

of Iowa, for 1-cent letter postage—to Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: Remonstrance of James H. Barrett and 265 others, against putting iron ore on the free list—to the Committee on Ways and Means.

By Mr. McDANNOLD: Petition of William F. Brockman and 4 others, cigar manufacturers at Jerseyville, Ill., for a duty of 35 cents on unstemmed leaf tobacco—to the Committee on Ways and Means.

Also (by request), a petition of employes of A. H. Reeves, J. Hess, and W. Cox, of Chicago, Ill., gold-beaters, against the passage of the Wilson bill—to the Committee on Ways and Means.

By Mr. McETTRICK: Petition of the Gloucester (Mass.) Business Men's Association, for the early completion of the Sandy Bay breakwater and harbor at refuge, at Cape Ann, Massachusetts—to the Committee on Rivers and Harbors.

By Mr. MEIKLEJOHN: Memorial of the Drug Trade Section of the New York Board of Trade and Transportation, recommending amendments to the proposed new tariff bill (H. R. 4864) on the several schedules which affect the drug trade—to the Committee on Ways and Means.

By Mr. MILLIKEN: Remonstrance of 954 members of the Workmen's League of Maine, against the Wilson tariff bill—to the Committee on Ways and Means.

By Mr. POST: Petition of A. H. Reeves, J. Hess, H. Horn, and W. Cox, and 65 gold-beaters of Chicago, Ill., in favor of retaining the present specific duty protecting that industry—to the Committee on Ways and Means.

By Mr. PAGE: Protest of Thomas W. Chace & Co. and others, merchant tailors, of Providence, R. I., against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

By Mr. PICKLER: Petition of J. O. Bolender and 31 others, of Potter County, S. Dak., against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Michael Rowan, president, and Samuel Ross, secretary, of the Cotton Mule Spinners' Association, of New Bedford, Mass., asking for the passage of Senate bill 1136 and House bill 4478, providing for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. SCHERMERHORN: Petition of citizens of Hagan's Mills, N. Y., favoring an act to regulate the tariff on oleomargarine—to the Committee on Ways and Means.

By Mr. SIBLEY: Petition of citizens of Saegerstown, Pa., against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of Norway (Herkimer County, N. Y.) Grange, in favor of the passage of joint resolution regulating sale of oleomargarine—to the Committee on Agriculture.

By Mr. STEPHENSON: Memorial signed by 55 workmen, employers of labor, and others, citizens of Bessemer, Mich., regardless of party relations, protesting against the removal of duty on iron ore, and declaring that the result of such action would be to reduce employment and wages and bring unlimited suffering and distress to the people of that section—to the Committee on Ways and Means.

Also, memorial from Mr. James George and 80 others, citizens of Amasa, Mich., protesting against placing iron ore on the free list, and affirming such action would prove disastrous to the iron industry—to the Committee on Ways and Means.

Also, memorial from 262 workmen, employers of labor, and others, citizens of Ironwood, Mich., regardless of party, representing the great suffering and distress now among them as a result of uncertain tariff legislation, and praying that the present rate of duty on iron ore be retained—to the Committee on Ways and Means.

By Mr. STEVENS: Petition of 16 citizens of Lawrence, Mass., praying for the removal of the duty on books printed in the English language—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of 441 citizens of McKean County, Pa., protesting against the passage of the Wilson tariff bill, and against any modification at the present time of existing tariff law—to the Committee on Ways and Means.

Also, protest of American Flint Glass Works and citizens of Tarentum, Allegheny County, Pa., against the passage of the Wilson bill—to the Committee on Ways and Means.

By Mr. TAWNEY: Protest of F. Gardinger and 32 others, citizens of Minnesota, against the reduction of duty on barley—to the Committee on Ways and Means.

By Mr. TRACEY: Petition of John Kelly and 8 other citizens of Cohoes, N. Y., asking for a uniform duty of 35 cents on all unstemmed leaf tobacco—to the Committee on Ways and Means.

By Mr. VAN VOORHIS of Ohio. Papers to accompany House bill 5353—to the Committee on War Claims.

By Mr. WEADOCK: Petition of D. A. Trumpon and others, for free gilling twine—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Protest of citizens of North Alabama against reduction of tariff on lead pencils—to the Committee on Ways and Means.

Also, proceedings of the Chickasaw National Convention, November 6, 1893—to the Committee on Territories.

Also, petition of citizens of Florence, Ala., against free iron ore and coal—to the Committee on Ways and Means.

By Mr. WILSON of West Virginia: Resolutions adopted by the Dauphin County Committee of the Democratic party, held in Harrisburg, Pa., January 10, 1894, urging the prompt passage of the Wilson tariff bill—to the Committee on Ways and Means.

## SENATE.

MONDAY, January 22, 1894.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

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

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4610) to improve the methods of accounting in the Post-Office Department, and for other purposes.

The message also announced that the House had passed a joint resolution (H. Res. 112) authorizing the Joint Committee on the Library to grant to the chief justice and associate justices of the supreme court of the District of Columbia the privileges of the Library; in which it requested the concurrence of the Senate.

### 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. 339) to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga; and

A bill (H. R. 4610) to improve the methods of accounting in the Post-Office Department, and for other purposes.

### AGREEMENT WITH YANKTON INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs, together with a petition of the Yankton Indians, praying for the ratification of the agreement with those Indians and making certain statements as to their need for assistance; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### REPORT OF SUBURBAN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting the annual report of the District of Columbia Suburban Railway Company; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

### CREDENTIALS.

Mr. DANIEL presented the credentials of Thomas Staples Martin, elected by the Legislature of Virginia a Senator from that State for the term commencing March 4, 1895.

The credentials were read, and ordered to be filed.

### PETITIONS AND MEMORIALS.

Mr. ALDRICH. I present a memorial of manufacturers of woollens and worsted goods, carpets, hosiery and knit goods, wholesale clothing and cloak manufacturers, wool-dealers, and commission merchants of the United States, remonstrating against the provisions of the wool and woollens schedule of the Wilson tariff bill.

This memorial, which was adopted at a mass meeting of these allied industries held in the city of New York on the 10th instant, contains a forcible and logical argument in behalf of the contention of the memorialists. I will say that the industries represented by the memorial give employment to 500,000 people and to \$500,000,000 of capital. The memorialists are desirous that the memorial shall be printed in the RECORD. Its importance would certainly justify the adoption of such a course; but in view of the precedents of the Senate I move that the memorial be printed as a document, and referred to the Committee on Finance.

