentleman from Kentucky.

The Clerk read as follows:

Amend by adding to line 7:

"That all wools, hair of the alpaca, goat, and other like animals, wool on the skin, woolen rags, mungo, waste, and flax shall be admitted, when imported, free of duty.

"That on and after the 1st day of October, 1890, in lieu of the duties now imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid on woolen and worsted cloths and all manufactures of wool of every description made wholly or in part of wool 35 per cent. ad valorem."

Mr. DINGLEY. I make the point of order against the amendment that it relates to a subject different from that with which the bill deals, and is therefore not in order.

Mr. BRECKINRIDGE, of Kentucky. I think that as to the point of order there can be no possible doubt. The subject is imposts on worsted goods——

Mr. DINGLEY. The subject is the classification of worsteds.

Mr. BRECKINRIDGE, of Kentucky. No, sir; not the classification——

Mr. DINGLEY. That is the subject, and no other.

Mr. BRECKINRIDGE, of Kentucky. I beg the gentleman's pardon——

The CHAIRMAN. The Chair will hear the gentleman from Kentucky on the point of order.

Mr. BRECKINRIDGE, of Kentucky. This is not a mere classification. In taking these goods out of one classification and putting them into another you increase the rate. This is a pure question of rate. I know perfectly well, Mr. Chairman, that in ordinary tariff provisions there are concealed under the name of classifications very many and very onerous exactions, but I have never heard, until the gentleman from Maine raised this question, that they were not imposts, that they were not duties.

The very object here, as explained by the gentleman from Maine [Mr. DINGLEY] and the gentleman from Ohio [Mr. MCKINLEY], is to fix a rate of duty on worsted goods which is not fixed by the law as construed by the courts. There can therefore be no plainer proposition than that this is not an administrative feature of the law, but is a schedule. The mere form of the provision—that worsted goods shall be held as woolen goods—does not change the question, for the precise object of this measure is that the Secretary of the Treasury shall levy on worsted goods the same duty that is levied on woolen goods. By the act of 1883 woolens were put in one clause, worsteds in another. The duties in these clauses were dissimilar. To take worsteds out of one clause and put them in the other can have but one effect and one purpose, to change the rate of duty. The subject of this bill is therefore the rate of duty on worsteds; its object, and its sole object, to change the present rate of duty; its effect, and its only effect, to increase that rate of duty on worsteds, and the mode is by putting worsteds and woolens on the same footing.

Now, Mr. Chairman, what can be more germane to that than the proposition that after the 1st day of October next all worsted and woolen goods shall be put in exactly the same classification and shall pay 35 per cent. ad valorem? I can not imagine how there can possibly be any doubt on this question. When a certain friend of mine in the State of Kentucky was running for a legislative office his competitor said to him, "What qualification have you that you should be a member of the Legislature?" The gentleman who asked this question had "bolted" the caucus of his party two or three times, and the man answered, "I have one qualification: I have sense enough to know what side I am on."

Now, I can not imagine that any chairman in the world could hold this amendment out of order except a chairman that knows what side of a question he is on. This is a judicial question submitted to a distinguished lawyer and parliamentarian, and it is contended that, upon a measure which changes the schedule of a tariff bill so that the duty on "worsteds," instead of being 18 or 24 per cent. shall be 35 per cent., it is not in order to propose a change in the rates. The proposition seems to me to be utterly without any foundation whatever. I submit the point of order.

Mr. ALLEN, of Michigan, addressed the Chair.

The CHAIRMAN. The Chair is prepared to pass on the question.

Mr. DINGLEY. Mr. Chairman, briefly, I desire to say that under the rules of the House no amendment is in order on a subject different from that of the pending bill. Now the subject of the pending bill is the classification of worsted goods.

Mr. BRECKINRIDGE, of Kentucky. What is the rule the gentleman alludes to?

Mr. DINGLEY. What the effect of the provision may be, not appearing on its face, is altogether a different question; but clearly this bill deals solely with the subject of the classification of worsted goods; and the amendment offered by the gentleman from Kentucky does not deal with that subject any more than would a whole tariff bill if offered as an amendment to a bill on this particular subject.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman mean to say that his bill has no effect upon the duty on worsted goods?

Mr. DINGLEY. It is not a question of what the effect may be; it is a question of what appears on the face of the bill.

Mr. BRECKINRIDGE, of Kentucky. Ah! the question is as to the effect of the measure. Why, the whole argument of the gentleman from Ohio, so earnestly made, was that the bill fixed as the legal rates those rates of duty which the Secretary of the Treasury had ruled to be legal. The very argument with which the gentleman closed was that under the law as now administered there would be paid into the Treasury money which, if the Supreme Court should hold the rate of duty illegal, would have to come out, the gentleman from Ohio seeming to have no conception of the fact that if the money is illegally paid into the Treasury of the United States, it is the money, not of the United States, but of the importers from whom it is exacted.

Mr. DINGLEY. If the gentleman will pardon me, a single question. Does the gentleman hold that if the gentleman from Ohio [Mr. MCKINLEY], chairman of the Committee on Ways and Means, should rise in the next hour, when this bill is reported to the House, and move to substitute the entire tariff bill reported by him, it would be in order?

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to say——

Mr. DINGLEY. If the amendment is in order, that motion would be.

The CHAIRMAN. The Chair is prepared to pass upon the question.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Maine will allow an answer to his inquiry, I was going on to say that I am not prepared to say what the gentleman from Ohio might report after awhile. With the experience of the public in the preparation of bills by the gentleman from Ohio and his conferees, it would be manifestly uncertain what would be in a tariff bill to-morrow, based upon what might be in it to-day. I therefore would not like to commit myself by assenting to the suggestion of the gentleman. [Laughter on the Democratic side.]

The CHAIRMAN. The latter part of clause 7, of Rule XVI, provides:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The subject under consideration in this bill is the classification of worsted cloths as woolen cloths. That is the subject. The proposition of the gentleman from Kentucky is to put wool on the free-list as an amendment.