The motion was agreed to.

Mr. HOAR. I present a memorial similar to the one presented by the Senator from Rhode Island, it being a memorial of the Home Market Club, a business organization in New England, consisting of manufacturers, merchants, and other business men. The memorial states very powerfully and very compactly the objections to the proposed tariff legislation known as the Wilson bill. It is impossible to give an abbreviation of the memorial, because the reasons are closely put in it. The memorial is signed by the committee of the Home Market Club. The signatures of the members are attached to the duplicate, which has been sent to the House of Representatives, but they have been copied on a typewriter. I ask the same disposition that was made of the memorial presented by the Senator from Rhode Island, that it be printed as a document and referred to the Committee on Finance.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. HOAR subsequently said: I presented a memorial this morning with a very large number of signatures and there was an order of the Senate to print it. I understand from the Secretary that that would require the printing of the names. I did not intend that any but the first name should be printed. I move that the order be modified accordingly.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Massachusetts moves that the order passed this morning be modified so as to print simply the memorial and not the names attached to it.

Mr. HOAR. Except the first name.

The PRESIDING OFFICER. Except the first name. Is there objection to the request? The Chair hears none.

Mr. HOAR. I also present a memorial of the employes of the Dwight Company's mills, of Chicopee, Mass., remonstrating against the passage of the Wilson tariff bill, and praying that the present rates of duty be allowed to remain unchanged, so far as they relate to the textile manufacturing industry. I was requested by persons who represent the workmen of Massachusetts to express their indignation at the suggestion which has been made in some quarters that these memorials are in any way occasioned by the influence of their employers. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. HOAR presented a petition of the Business Men's Association of Gloucester, Mass., praying for the early completion of the Sandy Hook breakwater and harbor of refuge at Cape Ann, Mass.; which was referred to the Committee on Commerce.

He also presented petitions of Typographical Union, No. 508, of Holyoke; of Furniture Workers' Union, No. 24, of Boston, and of Brewers' Union, No. 14, of Boston, all in the State of Massachusetts, praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Cigarmakers' Union, No. 97, of Boston, Mass., praying for a reduction of duty on Sumatra tobacco; which was referred to the Committee on Finance.

He also presented a memorial of the Knights of Labor, of West Quincy, Mass., remonstrating against any issue of bonds by the Government; which was referred to the Committee on Finance.

Mr. VILAS presented a memorial of sundry workmen, employers of labor, and other citizens of Hurley, Wis., irrespective of party, remonstrating against placing iron ore on the free list; which was referred to the Committee on Finance.

Mr. HAWLEY presented the memorial of E. J. Barnes and 17 others, and the memorial of George W. Emmons and 26 others, of Hartland, Conn., farmers and growers of leaf tobacco, remonstrating against any change in the rates of duty on cigars and leaf tobacco; which were referred to the Committee on Finance.

Mr. SHOUP presented a memorial of sundry bankers of Salt Lake City and Ogden, Utah Territory, remonstrating against the removal of the duty on wool, as proposed by the Wilson tariff bill; which was referred to the Committee on Finance.

He also presented the petition of John T. Keegan and 12 other citizens and woolgrowers of Canyon County, Idaho, praying that no change be made in the present tariff on wool and woolen goods; which was referred to the Committee on Finance.

Mr. LODGE presented the petition of Aaron Parsons and 17 other citizens of Gloucester, Mass., praying for the passage of the Manderson-Hainer bill, providing for an amendment of the postal laws of the United States in such manner as to settle the question of the classification of fraternal society and college journals; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Stoneham, Mass., remonstrating against the imposition of restrictions upon Canadian railways; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of C. S. Miller and 28 other

farmers and growers of cigar leaf tobacco, of Southwick, Mass., remonstrating against a reduction of the duty on foreign wrappers; which was referred to the Committee on Finance.

He also presented a memorial of sundry cigar-makers, of Boston, Mass., remonstrating against any increase of the internal-revenue tax on cigars, on the ground that it would be injurious to the cigar industry and result in the reduction of wages; which was referred to the Committee on Finance.

He also presented petitions of the Gloucester (Mass.) Business Men's Association and of the Boston (Mass.) Chamber of Commerce, praying for the early completion of the Sandy Bay breakwater and harbor of refuge at Cape Ann, Mass.; which were referred to the Committee on Commerce.

He also presented petitions of Brewers' Union No. 14, of Boston; Typographical Union, No. 508, and the French Carpenters' Union, No. 508, of Holyoke, and of the Furniture Workers' Union, No. 24, of Boston, all in the State of Massachusetts, praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Prof. C. V. Riley and 17 other entomologists of the United States Department of Agriculture; of R. P. Whitfield, curator, and 11 others of the American Museum of Natural History; of Daniel C. Gilman, president, and 27 other professors of Johns Hopkins University, of Baltimore, Md.; of Albert R. Matthews and 13 other professors of Columbian College, New York; of Playfair McMurrich and 7 other professors of the University of Cincinnati, Ohio; of Isaac Thomas, principal, and 23 other teachers of the New Haven (Conn.) High School; of James B. Angell, president, and 43 other professors of the University of Michigan; of Charles Sedgwick Minot, president of the American Society of Naturalists, and 20 other professors of the Harvard Medical School at Cambridge, Mass.; of William H. Dall and 8 other professors of the United States National Museum; of Prof. H. P. Bowditch and 17 other professors of Harvard University; and of Prof. A. S. Mackenzie and 3 other scientists of the United States, praying for the removal of all duties upon scientific and philosophical apparatus whose chief use is for instruction or research; which were referred to the Committee on Finance.

Mr. PROCTOR presented the petition of M. R. Crain and 90 other citizens of Rutland, Vt., praying for the establishment of a bureau of public health within the Treasury Department; which was referred to the Committee on Epidemic Diseases.

Mr. ALLISON presented petitions of sundry cigar manufacturers of Davenport, Council Bluffs, Des Moines, Maquoketa, Mason City, Albia, Sigourney, Centerville, Webster City, Casey, Waterloo, Muscatine, and Gladbrook, all in the State of Iowa, praying for the imposition of a uniform duty of 35 per cent on unstemmed leaf tobacco; which were referred to the Committee on Finance.