It seems to the Chair that that is a different subject. The Chair remembers in the last Congress when a proposition was made, on a bill for the admission of Dakota, to amend it by adding the Territory of New Mexico, and the point was made that that was on a subject different from the one under consideration, the then Speaker of the House, Mr. CARLISLE, decided that it was a different subject, although relating to the same general subject.

The Chair therefore sustains the point of order and rules the amendment out.

Mr. BRECKINRIDGE, of Kentucky. I feel it my duty under the circumstances to appeal from the decision of the Chair.

The CHAIRMAN. The Chair would be very glad to have the gentleman take an appeal, although it is to the Chair a very clear question.

Mr. BRECKINRIDGE, of Kentucky. And I think it due to myself that I should state the ground of my appeal. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Kentucky has a right to be heard on the appeal.

Mr. BRECKINRIDGE, of Kentucky. The decision of the Chair, if it is sustained, decides that the mere form in which the title of a bill is put, and the skillful facility with which its object may be attempted to be concealed in the language of the bill, prevents any amendment as to the substance of it. We are now, Mr. Chairman, not speaking about fanciful matters. We are talking about realities. The people of this country know that this is a question of taxation. No decision of the Chairman of this committee will obscure it either to the committee or to the people of the country. We may as well be frank with each other and frank with our consciences.

There is not a gentleman within the sound of my voice who does not know that the object of this bill is to increase the duties on worsted goods by making them equivalent to the duties on woolen goods. No amount of sugar-coating of the pill, no amount of putting the preserves with the castor-oil to disguise the taste, is going to change that taste when applied to the persons who import these goods and the consumers who use them.

No technical, narrow construction of a rule which does not properly apply is going to change the substance and reality of what we are enacting this afternoon. We are not doing it under a cloud. We are not doing it in the dark. This is before the whole country. Does the Chairman doubt—is there a member on this floor who doubts for a moment that this so-called change of classification is the exaction of higher rates of duty for the purpose of keeping out goods and giving advantages to those who manufacture them in America?

Now, if that be so, we reach a point where the query naturally arises, Why should it be done? Why shall we be asked to do it? Worsteds and woolens have imposed on them compensatory duties because there is a duty on wool. If there was no duty on wool these compensatory duties would be removed.

This amendment is germane, therefore, to the very question whether we should do this thing or not, namely, whether we should keep that duty on wool. The basis of the argument is the duty on wool. This seems to make it justifiable. Can there be anything more germane to the pending proposition than to lessen or remove that duty on wool, and thereby relieve us from the necessity of further continuing any compensatory duty? Can there be anything more germane to the question of raising taxes than the question of reducing taxes?

No technical response will for a moment hide the main, substantial question. I am addressing myself, Mr. Chairman, solely to the rule. It is, Is this germane? Germane to what? To increased taxation. It is as germane as the bill itself. The bill is to increase duties on certain manufactures; to raise the rates of duty; to increase the burden on the people as to these fabrics. What is germane to that question? Anything that puts the duties higher; anything that puts them lower on the articles described. Anything that makes the duty higher is germane; anything that makes the duty lower is equally germane.

Mr. MORGAN. Did not the Secretary of the Treasury in his ruling make it germane?

Mr. BRECKINRIDGE, of Kentucky. The Secretary of the Treasury made a classification and the court disagrees with him. This is a bill to conform the law to the decision of the Secretary of the Treasury.

Now, are we limited solely by its provisions? Is there no way to amend it by either reducing the proposed rates or by preserving the present rates? Is there no form under the rules of the House by which we can change it? Are our hands so tied that when the Committee on Ways and Means brings in a bill simply changing the classification, as it is euphoniously called, by which duties are increased, we can not lower it on the article named? It might be that I would not be able to offer an amendment that attempted to change rates or classifications as to fabrics or merchandise of a different nature or not included in the bill; but I am absolutely confining this to wool, to the duty upon wool and fabrics manufactured from wool, and for the purpose of making the bill do what the gentlemen say it ought to do. What does my friend say it ought to do? Make worsted and woolens equal. That my amendment does? How shall it be done? By putting worsted up to woolens? I say no; but by making wool free, removing all compensatory duties, and imposing 35 per cent. ad valorem on both woolens and worsteds.

Therefore, I have not the slightest doubt that my amendment is in order, and, Mr. Chairman and gentlemen, when you take up this bill which I hold in my hand, which is the tariff bill reported by the gentleman from Ohio [Mr. MCKINLEY], you will find all forms of schedules and classifications in it. Now, anybody who is familiar with the subject (anybody who is familiar with it as the chairman of this committee) will find that in these classifications there are duties fixed on different bases. For instance, you take the article of wool. In one classification the duty on an article is fixed at 48 per cent. If put into another classification, the mere change makes the duty 92 per cent. ad valorem, and yet under the decision which has been made by this distinguished parliamentarian it would not be in order to amend by changing the rate of duty, because that is not germane to the subject of classification.

In a tariff bill skillful classification is all-important; rates depend and are fixed wholly on classification. Here is found the handiwork of the vigilant and interested, and in classifications are concealed and consummated most of the jobs and iniquities which have characterized our tariff laws.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and there were—ayes 79, noes 39.

Mr. BRECKINRIDGE, of Kentucky. I ask for tellers.

Tellers were ordered; and Mr. MCKINLEY and Mr. BRECKINRIDGE of Kentucky were appointed.

The committee again divided; and there were—ayes 74, noes 36.

So the decision of the Chair stood as the judgment of the committee.

Mr. BRECKINRIDGE, of Kentucky. I desire to offer an amendment to the section, to strike out the word "worsted" and put in the word "woolen," transferring them as they come.