He also presented the petitions of O. M. Robbins, B. F. Cozad, William Waskow, J. B. Jarvis, John W. Kearby, and sundry other citizens of Iowa, all honorably discharged Union soldiers and sailors of the late war, praying for the enactment of legislation which will prevent the suspension of pensions heretofore granted, or which may hereafter be granted, unless fraud has been first proven, after due notice has been given to the pensioner; and which will also secure the immediate restoration of all suspended pensions until such proof has been thus furnished; which were referred to the Committee on Pensions.

He also presented petitions of Ezra W. Miller, D. W. Cleveland, M. C. Briggs, A. H. Wemple, John A. Romig, James B. Dixon, and other sundry citizens of Iowa, all honorably discharged Union soldiers and sailors of the late war, praying for the passage of a just and equitable service pension law; which were referred to the Committee on Pensions.

Mr. MITCHELL of Oregon presented a petition of Multnomah Typographical Union, No. 58, of Portland, Oregon, and indorsed by the Federated Trades Assembly of that city, praying in the name of the organized labor and industrial associations of the city of Portland, and State of Oregon, that measures be taken looking to the erection and acquisition of postal telegraph lines by the United States Government; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STOCKBRIDGE presented memorials of Jacob Jacoben and 203 other iron miners of Ironwood, Mich.; of W. E. Olcott and 53 other citizens of Bessemer, Mich., and of Charles M. Humphrey and 81 other citizens of Ironwood, Mich., remonstrating against placing iron ore on the free list; which were referred to the Committee on Finance.

Mr. DOLPH. I present resolutions adopted by the Multnomah Typographic Union No. 58, of Oregon, in favor of Government ownership of the telegraph. These resolutions are similar to those presented by my colleague. I move that they be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. DOLPH. I also present resolutions adopted by the Chamber of Commerce of Astoria, Oregon, favoring an extension of the privileges of the first and seventh sections of the act of June 10, 1880, to Astoria. When the order of bills is reached I shall introduce a bill to accomplish the object stated in the resolutions. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. DOLPH. I also present resolutions adopted by the Oregon Bar Association, praying Congress to amend section 2139 of the Revised Statutes so as to exempt the State of Oregon from the operation of the law providing double fees of clerks and marshals in certain Pacific coast States. The letter accompanying the petition, from the secretary of the bar association, states it to be the sense of the association that the statute of the United States which requires all fees in Federal courts of Oregon and Washington to be double what they are in other States should be repealed.

There was at the last Congress a bill reported from the Committee on the Judiciary fixing the salaries for clerks and marshals, which would probably have done away with considerable abuse in the matter had it been passed. Whether it would have reduced the amount of fees paid by litigants, I am not certain. I think I shall introduce a bill concerning this matter. In the meantime, I move that the resolutions, and accompanying letter, be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MITCHELL of Oregon. I desire to state that I have received from the Bar Association of the State of Oregon a petition similar to that which has been presented by my colleague. In view of the fact that he has presented the copy received by him, it is not necessary that I should present the one which I have received.

Mr. DOLPH presented resolutions adopted by the Chamber of Commerce of Astoria, Oregon, favoring the establishment of a quarantine station on the Columbia River; which were referred to the Committee on Epidemic Diseases.

Mr. CULLOM. I present a brief petition signed by sundry citizens of the United States in behalf of the Grand Lodge of Good Templars, of Illinois, praying for a national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crimes, pauperism, taxation, and general public welfare. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. CULLOM. I present the memorial of a large number of citizens of Ottawa, Ill., manufacturers of green and flint glass bottles, remonstrating against the passage of the Wilson bill generally and especially the clause proposing to reduce the tariff on such articles to 30 per cent ad valorem. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. CHANDLER. I present the memorial of George F. Page, Frank S. Streeter, H. J. Odell, and other employes of the Page Belting Company of Concord, N. H., remonstrating against the passage of the so-called Wilson tariff bill. The memorialists state that they are being injuriously affected by the existing industrial depression which in their judgment is the direct result of unwise tariff agitation. They express the hope that by a postponement of such agitation the country may be permitted to return to its prior prosperous condition. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. HILL. I present a petition of importers and merchants of the city of New York—an important petition upon a very small matter—praying for the imposition of a specific duty on sardines in place of an ad valorem duty. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. HILL presented a memorial of the employes of the Germania Knitting Works, of New York City, remonstrating against the passage of the Wilson tariff bill; which was referred to the Committee on Finance.

He also presented a memorial of employes of George Bernhard & Son, clothing manufacturers of New York City, remonstrating against the passage of the Wilson tariff bill in its present form in so far as it affects the clothing industry of that city; which was referred to the Committee on Finance.

He also presented a petition of 85 members of Iron Molders' Union, No. 12, of Rochester, N. Y., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER presented a petition of 43 employes of the Whitling Manufacturing Company, praying that the Wilson tariff bill be modified so that they shall not be thrown in competition with

the cheap labor of Europe; which was referred to the Committee on Finance.

Mr. MCMILLAN presented memorials of James George and 91 other citizens of Amasa; of Louis Jacobson and 182 other citizens of Bessemer; of Charles M. Humphrey and 80 other citizens of Ironwood; of W. J. Olcott and 55 other citizens of Bessemer; and of Capt. William Bond and 256 other citizens of Norway and Vulcan, all in the State of Michigan, remonstrating against placing iron ore on the free list; which were referred to the Committee on Finance.

He also presented the petition of James B. Angell, LL. D., president, and other members of the faculty of the University of Michigan, praying that books printed in the English language be admitted free of duty into the United States; which was referred to the Committee on Finance.

Mr. SHERMAN presented memorials of 46 citizens of Cleveland; of 25 citizens of Barlow; of 176 citizens of Wellington; of 158 citizens of Short Creek; of 48 citizens of Salt Creek; of 36 citizens of Lorain; of 67 citizens of Perrysburg; of 108 citizens of Orange; of 126 citizens of Bennington; of 101 citizens of Sugar Creek; of 127 citizens of Vermillion, and of 71 citizens of Kirkwood, all in the State of Ohio, remonstrating against the passage of the Wilson tariff bill; which were referred to the Committee on Finance.

He also presented a memorial of Typographical Union No. 57, of Dayton, Ohio, remonstrating against placing scientific publications on the free list; which was referred to the Committee on Finance.

He also presented a memorial of 36 business men and wool-growers of East Las Vegas, Territory of New Mexico, remonstrating against placing wool on the free list; which was referred to the Committee on Finance.