The Clerk read as follows:

Amend by striking out the word "woolen," in the fourth line, and insert instead thereof the word "worsted," and strike out the word "worsted" where it occurs in the fifth line and insert instead thereof the word "woolen," and by striking out all after the word "cloth," and before the words "or other," in the sixth line, so that the bill will read:

"That the Secretary of the Treasury be, and he hereby is, authorized and directed to classify as worsted cloth all imports of woolen cloths, whether known under the name of woolen cloth or otherwise."

Mr. DINGLEY. That simply provides that all woolen cloth shall be classified as worsted cloth; and therefore is it your intention to provide that woolen cloth shall be classified in such a way that the compensatory benefit shall be put at the lowest rate of duty on wool?

Mr. BRECKINRIDGE, of Kentucky. What I do is to put woolens on a level with the worsteds, which I understand you to say was the thing that ought to be done; but, instead of doing it by putting up the taxation upon the worsteds, I reduce the taxes on the woolens.

Mr. DINGLEY. But when the gentleman reported his amendment to the tariff bill he did not get up to such a stretch of injustice as that.

Mr. BRECKINRIDGE, of Kentucky. I will say that so far as the Mills bill was concerned, it was very much better than anything we have had since the Walker tariff bill on that subject, and it was a compromise.

Mr. KERR, of Iowa. I raise the question that debate is exhausted on this.

The CHAIRMAN. Not on this amendment.

Mr. BRECKINRIDGE, of Kentucky. I hope the Chair will not take this out of my time.

Now, as the Committee of the Whole has indorsed that parliamentary ruling of the Chairman, it is my duty to submit to it without comment, and it prevented us from voting on free wool and to strike out the compensatory duty.

This amendment is the only mode left to prevent an increase of duty.

The Mills bill put wool on the free-list, and of course removed all compensatory duty. This is what I now desire to do.

But I can not obtain a vote on that proposition; and so, with the obstacles in my way, I must be content with this amendment, which is not so satisfactory. You must remember that we formulated the Mills bill without as much assistance from certain gentlemen as I have had this afternoon in trying to get at the object I have in view.

But this is in the direction of doing exactly what gentlemen upon the other side say they want to do, equalizing woolens and worsteds, and it is in the direction to which the Democratic party at least is committed, of making all these inequalities give way to just equality, and also of making a reduction of taxation.

Mr. MCKINLEY. That is quite true. It is in the direction of the Democratic policy. The rate upon worsted goods has destroyed that industry in this country, and now they propose to destroy the woolen industry.

Mr. ROGERS. It is already destroyed.

Mr. SPRINGER. I move to strike out the last word and yield to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. The Democratic party, unfortunately, has never had an opportunity to try its policy upon either woolen or worsted manufactures.

Mr. FARQUHAR. And it never will. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. If the worsted manufactures have been destroyed, as my friend from Ohio [Mr. MCKINLEY] says (and I am too good a friend of his to doubt his veracity), it has been under the operation of a law passed by a Republican Congress and approved by a Republican President, a law which the Democratic party has done all it could to change and which, if continued, will no doubt destroy the woolen manufacture, as my friend says it has destroyed the worsted manufactures.

Mr. SPRINGER. I will use the rest of my time, Mr. Chairman; I believe I had five minutes.

The CHAIRMAN. The gentleman from Illinois has three minutes left.

Mr. SPRINGER. The gentleman from Ohio [Mr. MCKINLEY] has just admitted that a certain industry has been ruined, an industry which has been enjoying "protection" under laws passed by Republican Congresses amounting to 67 per cent. ad valorem; for that is what he has stated is the duty upon worsted goods as the law has been heretofore construed. A duty of 67 per cent. ad valorem, after twenty-five years of experience, has brought this industry to destruction; and now it seems the way to save it from further destruction is not to take off the duty which has ruined it, but to put on more duty! After twenty-five years of experience with the protective system the gentlemen keep parading before us day after day this industry and that industry which has been ruined under their system. It seems to me, sir, that the time has come when they should change their system, and instead of crying out for more duties they should take off those which exist, so that these industries can be relieved of the burdens which have brought so many of them to the brink of ruin. I withdraw my formal amendment.

The question was taken on the amendment of Mr. BRECKINRIDGE, of Kentucky, and the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York.

Mr. CUMMINGS. I ask for the reading of the substitute.

The substitute was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to classify as woolen cloths all imports of worsted cloth, whether known under the name of worsted cloth or under the names of worsteds, or diagonals, or otherwise; but no duty shall hereafter be imposed on woolen or worsted goods in excess of 60 per cent. ad valorem.

SEC. 2. This act shall take effect and be in force from and after July 1, 1890.

Mr. DINGLEY. I make the point of order that that is not germane, being on a different subject.

Mr. CUMMINGS. I will take the ruling of the Chair on the point of order, as I do not care to take up the time of the committee unnecessarily.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. This simply re-enacts the section, but adds a provision that the duty shall be limited to 60 per cent. ad valorem.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. Is that a different subject?

The CHAIRMAN. It is.

Mr. DINGLEY. I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Burrows, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9548) providing for the classification of worsted cloths as woolens, and had directed him to report the same back with the recommendation that it do pass.

Mr. DINGLEY. I move the previous question on the engrossment and passage of the bill.

The question was taken on the motion of Mr. Dingley; and the Speaker declared that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. I ask for a division.

The House divided; and there were—ayes 71, noes 44.

So the motion was agreed to, and the previous question was ordered.

The SPEAKER. The question is upon the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. CUMMINGS. Mr. Speaker, I move that the bill be recommitted to the Committee on Ways and Means with instructions so to amend the same as to provide that no duties shall, after the 1st day of July next, be imposed on worsted or woolen goods in excess of 60 per cent. ad valorem.

Mr. DINGLEY. I make the point of order that this amendment is on a subject different from the bill under consideration.

The SPEAKER. The Chair sustains the point of order. The question is on the passage of the bill.

The question having been put,

The SPEAKER said: The ayes seem to have it.