He also presented a memorial of the Akron (Ohio) Building and Loan Association, remonstrating against the proposed tax of 2 per cent on the income of building and loan associations; which was referred to the Committee on Finance.

He also presented a memorial of 168 members of Cleveland (Ohio) Lodge, No. 4, Shipmasters' Association, remonstrating against placing iron ore on the free list; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Ohio, soldiers of the late war, praying for an investigation of the Pension Bureau; which was referred to the Committee on Pensions.

#### FLAGS UPON THE CAPITOL.

Mr. SHERMAN. I present three memorials from organizations of the Grand Army of the Republic, etc., which are evidently founded upon a misapprehension of what has been done in respect to placing flags upon the Capitol.

While I sympathize entirely with the memorialists, I wish to correct a misapprehension which prevails in some of the Western States, especially in Ohio, that any recent discrimination has been made against the flags hoisted over the Capitol. I am informed that the same flags are now floating over the Capitol that have been over it almost since the Government has been here—three flags, one over the House of Representatives, one over the Senate, and one over the Supreme Court rooms, when these bodies are in session.

It seems that three years ago a proposition was made to raise the national flag over the east and west fronts of the main part of the Capitol, but that the bill failed to pass, and therefore no appropriation was made. In the mean time, the flags were put over the Capitol, but upon the failure of the bill, a copy of which I have now before me, the old custom was resumed of keeping flags floating only when one of the three bodies is in session.

I hope, however, as this seems to be a matter of sentiment, and on all the other public buildings in Washington the flag does float at all times, at least from morning until night, that these memorials will be referred to the Committee on Appropriations, and that that committee will recommend the appropriation of a small sum to carry out the same general plan that has been adopted in regard to the executive offices.

Mr. HALE. I cordially agree with the Senator from Ohio in this matter. It was on my motion three years ago that the authorities in charge were directed to keep the flag flying on the Capitol; and for a time it was kept flying, as ought always to be the case. I was surprised less than a year ago upon coming here to find that the flag was down. Upon inquiry I was told that no appropriation had been made and that therefore it had been dropped. It seemed to me that in so small a matter, counting money as important, it might have been done at any rate. But I made no complaint to the authorities in charge of the Capitol, hoping and expecting that the matter would be cured through the Committee on Appropriations by an appropriation of money, which would be very small. I can say to the Senator from Ohio I believe that committee at the first opportunity will see that provision is made for this very fitting display of the flag.

The VICE-PRESIDENT. The memorials presented by the Senator from Ohio will be referred to the Committee on Appropriations.

The memorials were referred to the Committee on Appropriations, as follows:

A memorial of Joe Hooker Post, No. 21, Grand Army of the Republic, of Ohio.

A memorial of Star Council, No. 106, Junior Order United American Mechanics, of Galion, Ohio; and

Resolutions adopted by Memorial Post, No. 141, Grand Army of the Republic, of Cleveland, Ohio.

#### REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River in the State of Arkansas or in the State of Texas, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers, in the States of Louisiana and Texas, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3689) authorizing the Gulf, Beaumont and Kansas City Railway Company to bridge the Neches and Sabine Rivers in the States of Texas and Louisiana, reported it with amendments.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to report a bill to provide additional accommodation for the Government Printing Office, and to submit a written report thereon.

I ask that the bill and report be printed, and the bill placed on the Calendar. I give notice that on account of the exigency which exists in this case I shall endeavor to call the bill up in the morning hour whenever I can, not interfering, as a matter of course, with the regular order.

Mr. MANDERSON. It has been impossible to hear the Senator on this side. Will he state the bill concerning which he gives notice?

Mr. VEST. I report from the Committee on Public Buildings and Grounds a bill providing additional accommodations for the Government Printing Office, with a written report. I ask that the bill and report be printed, and that the bill go to the Calendar. I give notice that I shall endeavor to call it up during the morning hour, not interfering, as a matter of course, with the unfinished business.

The bill (S. 1462) to provide additional accommodations for the Government Printing Office was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar and the report printed.

Mr. DOLPH. By direction of the Committee on Public Lands I report favorably, with amendments, the bill (S. 67) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands." This is a majority report. There is a minority who dissent from the report. Several members of the committee—two, I think—allowed the report to be made, reserving to themselves the right to vote as they please in the Senate. There is a written report which I file with the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BERRY. I report back to the Senate, with an amendment, from the Committee on Railroads, the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department. I desire to state to the Senate that as to the second amendment in regard to authorizing an election to be had in two certain counties in Oklahoma the committee were not unanimous. The Senator from Illinois [Mr. PALMER] and myself did not agree to the second amendment. A majority of the committee directed the bill to be reported in its present form.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BERRY, from the Committee on Railroads, to whom was referred the bill (S. 1444) to authorize the Oklahoma Central Railway Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes, asked to be discharged from its further consideration, and that

it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 304) to increase pensions for loss of the sight of both eyes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

#### PRIVILEGES OF CONGRESSIONAL LIBRARY.

Mr. MILLS. I ask the Chair to lay before the Senate the joint resolution which has just come from the House of Representatives, authorizing the justices of the supreme court of the District of Columbia to have the use of books in the Library, and that the bill be read and put on its passage.

The joint resolution (H. Res. 112) authorizing the Joint Committee on the Library to grant to the chief justice and associate justices of the supreme court of the District of Columbia the privileges of the Library was read the first time by its title and the second time at length, as follows:

*Resolved, etc.,* That the Joint Committee on the Library be, and it is hereby, authorized to grant the privilege of using and drawing books from the Library to the chief justice and the associate justices of the supreme court of the District of Columbia, in the same manner and subject to the same regulations as members of Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. HOAR. I make no objection to its consideration, but I wish to ask the Senator from Texas a question.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of the joint resolution, and it is before the Senate as in Committee of the Whole.

Mr. HOAR. I should like to ask if the privilege of members of Congress to use the National Library depends on a grant from the Library Committee.

Mr. MILLS. I do not know anything about that matter. I have not examined it. This joint resolution has come from the other House, and it proposes to give the justices of the supreme court of the District of Columbia access to the Library, that is all.

Mr. HOAR. If I heard the joint resolution read correctly, I understand that it reads in this way: That the Committee on the Library may grant this privilege (which, of course, makes it discretionary with them) on the same terms that they grant it to members of Congress.

Mr. MILLS. I have no objection to any amendment the Senator may suggest.

Mr. HOAR. I do not suppose our rights in this matter depend on the discretion of anybody.