Mr. WILLIAMS, of Illinois. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 87, nay 0, not voting 240; as follows:

YEAS—87.

Adams,	Dolliver,	McKinley,	Sanford,
Anderson, Kans.	Dunnell,	Miles,	Scull,
Arnold,	Farquhar,	Moore, N. H.	Sherman,
Belknap,	Flick,	Morey,	Simonds,
Bliss,	Gear,	Morse,	Smith, Ill.
Boothman,	Gest,	Niedringhaus,	Smith, W. Va.
Brewer,	Greenhalge,	O'Donnell,	Smyser,
Brosius,	Grosvenor,	O'Neill, Pa.	Snider,
Buchanan, N. J.	Harmer,	Osborne,	Spooner,
Burrows,	Haugen,	Payne,	Stephenson,
Burton,	Henderson, Ill.	Peters,	Stivers,
Caldwell,	Henderson, Iowa	Pickler,	Stockbridge,
Cannon,	Hill,	Post,	Taylor, E. B.
Carter,	Houk,	Pugsley,	Townsend, Colo.
Cheadle,	Kennedy,	Quackenbush,	Turner, Kans.
Coleman,	Kerr, Iowa	Raines,	Wade,
Comstock,	Kinsey,	Ray,	Watson,
Conger,	Laws,	Reed, Iowa	Wickham,
Craig,	Lehlbach,	Reilly,	Williams, Ohio
Culbertson, Pa.	Lind,	Reyburn,	Wilson, Ky.
Darlington,	McComas,	Rowell,	Yardley.
Dingley,	McCord,	Russell,	

NAY—0.

NOT VOTING—240.

Abbott,	Candler, Mass.	Fitch,	Lester, Ga.
Alderson,	Carlisle,	Fithian,	Lester, Va.
Allen, Mich.	Carlton,	Flood,	Lewis,
Allen, Miss.	Caruth,	Flower,	Lodge,
Anderson, Miss.	Caswell,	Forman,	Magner,
Andrew,	Catchings,	Forney,	Maish,
Atkinson, Pa.	Cheatham,	Fowler,	Mansur,
Atkinson, W. Va.	Chipman,	Frank,	Martin, Ind.
Baker,	Clancy,	Funston,	Martin, Tex.
Bankhead,	Clark, Wis.	Geissenhainer,	Mason,
Banks,	Clarke, Ala.	Gibson,	McAdoo,
Barnes,	Clements,	Gifford,	McCarthy,
Bartine,	Clunie,	Goodnight,	McClammy,
Barwig,	Cobb,	Grimes,	McClellan,
Bayne,	Cogswell,	Grout,	McCormick,
Beckwith,	Connell,	Hall,	McCreary,
Belden,	Cooper, Ind.	Hansbrough,	McKenna,
Bergen,	Cooper, Ohio	Hare,	McMillin,
Biggs,	Cothran,	Hatch,	McRae,
Bingham,	Covert,	Hayes,	Milliken,
Blanchard,	Cowles,	Haynes,	Mills,
Bland,	Crain,	Heard,	Moffitt,
Blount,	Crisp,	Hemphill,	Montgomery,
Boatner,	Culberson, Tex.	Henderson, N. C.	Moore, Tex.
Boutelle,	Cummings,	Herbert,	Morgan,
Bowden,	Cutcheon,	Hermann,	Morrill,
Breckinridge, Ark.	Dalzell,	Hitt,	Morrow,
Breckinridge, Ky.	Dargan,	Holman,	Mudd,
Brickner,	Davidson,	Hooker,	Mutchler,
Brookshire,	De Haven,	Hopkins,	Norton,
Brower,	De Lano,	Kelley,	Nute,
Brown, J. B.	Dibble,	Kerr, Pa.	Oates,
Browne, T. M.	Dockery,	Ketcham,	O'Ferrall,
Browne, Va.	Dorsey,	Kilgore,	O'Neall, Ind.
Brunner,	Dunphy,	Knapp,	O'Neil, Mass.
Buchanan, Va.	Edmunds,	Lacey,	Outhwaite,
Buckalew,	Elliott,	La Follette,	Owen, Ind.
Bullock,	Ellis,	Laidlaw,	Owens, Ohio
Bunn,	Enloe,	Lane,	Parrett,
Butterworth,	Evans,	Lanham,	Paynter,
Bynum,	Ewart,	Lansing,	Payson,
Campbell,	Featherston,	Lawler,	Peel,
Candler, Ga.	Finley,	Lee,	Penington,
Perkins,	Taylor, Ill.	Shively,	Wallace, Mass.
Perry,	Taylor, J. D.	Skinner,	Wallace, N. Y.
Phelan,	Taylor, Tenn.	Thomas,	Washington,
Pierce,	Price,	Thompson,	Wheeler, Ala.
Spinola,	Quinn,	Tillman,	Wheeler, Mich.
Springer,	Randall,	Townsend, Pa.	Whiting,
Stahlnecker,	Richardson,	Tracey,	Whitthorne,
Stewart, Ga.	Rife,	Tucker,	Wike,
Stewart, Tex.	Robertson,	Turner, Ga.	Wiley,
Stewart, Vt.	Rockwell,	Turner, N. Y.	Wilkinson,
Stockdale,	Rogers,	Turpin,	Willcox,
Stone, Ky.	Rowland,	Vandever,	Williams, Ill.
Stone, Mo.	Rusk,	Van Schaick,	Wilson, Mo.
Struble,	Sawyer,	Venable,	Wilson, Wash.
Stump,	Sayers,	Waddill,	Wilson, W. Va.
Sweney,	Scranton,	Walker, Mass.	Wright,
Tarsney,	Seney,	Walker, Mo.	Yoder.

The following additional pairs were announced:

For the rest of this day:

Mr. Hall with Mr. Fithian.

Mr. Ewart with Mr. Dibble.

Mr. Morrill with Mr. Peel.