Mr. TELLER. Let the joint resolution be read again.

Mr. MILLS. It came from the other House in its present shape.

The VICE-PRESIDENT. The Secretary will read the joint resolution.

The joint resolution was again read.

Mr. MITCHELL of Oregon. The joint resolution relates solely to the chief justice and associate justices of the supreme court of the District of Columbia. I should like to inquire of the Senator from Texas if he knows whether the chief justice and associate justices of the court of appeals of the District have access to the Library?

Mr. MILLS. I introduced a joint resolution for that purpose some time ago, and it is before the other House now. I think the pending measure is awkwardly worded, but the object is to put the justices of the supreme court of the District of Columbia on the same footing with the members of the Senate and House.

Mr. HOAR. If the Senator from Texas will allow the joint resolution to be laid aside for a few moments I presume there will be no trouble about its passage.

Mr. MILLS. I have no objection to that course; and I shall not object to any amendment the Senator may think proper.

The VICE-PRESIDENT. The joint resolution will go over for the present.

Mr. MILLS subsequently said: I now ask unanimous consent for the consideration of the joint resolution, which was laid over temporarily a few moments ago, authorizing the justices of the supreme court of the District of Columbia to have access to the Library.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 112) authorizing the Joint Committee on the Library to grant to the chief justice and associate justices of the supreme court of the District of Columbia the privileges of the Library.

Mr. HOAR. I offer an amendment to strike out all after the resolving clause, and insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the resolving clause, and insert:

That the chief justice and associate justices of the court of appeals of the District of Columbia, and the chief justice and associate justices of the su-

preme court of said district be authorized to use and take books from the Library of Congress in the same manner and subject to the same regulations as Justices of the Supreme Court of the United States.

Mr. MILLS. I accept that amendment. I see no objection to it.

The amendment was agreed to.

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

The amendment was ordered to be engrossed, and the joint resolution to be a read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read: "A joint resolution authorizing the chief justice and associate justices of the court of appeals and of the supreme court of the District of Columbia, to use and take books from the Library of Congress."

#### BILLS INTRODUCED.

Mr. BUTLER (by request) introduced a bill (S. 1463) providing for the erection of a monument to designate the battleground of Buford, in the county of Lancaster, S. C.; which was read twice by its title, and referred to the Committee on the Library.

Mr. BUTLER. On behalf of the Senator from New Jersey [Mr. MCPHERSON], who is absent from the Chamber sick, I introduce a bill, and ask its reference to the Committee on Naval Affairs.

The bill (S. 1464) for the relief of certain enlisted men of the Marine Corps was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LODGE introduced a bill (S. 1465) to relieve John Hughes of the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1466) granting a pension to Philip T. Greely; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1467) to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouri Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. PLATT introduced a bill (S. 1468) for the relief of James L. Townsend; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 1469) to remove the charge of desertion from the military record of Amos Clark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 1470) to relieve George L. Sullivan from the charge of desertion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1471) to provide for the adjustment and payment of the claim of the American Transportation Company for the dredging done at Fairport harbor, in the State of Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WALTHALL introduced a bill (S. 1472) to indemnify the State of Mississippi for the failure of title to a township of land intended to be granted to said State on her admission into the Union; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. VOORHEES introduced a bill (S. 1473) granting an increase of pension to William H. Pulliam; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 1474) for the relief of James S. Crawford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 1475) for the relief of Daniel W. Perkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1476) to extend the privileges of the transportation of dutiable merchandise without appraisement to the port of Astoria, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL of Oregon introduced a bill (S. 1477) for the relief of Louis Napoleon, of Westport, Oregon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 1478) providing for an additional circuit judge in the seventh judicial circuit, and for other purposes; which was read twice by its title.

He also introduced a bill (S. 1479) providing an additional district judge in the northern district of Illinois; which was read twice by its title.

Mr. PALMER. These two bills were prepared by the Bar As-

sociation of Chicago. I also submit a communication from a committee of the Bar Association of Chicago. I move that the bills and the accompanying communication be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PALMER introduced a bill (S. 1480) to codify and arrange the laws relating to pensions; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. McMILLAN introduced a joint resolution (S. R. 52) for the purpose of insuring the security and the utilization of duplicate copyrighted books in the Congressional Library; which, with the accompanying paper, was referred to the Committee on the Library.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. WILSON, it was

*Ordered*, That Olivia M. Ford be permitted to withdraw from the files of the Senate, under the rules of the Senate, the papers relating to her claim, filed in the Fifty-second Congress.

#### EULOGIES ON THE LATE REPRESENTATIVE CHIPMAN.

Mr. McMILLAN. Some days ago I gave notice that on Friday of last week I should call up the resolutions of the House of Representatives in regard to the death of Hon. John Logan Chipman, late a Representative in that body from the State of Michigan. As we had no session on Friday, I ask that the resolutions be made the order for next Thursday at 3:30 o'clock.

The VICE-PRESIDENT. Without objection, it will be so ordered.

#### ALLEGED VIOLATIONS OF CIVIL-SERVICE LAW.

Mr. LODGE. I submit a resolution of inquiry, and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the United States Civil Service Commission is hereby instructed to report with as little delay as possible to the Senate the number and character of the cases which it has considered since March 4, 1889, or which it has now under consideration, in which it is alleged that the civil-service law, or regulations, or orders thereunder approved by the President, have been violated by the head of any one of the Executive Departments, or bureaus thereof, or by any officer of the United States whose appointment is subject to the confirmation of the Senate.

Mr. GALLINGER. Before the resolution is adopted, as I presume it will be, and I do not object to it, I should like to ask the Senator from Massachusetts why he has designated a certain date in 1889 as the time to which this information shall apply and beyond which it shall not go?

Mr. LODGE. Because I desire to cover both Administrations. I do not wish to make it apply merely to one; I wish it to apply to both Administrations.

Mr. BERRY. I ask that the resolution go over. I object to its consideration.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. CALL. Will the Senator from Arkansas permit me to suggest to the mover of the resolution the propriety of its reference to the Committee on Civil Service and Retrenchment, through whom I suppose his object can be accomplished?

Mr. LODGE. The resolution goes over under the rule, I presume. I hope it will not be referred. It is merely a resolution to obtain information.

The VICE-PRESIDENT. The resolution goes over under the rule.