Mr. Browne, of Virginia, with Mr. Gibson.

Mr. Scranton with Mr. Geissenhainer.

Mr. Taylor, of Tennessee, with Mr. McRae.

Mr. Boutelle with Mr. McCreary.

Mr. Wallace, of Massachusetts, with Mr. Dargan.

Mr. Lodge with Mr. Cummings.

Mr. Rockwell with Mr. Lester, of Georgia.

Mr. Belden with Mr. Quinn.

On this vote:

Mr. Allen, of Michigan, with Mr. Seney.

Mr. Banks with Mr. Carlton.

Mr. Brower with Mr. Wheeler, of Alabama.

Mr. Bartine with Mr. Andrew.

Mr. Atkinson, of Pennsylvania, with Mr. Ellis.

On motion of Mr. WADE, by unanimous consent, the recapitulation of the names was dispensed with.

The SPEAKER. On this question the yeas are 87, the nays none.

Mr. DINGLEY. In view of the fact that a Republican caucus is called for this hour and as there does not seem to be a quorum of the House present, I move that we now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

REPAIRS AT SOLDIERS' HOME AT DAYTON, OHIO.

Letter from the Secretary of the Treasury, submitting an estimate of appropriation to improve the sewerage system at the Central Branch of the Home for Disabled Volunteer Soldiers at Dayton, Ohio—to the Committee on Appropriations.

REPAIRS ON ROAD FROM WILLETT'S POINT TO WHITESTONE, N. Y.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War, submitting an estimate of an appropriation for repairing the roadway from Willett's Point to Whitestone, N. Y.—to the Committee on Military Affairs.

ROBERT S. M'DONALD VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Robert S. McDonald against The United States—to the Committee on War Claims.

HARRISON H. HUGHEY VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison H. Hughey against The United States—to the Committee on War Claims.

BENJAMIN KENNEY VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin Kenney against The United States—to the Committee on War Claims.

J. W. B. ROBINSON, ADMINISTRATOR, VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of J. W. B. Robinson, administrator, against The United States—to the Committee on War Claims.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 371) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

A bill (S. 559) to provide for the erection of a public building at the city of Fayetteville, N. C.—to the Committee on Public Buildings and Grounds.

A bill (S. 632) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon—to the Committee on Claims.

A bill (S. 829) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to—to the Committee on Claims.

A bill (S. 1127) to authorize and direct the Secretary of War to investigate the claim made for fuel alleged to have been taken and used by the United States Army during the war from the property near Chattanooga known as "Cameron Hill," and to provide for the payment thereof—to the Committee on War Claims.

A bill (S. 2140) authorizing the Secretary of the Interior to negotiate with the Turtle Mountain band of Chippewa Indians for the cession of their reservation—to the Committee on Indian Affairs.

A bill (S. 3082) to validate pre-emption filings and pre-emption proofs made within the States of North and South Dakota, Montana, and Washington in certain cases—to the Committee on the Public Lands.

A bill (S. 3173) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Commerce.

A bill (S. 3271) to enable the Secretary of the Interior to carry out, in in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 3599) to provide an American register for the steamer Sacrobosco—to the Committee on Merchant Marine and Fisheries.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. YODER:

Resolved by the House of Representatives of the United States, That the Secretary of War be requested to furnish for the information of the House the names and numbers of all soldiers of the late war, their company and regiment, who were imprisoned in rebel prisons, the date when they were captured and the date when released, and the number of days they were imprisoned;

to the Committee on Invalid Pensions.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. LIND, from the Committee on Commerce, reported with amendment the bill of the Senate (S. 3163) to reorganize and establish the customs collection district of Puget Sound—to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR, of Tennessee, from the Committee on Invalid Pensions, reported favorably the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 9782) granting a pension to Elijah Kilday; and

A bill (H. R. 5628) to increase the pension of David Shively.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 7124) granting a pension to Mrs. Adelia Near, widow of Sylvester Near, of Company H, One hundred and twentieth Regiment, New York Volunteers—to the Committee of the Whole House.

Mr. CAREY, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 4870) to relieve Charles H. Vandervoort of the charge of desertion—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 4164) to relieve Joseph S. Hurst from the charge of desertion—to the Committee of the Whole House.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 4820) for the relief of Marlin Parks—to the Committee of the Whole House.

Mr. REED, of Iowa, from the Committee on the Judiciary, reported, with amendment, the bill of the House (H. R. 5817) equalizing the compensation of criers of the supreme court of the District of Columbia—to the Committee of the Whole House on the state of the Union.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 9707) to detach the county of Grayson, in the State of Texas, from the northern and attach it to the eastern judicial district of said State—to the House Calendar.

Mr. PERKINS, from the Committee on Indian Affairs, reported with amendment the bill of the Senate (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes"—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported favorably the bill of the Senate (S. 597) to authorize the conveyance of certain absentee Shawnee Indian lands in Kansas—to the House Calendar.

Mr. STRUBLE, from the Committee on the Territories, reported with amendment the bill of the House (H. R. 9265) to amend the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882"—to the House Calendar.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the Senate (S. 410) for the relief of E. R. Shipley—to the Committee of the Whole House.

Mr. ADAMS, from the Committee on the Judiciary, reported with amendment the bill of the House (H. R. 9598) to create a division in the judicial district of Colorado—to the House Calendar.

Mr. ARNOLD, from the Committee on Indian Affairs, to which was referred a petition asking for the relief of George M. Chapman, reported a bill (H. R. 9888) for the relief of George M. Chapman, late Indian inspector; which was read twice, and referred to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HALL: A bill (H. R. 9850) to provide for an income tax—to the Committee on Ways and Means.

By Mr. GROSVENOR: A bill (H. R. 9851) to amend an act to regulate commerce, approved February 4, 1887—to the Committee on Commerce.

By Mr. PRICE: A bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain a bridge across English Bayou and a bridge across the Calcasieu River, for the purposes of a roadway—to the Committee on Commerce.

By Mr. BLISS: A bill (H. R. 9853) to provide for the construction of a public building at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HOLMAN: A bill (H. R. 9854) to amend section 3441 of the Revised Statutes of the United States and section 17 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879, amendatory thereof—to the Committee on Ways and Means.

By Mr. BLISS: A bill (H. R. 9855) to prevent injuries to bridges across navigable rivers and lakes, and obstruction to travel across the same—to the Committee on Commerce.

By Mr. McKINLEY: A bill (H. R. 9857) providing for the purchase of Matthews's portrait of Abraham Lincoln—to the Committee on the Library.

By Mr. STEWART, of Georgia: A bill (H. R. 9887) to amend the second section of an act to amend sections 1, 2, 3, and 10 of an act approved March 3, 1887, said amended act approved August 13, 1888—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 9744) for the relief of Hanna Louisa Maria Frye—Committee on Claims discharged, and referred to the Committee on Patents.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELKNAP: A bill (H. R. 9858) granting a pension to Mrs. Linda Converse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting a pension to Bartholomew Crowley—to the Committee on Invalid Pensions.

By Mr. BROSIUS: A bill (H. R. 9860) granting a pension to Tobias Baney—to the Committee on Invalid Pensions.

By Mr. BURROWS (by request): A bill (H. R. 9861) for the relief of Holmes & Leathers—to the Committee on Claims.

By Mr. BURTON: A bill (H. R. 9862) to remove the charge of desertion from the military record of Frank Ludwig—to the Committee on Military Affairs.

By Mr. BYNUM: A bill (H. R. 9863) for the relief of W. E. Rockwood, of Indianapolis, Ind.—to the Committee on Military Affairs.

Also, a bill (H. R. 9864) granting a pension to Mary A. Townsend—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 9865) for the relief of Sarah W. Gray—to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 9866) granting a pension to Ellen Dolan, widow of Patrick Dolan—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 9867) for the relief of Henry Polite Carson, of Wapello, Iowa—to the Committee on War Claims.

Also, a bill (H. R. 9868) for the relief of the heirs of William H. Finch—to the Committee on War Claims.

By Mr. HANSBROUGH: A bill (H. R. 9869) granting an increase of pension to John E. Walton—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 9870) granting increase and rerating of pension to J. Arrell Johnson, formerly John A. Johnson—to the Committee on Invalid Pensions.

By Mr. LEE (by request): A bill (H. R. 9871) for the relief of Benwood Hunter—to the Committee on Military Affairs.

By Mr. McCOMAS: A bill (H. R. 9872) for the relief of Isaac Gruber, executor of John Cowton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9873) for the relief of James Resley—to the Committee on War Claims.

Also, a bill (H. R. 9874) for the relief of Reuben Rouzee—to the Committee on War Claims.

Also, a bill (H. R. 9875) for the relief of Hiram B. Snively and A. G. Lovell, executors of George Snively, deceased—to the Committee on War Claims.

By Mr. McCORD: A bill (H. R. 9876) granting a pension to Agnes B. Collins—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: A bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters—to the Committee on Military Affairs

By Mr. SMITH, of West Virginia: A bill (H. R. 9878) for the relief of Daniel Roush—to the Committee on War Claims.

By Mr. SPRINGER (by request): A bill (H. R. 9879) for the relief of William H. Akins and Jacob Felthousen—to the Committee on Patents.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 9880) for the relief of John Kirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9881) granting a pension to James M. Parry—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 9882) for the relief of John Askew—to the Committee on War Claims.

Also, a bill (H. R. 9883) for the relief of A. Eckberger—to the Committee on War Claims.

Also, a bill (H. R. 9884) for the relief of Thomas Good—to the Committee on War Claims.

Also, a bill (H. R. 9885) for the relief of Flora E. Womack—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 9886) granting an increase of pension to James W. Brown—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1, Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Memorial of Farragut Naval Association, of Chicago, Ill., for new naval vessel on the Great Lakes—to the Committee on Naval Affairs.

Also, two memorials of Union League of Chicago, for the same purpose—to the Committee on Naval Affairs.

By Mr. BAKER: Petition of citizens of New York, favoring a Sunday-rest law—to the Committee on Labor.

By Mr. BELKNAP: Petitions of National Woman's Temperance Union, Fifth district of Michigan, for a national Sunday-rest law—to the Committee on Labor.

By Mr. BINGHAM: Petition of Woman's Christian Temperance Union and other organizations of Pennsylvania, for a national Sunday-rest law—to the Committee on Labor.

By Mr. BRECKINRIDGE, of Kentucky: Petition of the First Congregational Church of Washington, D. C., for the passage of House bill 3854 (Sunday-rest bill)—to the Committee on the District of Columbia.

By Mr. BROSIUS: Petition of 140 citizens of Lancaster County, Pennsylvania, in favor of amending the national-banking law—to the Committee on Banking and Currency.

By Mr. BROWER: Memorial of the Yearly Meeting of Friends held at Center, Guilford County, North Carolina, on the 14th of Fourth month, 1890, protesting against Congress making appropriations for increasing the Army and Navy of the United States—to the Committee on Naval Affairs.

By Mr. BULLOCK: Petition of citizens of Florida, protesting against the passage of House bill 283, known as the Conger lard bill—to the Committee on Agriculture.

By Mr. BYNUM: Papers in the case of Mary A. Townsend, for a pension—to the Committee on Invalid Pensions.

Also, papers in the case of W. E. Rockwood, of Indianapolis, Ind., for correction of the records of the war of the rebellion—to the Committee on Military Affairs.

By Mr. CANNON: Petition of John L. Harger and others, of Urbana, Ill., relative to tariff on tobacco—to the Committee on Ways and Means.

Also, petition of A. W. Abernethy, of Champaign County, Illinois, opposing increase of duty on photographic albumen paper—to the Committee on Ways and Means.