#### LIGHTING OF BOSTON HARBOR.

Mr. HOAR. I offer a resolution, for which I ask immediate consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate all facts known to his Department tending to show the necessity of additional safeguards for the approach of vessels to Boston Harbor in the nighttime or stormy weather, and especially whether, in the judgment of his Department, it is desirable that a light-ship should be anchored easterly of the Boston light, with foghorn or siren; and whether there be any need of range lights or beacons to enable vessels to come up the harbor at night.

And further to communicate to the Senate all recommendations on the subject made by the Light-House Board in recent years, together with the probable cost of such securities.

The VICE-PRESIDENT. The Senator from Massachusetts asks for the present consideration of the resolution. Is there objection?

Mr. HARRIS. Let the resolution be read again.

The VICE-PRESIDENT. The resolution will be again read.

Mr. HOAR. I will say to my friend from Tennessee that the resolution merely directs the Secretary of the Treasury to inform Congress as to the necessity of a light in Boston Harbor.

Mr. HARRIS. Then I do not care to have the resolution again read.

The resolution was considered by unanimous consent, and agreed to.

#### HANDBOOK OF EXPERIMENTAL STATION WORK.

Mr. McMILLAN submitted the following concurrent resolution; which was referred to the Committee on Agriculture and Forestry:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed of the report of the Agricultural Department entitled Handbook of Experimental Station Work, 10,000 copies, of which number 2,000 copies shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Department of Agriculture.

#### CONDITION OF THE CIVIL SERVICE.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution offered by the Senator from Kansas [Mr. PEPPER], coming over from a previous day. The Secretary will read the resolution.

Mr. BERRY. There was a resolution of the Senator from Florida [Mr. CALL] which, when it was up for consideration on a previous day, it was agreed should stand over until this morning.

Mr. CALL. On the last day of the session of the Senate last week a resolution submitted by me relating to the civil service of the Government was up for consideration, and at the conclusion of the morning hour it was proposed, and by unanimous consent it was agreed to, that it should come up for consideration to-day. That is the resolution to which the Senator from Arkansas [Mr. BERRY] refers. I ask that it may be now considered. I presume that it will not interfere with the Senator from Kansas for any length of time.

Mr. HARRIS. When the resolution went over the Senator from Missouri [Mr. COCKRELL] was on the floor.

Mr. PEPPER. I did not hear the concluding remarks of the Senator from Florida.

Mr. CALL. I stated that on the last day of the session of the Senate last week the resolution relating to the civil service was under consideration, and at the close of the morning hour, the Senator from Missouri being upon the floor, it was unanimously agreed that it should come up for consideration this morning after the close of the routine business. I ask, therefore, that the resolution may be now taken up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. PEPPER. I shall not object to the resolution being taken up, provided the resolution submitted by me, coming over from a previous day, be not displaced.

The VICE-PRESIDENT. The Chair will state to the Senator that his resolution will be in order after the disposition of the resolution to which the Senator from Florida has called the attention of the Senate. The Chair lays before the Senate the resolution of the Senator from Florida, which will be read.

The Secretary read the resolution submitted by Mr. CALL January 16, 1894, as follows:

*Resolved,* That the Committee on Civil Service and Retrenchment be required to examine into the condition of the civil service of the United States and the expediency of its retention or increase, and to report to the Senate by bill or otherwise.

Mr. BERRY. I offer an amendment to the resolution, which I ask may be read. At the close of the resolution I move to add as an amendment what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the resolution the following:

Such committee shall also report to the Senate the number of persons employed in the classified service from each State and Territory, and, so far as they can ascertain, the number belonging to each political party, and whether the public service would be improved by the repeal or modification of the present civil-service law.

Mr. BERRY. Mr. President, I only desire to add a few words at this time in regard to the amendment.

I wish the committee to report specifically to the Senate, so far as it may be possible to do so, the number of employes that each State now has in the classified service and the number belonging to each political party, and also to report if the public service would not be improved by the repeal or modification of the present civil-service law. I want to get all the facts before the Senate and the country.

The civil-service law has been called a nonpartisan law, but there is a growing belief throughout the country that it is a regular partisan machine, and that it is used to keep in office those of one political party—I mean the Republican party. It is alleged that five out of every six of those now employed in the classified service belong to the Republican party. It seems to me that this is unjust and unfair.

The Senator from Missouri [Mr. COCKRELL] said the other day that the law did not keep anyone in office, but that it only re-

lated to the manner of putting persons in office. While that may be true as to the letter of the law, the facts contradict it so far as the present practice is concerned, or as it has been since the law has been in operation, because it has succeeded in keeping in office the same men, the great majority belonging to one political party.

As I said the other day, I believe that this law ought to be repealed. I do not know whether it be possible to repeal it or not; but if not, I do believe that it ought to be modified and restricted in its operation at least to appointments in the Departments here in this city, and ought not to be continually extended from year to year. It is notorious that this law has not improved the service in any way whatever. I, for one, with my personal knowledge of its operation, should be willing to vote for repealing it out and out; but if that can not be done, I want to modify and restrict the law, and not be continually extending its operations to objects and purposes which were never intended by the framers of the original law.

Mr. COCKRELL. I wish to ask the Senator from Arkansas a question. The Senator stated what I said the other day, that the civil-service law did not appertain to the exit from office, but only to the entrance to office; that it did not, by its terms or its meaning, intend to retain anyone in office against the will and pleasure of the executive Administration. Is the civil-service law to blame for the retention of three-fourths of the employes of the Government as Republicans, or is the executive Administration responsible for the retention of Republicans in preference to their removal and the appointment of Democrats?

Mr. BERRY. I do not know where the responsibility lies, but I do know, as the Senator knows, that the effect of the law as it has been executed, is that Republicans have been kept in office; that this disproportion has continued for all these years; that that service is not represented in any nonpartisan way, and that some of the most extreme Republican partisans who are in office are holding their offices under a Democratic Administration.

I repeat what I said the other day, that I believe the head of this Government, the Democratic President, ought to be surrounded by political friends, and not surrounded by those who are continually doing everything in their power to make his Administration a failure. That is my objection to the law. Whatever may be the letter of the law, the execution of it results in keeping in office partisan Republicans under a Democratic Administration.

I want a full report in regard to all the facts. I want to know how these appointments are distributed among the several States, and everything connected with it by a report of the committee. When the committee have laid before us all the facts as to the law and the manner of its execution, we can debate the question.