Also, petition of George R. Gamble, of Champaign County, Illinois, opposing increase of duty on photographic paper—to the Committee on Ways and Means.

By Mr. CARUTH: Protest of cigar-makers of Louisville, Ky., against the tobacco schedule of the proposed McKinley tariff bill—to the Committee on Ways and Means.

By Mr. CARLTON: Petition from Alliance men of Morgan County, Georgia, in favor of Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

By Mr. CONNELL: Petition of the National Woman's Christian Temperance Union and other organizations in Nebraska, for a national Sunday-rest law—to the Committee on Labor.

By Mr. CLEMENTS: Petition of W. M. Moseley, W. H. Walker, and 17 others, citizens of Floyd County, Georgia, in favor of the passage of House bill 7162 and Senate bill 2806—to the Committee on Ways and Means.

Also, petition of J. M. Walker, Felix Corput, and 36 others, citizens of Floyd County, Georgia, in favor of the restoration of silver to its constitutional place as a money metal and authorizing its coinage upon an equality with gold—to the Committee on Coinage, Weights, and Measures.

Also, petition of J. B. Labsley and 345 others, citizens of Floyd County, Georgia, protesting against the passage of the bill known as the Conger compound-lard bill—to the Committee on Agriculture.

By Mr. COGSWELL: Protest of W. S. Stein and others, of Gloucester, Mass., against Schedule F (tobacco) in the McKinley bill—to the Committee on Ways and Means.

Also, protest of morocco manufacturers of Massachusetts, against any increase of the duty on tanned or unfinished skins for morocco—to the Committee on Ways and Means.

By Mr. CRAIG: Memorial of Grange No. 809, Bell Point, Westmoreland County, Pennsylvania—to the Committee on Ways and Means.

By Mr. DOCKERY: Petition of the Woman's Christian Temperance Union and other organizations in Clinton County, Missouri, for a national Sunday-rest law—to the Committee on Labor.

By Mr. FORMAN: Petition of 30 citizens of Highland, Ill., praying for passage of the so-called Butterworth bill to prevent dealing in options—to the Committee on Agriculture.

By Mr. HARMER: Memorial of Maimed Soldiers' League, urging the enactment of House bill 3328—to the Committee on Invalid Pensions.

By Mr. HENDERSON, of North Carolina: Petition of Samuel J. Pemberton, J. M. Brown, and a large number of citizens of North Carolina, for the removal of all obstructions to the free passage of fish in the Great Pee Dee River—to the Committee on Rivers and Harbors.

By Mr. HERBERT: Petition of the Bricklayers and Masons' International Union of Montgomery, Ala., against alien labor on Government works—to the Committee on Labor.

By Mr. McCOMAS: Petition of citizens of the District of Columbia, against alien labor upon Government works—to the Committee on Labor.

By Mr. MASON: Petition of citizens of Chicago, against sections 24 and 25, House bill 8278—to the Committee on Commerce.

Also, a petition of Chicago Toy Company and others, against toy schedule in McKinley tariff bill—to the Committee on Ways and Means.

By Mr. MOORE, of New Hampshire: Remonstrance against the Conger lard bill, from citizens of New Hampshire—to the Committee on Agriculture.

By Mr. MOREY: Petition of Theodore Bock, of Hamilton, Ohio, against a duty on orchids—to the Committee on Ways and Means.

By Mr. MORSE: Petition of the Unitarian Church Temperance Society, that all steps possible be taken to discourage and prevent the shameful and destructive traffic in intoxicating liquors between this country and Africa—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. O'DONNELL: Petition of Woman's Christian Temperance Union and other organizations in Michigan, for a national Sunday-rest law—to the Committee on Labor.

By Mr. O'NEILL, of Pennsylvania: Petition of officers of the National Guard of the State of Pennsylvania, asking for the passage of House bill 8151—to the Committee on Military Affairs.

Also, petition of Maimed Soldiers' League, for the enactment of House bill 3328—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Memorial of officers and representatives of Grange No. 291, Luzerne County, Pennsylvania, calling attention to rates of duty on agriculture—to the Committee on Ways and Means.

Also, memorial from the same source, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Rebecca Eldridge, praying for a pension—to the Committee on Invalid Pensions.

By Mr. OWENS, of Ohio: Petition of the Woman's Christian Temperance Union and other organizations of the sixteenth district of Ohio, asking for a national Sunday-rest law—to the Committee on Labor.

By Mr. PETERS: Protest of Board of Trade of Hutchinson, Kans., against duty on Mexican flux ores—to the Committee on Ways and Means.

Also, petition of citizens of Maize, Kans., for Conger lard bill—to the Committee on Agriculture.

By Mr. ROGERS: Evidence in support of claim of William Owen—to the Committee on Invalid Pensions.

By Mr. RUSK: Petition of citizens of Maryland, for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. SANFORD: Memorial of 129 farmers of Ohio, favoring the immediate passage of the McKinley bill—to the Committee on Ways and Means.

Also, memorial of 32 citizens of New York, recommending immediate passage of the McKinley tariff bill—to the Committee on Ways and Means.

Also, memorial of 36 other citizens of the same State, for the same purpose—to the Committee on Ways and Means.

Also, memorial for the same purpose from Madison, Ind.—to the Committee on Ways and Means.

Also, memorial from other citizens of Ohio, for the same purpose—to the Committee on Ways and Means.

Also, petition of citizens of Twentieth Congressional district of New York, for the passage of laws for the perpetuation of the national-banking system under which the interests of depositors are protected by Government supervision—to the Committee on Banking and Currency.

Also, memorial of 36 Ohio farmers, recommending immediate passage of the McKinley tariff bill—to the Committee on Ways and Means.

By Mr. SAYERS: Petition of the Board of Trade of San Antonio, Tex., against a duty on the lead contents of all ores imported from Mexico—to the Committee on Ways and Means.

Also, a petition of citizens of Texas, against the passage of the Conger bill—to the Committee on Agriculture.

By Mr. SCULL: Memorial of the Johnstown (Pa.) Turnverein, remonstrating against a change in the immigration and naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, memorial of Mission Grange, No. 864, Westmoreland County, Pennsylvania, in regard to duties on agricultural products—to the Committee on Ways and Means.

By Mr. SENEY: Petition of A. P. Kelley and 69 others, ex-Union soldiers of Carey, Ohio, favoring service pensions—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: Resolutions of County Assembly of Farmers' Mutual Benefit Association of Perry County, Illinois, requesting abolition of national banks, unlimited coinage of silver, etc.—to the Committee on Banking and Currency.

By Mr. SNIDER: Papers to accompany a bill for the relief Mary E. Dubbs, colored—to the Committee on Invalid Pensions.

Also, petition of builders, architects, and others, citizens of Minneapolis, Minn., favoring placing Portland cement on the free-list—to the Committee on Ways and Means.

By Mr. STONE, of Kentucky: Memorial of citizens of Paducah, Ky., praying passage of laws for perpetuation and better protection of national banks—to the Committee on Banking and Currency.

By Mr. STRUBLE: Petition of E. M. Donaldson and 37 others, resident business men of Sioux City, Iowa, for a treaty with Mexico looking towards a reciprocity in farm products, etc.—to the Committee on Foreign Affairs.

By Mr. JOSEPH D. TAYLOR: Petition of John R. Hunt, of Quaker City, Ohio, and 69 other soldiers, of the Seventeenth Ohio district, praying for the passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Dr. W. H. Naston and 111 other soldiers, of Summerfield, Ohio, same Congressional district, praying for the passage of the same measure—to the Committee on Invalid Pensions.

Also, petition of J. W. Copeland, of Tippecanoe, Ohio, and 32 other soldiers, of same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of J. V. Fisher, of Bowerston, Ohio, and 52 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of W. F. Peairs, of Freeport, Ohio, and 21 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, a petition of John R. Pitts and 29 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of Thomas Cosgrove, of Winchester, Ohio, and 4 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of James L. Lancaster, of Bellaire, Ohio, and 156 other soldiers, of the same district and State, and for the same measure—to the Committee on Invalid Pensions.

Also, petition of R. C. Jones, of New Concord, Ohio, and 32 other soldiers, of the same district, for the same measure—to the Committee on Invalid Pensions.

Also, petition of H. W. Brooks, of Hunter, Ohio, and 28 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of William Selders, of Byesville, Ohio, and 63 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of Ira C. Dickerson and 43 other soldiers, of Athens, Ohio, of the same district and State, for the same purpose—to the Committee on Invalid Pensions.

Also, petition of W. K. Lightfoot, of Barnesville, Ohio, and 66 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of W. L. Morel, and 60 other soldiers, of the same district and State, for the same purpose—to the Committee on Invalid Pensions.

Also, petition of F. C. Robinson, of Bridgeport, Ohio, and 83 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of Hezekiah Thomas, of Jerusalem, Ohio, and 77 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of D. W. Forsyth, of Cumberland, Ohio, and 88 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of Hon. R. S. Frome, and 137 others, citizens of Washington, Ohio, praying for the passage of the same measure—to the Committee on Invalid Pensions.

Also, petition of J. B. Mansfield, of Smithfield, Ohio, and 77 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of H. L. Haverfield, of Cadiz, Ohio, and 166 other soldiers, of the same district and State, for the same measure—to the Committee on Invalid Pensions.

Also, petition of John H. Brown, and 37 other soldiers, of Washington, Ohio, for the passage of the same measure—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Petition of Subordinate Union, No. 2, of Pueblo, Colo., of the Bricklayers and Masons' International Union, against employment of aliens on Government works—to the Committee on Labor.

By Mr. VANDEVER: Petition of citizens of California, in favor of the national-banking system—to the Committee on Banking and Currency.

SENATE.

WEDNESDAY, *April* 30, 1890.

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

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

HOUSE BILLS REFERRED.

The bill (H. R. 1788) to remove certain charges from the record of William Dawson was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 6688) asking an increase of pension for Mary H. Nicholson was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. SQUIRE. I present a memorial of the Legislature of the State of Washington, representing that the obstruction between the bay of Port Townsend and Oak Bay, in the State of Washington, which is a great inconvenience to the commerce of Puget Sound, can be removed for the sum of $40,000, and respectfully requesting that an appropriation of that amount be made by Congress for this purpose. I move that this memorial be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. SQUIRE presented the petition of Joseph Dorr and 67 others, citizens of Blaine, in the State of Washington, praying that the town of Blaine, in that State, be made a port of entry; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a petition of the Detroit Cigar Manufacturing Company and 163 other cigar manufacturers of Detroit, Mich., the petition of H. J. Wright and 39 others, citizens of Oxford, Mich., the petition of Taggart & Tuttle and 7 others cigar manufacturers of Detroit, Mich., the petition of Hugo H. Stender and 4 other cigar manufacturers of Detroit, Mich., the petition of G. R. Gross & Co. and 25 other cigar manufacturers of Detroit, Mich., the petition of Edward Burke and 59 other cigar manufacturers of Detroit, Mich., and the petition of Francis Ziroch and 36 other cigar manufacturers of Muskegon, Mich., praying for the imposition of a uniform rate of 35 cents per pound on imported tobacco, a specific duty of $5 per pound on imported cigars, and the repeal of so much of section 2804 of the Revised Statutes as relates to special stamps on boxes of imported cigars; which were referred to the Committee on Finance.

Mr. SPOONER presented a petition of citizens of Prairie du Lac, Wis., praying for the passage of the McKinley tariff bill; which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the passage of House bill 5353, commonly known as the Butterworth bill, in regard to dealing in potions and futures; which was referred to the Committee on Finance.