Mr. WOLCOTT. I ask that the original resolution and the pending amendment may be read.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution of Mr. CALL, as follows:

*Resolved,* That the Committee on Civil Service and Retrenchment be required to examine into the condition of the civil service of the United States and the expediency of its retention or increase, and to report to the Senate by bill or otherwise.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas [Mr. BERRY] will now be read:

The SECRETARY. It is proposed to add to the resolution:

Such committee shall also report to the Senate the number of persons employed in the classified service from each State and Territory, and, so far as they can ascertain, the number belonging to each political party; and whether the public service would be improved by the repeal or modification of the present civil-service law.

Mr. WOLCOTT. Mr. President, if I am not mistaken we had from the Civil Service Commission a report within the last few weeks, certainly within the last few months, giving the number of appointees who were regulated by civil-service rules, and the States to which they were charged. The resolution as proposed to be amended would involve an immense amount of work. If it is wise to have it there certainly can be no objection to it, but it seems to me the additional information required would be impossible for any committee to ascertain.

Who is to tell what is the politics of the men who now hold office throughout the country? How can the committee ascertain whether these men have changed their views or not? There are men who six months ago entertained political views of one sort who have within the last few months changed them, I am advised. From time to time people change their views, and officeholders are very apt to change them with the incoming of each Administration. It is certainly impossible that any committee can ascertain this information.

Mr. President, it seems to me the amendment serves no useful purpose. The best test of the fitness of the Civil Service Com-

mission, to my mind, is that the members of each political party find most fault with it while their own party is in power.

I agree with the Senator from Arkansas that it is wise that the President of the United States should be surrounded by political friends, but it is not always the fault of his political friends if the President is not so surrounded.

I shall object to the adoption of the amendment at this time.

Mr. BERRY. One word in reply. I looked throughout the Blue Book last night, and also the report of the Civil Service Commission, with a view of obtaining some information. I did not expect the committee to state the name of each individual coming from each State, but simply to give the aggregate number throughout the entire civil service employed from each State; and then, as I said, as far as they were able to ascertain their politics.

I recognize that the committee can not learn definitely and certainly the political affiliations of every man who is in the classified service; but as to those who are there the committee can give an approximate estimate as to the political party to which they belong; and I think the committee can certainly give us some information on the subject which the Senate does not now have. I want to get as near the facts as may be. I recognize why the Senator from Colorado would rather that the facts should not go forth to the world, but I think we are entitled to have them.

Mr. LODGE. Mr. President, as I said the other day when this matter was up, I think it is most desirable to have the most thorough inquiry into every branch of the classified service and the workings of the civil-service law. I think it is in the interest of the law and its proper enforcement.

As to the matter of a return of the quotas, that could comparatively be easily done. It has been done a great many times, and may be done again. I have no objection to the amendment if the Senate chooses to adopt it, but such an inquiry involves an inquisition into the political opinions of some 40,000 persons, including a large number of women who have come into the public service through the civil-service examination. I think this is simply putting upon the committee something which they can not undertake.

As to the charge that the law is used to keep Republicans in office, four years ago or more, in 1889, I know it was freely charged in debate and in other ways that the law was simply in existence to keep Democrats in office; that is, when a party comes into power, it is always charged that the law is used to keep its opponents in office. It seems to me uselessly burdening the committee with something they can not do; but I do not propose, as a member of the committee, to make any opposition to the passage of the resolution, for the fuller the inquiry the better it will please me and the friends of the law.

Mr. WOLCOTT. If it be in order, I move to amend the amendment offered by the Senator from Arkansas, by striking out from the amendment so much of it as requires the committee to inquire into the political opinions of the 40,000 appointees under the civil service.

The VICE-PRESIDENT. The amendment of the Senator from Colorado to the amendment of the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to amend the amendment after the word "Territory," by striking out:

And, so far as they can, ascertain the number belonging to each political party.

Mr. COCKRELL. I move, in lieu of the words proposed to be stricken out to insert "the dates of the appointments respectively." That will tell very closely, infinitely better than any report we shall get.

Mr. WOLCOTT. I will accept that.

Mr. COCKRELL. If we get a report now, it will be found that almost every officeholder will claim to be a Democrat. Everybody knows that in the War Department, after the election of Mr. Cleveland in 1884, there was a standing reward offered for any Republican who could be found in that Department. [Laughter.] We could not find them. If a report were made now, it would be stated that four-fifths or nine-tenths of the officeholders are Democrats, and if a Republican President should be elected, it would not be thirty days until two-thirds of them would be Republicans again. There is only one way of ascertaining the fact, and that is by getting at the dates of their appointments.

We all know—and there is no use of disguising this matter—when the Democratic executive Administration came into power on the 4th of March, 1885, four-fifths of the employés in the Departments here were Republicans. During that Administration, after the civil-service list had been cleared of those who were eligible and had made their application during President Arthur's term, a majority of those who were appointed under

the civil-service law were Democrats, because more Democrats applied for appointments in the civil service under a Democratic executive Administration than Republicans. When the Administration changed again in 1889 and the eligible list was cleared of those who had applied under the Democratic Administration, then more Republicans applied. There is no question about that.

If Senators will examine the records they will find—and our personal observation teaches us that it is a fact—that more Republicans have applied for the civil-service examination than Democrats, and there was therefore a greater proportion of Republicans appointed under the civil-service law than there were Democrats.

The only way the proportion can be ascertained is to get at the date of the appointments, and take it for granted that nearly all those who were appointed prior to the 4th of March, 1885, were Republicans, and that the appointments since then have been about equally divided between the two parties. That would be as near as we can come to a classification of the political complexion of the employés.

Mr. President, I protest against my distinguished friend from Arkansas holding the civil-service law responsible for the retention of more Republicans in office than Democrats, for I say—and I say that the law shows it upon its face, and every Senator upon this floor admitted it in 1882-'83 when that law was enacted—that the law had nothing in the world to do with exit from office; that it was only intended to guard the entrance to office, and that anybody appointed under that law could be removed at will and pleasure. The law only applies to certain classes of offices. If Republican partisans have been retained under a Democratic executive Administration, it is the fault of the Democratic executive Administration and not of the law. If under a Republican Administration partisan Democrats were retained in office, it was not the fault of the law, but the fault of the Republican executive Administration preferring to retain them.

Mr. HARRIS. The Senator from Missouri is quite right. There is not one word in the civil-service law which impairs the power of the Executive to remove any man in the civil service. The Senator, however, in my opinion, is not quite right when he says that the political complexion of the classified service in the various Departments can not be ascertained today. I a few weeks ago instituted an inquiry as to one of the great Departments of this Government on my own account, and from sources which I regard as absolutely reliable I find that, in that Department, in the classified service there was at that time 85 per cent of Republican employés and 15 per cent of Democratic.

I favor the amendment of the Senator from Arkansas. If the result of maintaining the civil-service rule is to put 85 per cent of one of the great political parties in the subordinate positions in the service of the Government and only 15 per cent of the other, it is a thing worthy to be looked into.

The President may remove any one of these employés that he sees proper; there is no embarrassment about the removal; but, when removed, the appointee who fills the vacancy so occasioned is filtered through the Civil Service Commission and its report, and neither the President nor the Senator from Missouri, nor myself, nor anybody else can tell who is going to fill that place.

I was opposed to the civil-service law when it was enacted. I have not seen a moment, an hour, or a day since that I would not have taken pleasure in voting to repeal it.

I do not care to say more.

Mr. HOAR. Mr. President, I do not wish to discuss this matter now, but I think the Senator from Tennessee, in order to make his statement complete, should have pointed out that the civil-service rules derive their authority from the President of the United States himself.

Mr. HARRIS. That is true. The President has the power to extend the civil-service rules to any class of service he chooses.

Mr. HOAR. I had a good deal to do with the framing and passage of the original civil-service law, more perhaps than anybody now in either House of Congress, except the Senator from Connecticut [Mr. HAWLEY].

That law carefully avoids trenching upon two debatable questions; one whether any authority under the Constitution can interfere with the President's absolute power of removal; the other, whether the legislative power can prescribe to the President in the exercise of the power of appointment any obligation to appoint a particular person or to make the appointment from a particular class. Accordingly, as the Senator from Tennessee has pointed out, the power of removal is absolutely untouched, and the power of appointment is conferred upon the President and restricted to such classes of persons as he shall, by the rules which he himself establishes, appoint and prescribe. So that the constitutional power both of appointment and of removal, in

the largest interpretation of that power which anybody puts upon it, is untouched by this law.

The VICE-PRESIDENT. The Chair will inquire whether the Senator from Colorado accepts the amendment proposed by the Senator from Missouri?

Mr. WOLCOTT. I do.

Mr. BERRY. I ask that the amendment to the amendment be stated. My amendment is to the resolution of the Senator from Florida.

Mr. HARRIS. Let the amendment of the Senator from Arkansas be read as it was offered, and then read as it would read if amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to amend the amendment by striking out "and so far as they can, ascertain the number belonging to each political party," and inserting "and the date of their appointment respectively;" so that the resolution, if amended, would read:

Such committee shall also report to the Senate the number of persons employed in the classified service from each State and Territory, and the date of their appointment respectively, etc.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Arkansas accept the amendment to the amendment?

Mr. BERRY. No, sir; the Senator from Arkansas is opposed to the amendment to the amendment. I think the committee can ascertain from the chiefs of divisions and the various sources there the political affiliation of the employes far better than the date of their appointment would show. Besides, to undertake to state the date of each one's appointment would require a vast amount of work for the committee. I think it would be far better to let my amendment be adopted as I offered it. I hope the Senate will vote down the amendment proposed by the Senator from Colorado.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the Senator from Arkansas.

Mr. WOLCOTT. On that I ask for the yeas and nays.

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

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. McMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE]. Not knowing how he would vote, I withhold my vote.

Mr. GALLINGER. I have a general pair with the junior Senator from Texas [Mr. MILLS]. As he has not voted, I will withhold my vote.

Mr. CULLOM (after having voted in the affirmative). I voted without observing that the Senator from Delaware [Mr. GRAY], with whom I have a general pair, does not seem to be present. If he has not voted, I will withdraw my vote.

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. CULLOM. I withdraw my vote, unless it is necessary to make a quorum.

Mr. DUBOIS (after having voted in the affirmative). I inquire if the junior Senator from New Jersey [Mr. SMITH] has voted?

The PRESIDING OFFICER. The Chair is informed that the junior Senator from New Jersey has not voted.

Mr. DUBOIS. I withdraw my vote.

Mr. DANIEL (after having voted in the negative). May I ask if the Senator from Washington [Mr. SQUIRE] is recorded as voting?

The PRESIDING OFFICER. The Senator from Washington is not recorded.

Mr. DANIEL. Then I beg leave to state that I have a general pair with the Senator from Washington, and I withdraw my vote.

Mr. VEST. I was requested by the Senator from North Carolina [Mr. VANCE] to announce that he was called away from the city by sickness, and that he has a general pair upon all questions with the Senator from Michigan [Mr. McMILLAN]. I do not know whether the pair has been announced.

The PRESIDING OFFICER. The Chair will state that the pair has been announced.

Mr. McMILLAN. I announced the pair.

Mr. VEST. I beg pardon.

The result was announced—yeas 33, nays 12; as follows:

YEAS—33.

- |          |           |         |          |
|----------|-----------|---------|----------|
| Aldrich, | Brice,    | Frye,   | Hill,    |
| Allen,   | Chandler, | Gorman, | Hoar,    |
| Allison, | Cockrell, | Hale,   | Kyle,    |
| Bate,    | Dixon,    | Hawley, | Lindsay, |

- Lodge,  
Mitchell, Oregon  
Mitchell, Wis.  
Morrill,  
Peffer,

- Perkins,  
Pettigrew,  
Platt,  
Power,  
Proctor,

- Pugh,  
Roach,  
Stewart,  
Stockbridge,  
Teller,

- Washburn,  
Wolcott.

NAYS—12.

- Berry,  
Blackburn,  
Call,

- Coke,  
Faulkner,  
Harris,

- Hunton,  
Jones, Ark.  
Palmer,

- Ransom,  
Vest,  
Walthall.

NOT VOTING—40.

- Butler,  
Caffery,  
Camden,  
Cameron,  
Carey,  
Colquitt,  
Cullom,  
Daniel,  
Davis,  
Dolph.

- Dubois,  
Gallinger,  
George,  
Gibson,  
Gordon,  
Gray,  
Hansbrough,  
Higgins,  
Irby,  
Jones, Nev.

- McMillan,  
McPherson,  
Manderson,  
Martin,  
Mills,  
Morgan,  
Murphy,  
Pasco,  
Quay,  
Sherman,

- Shoup,  
Smith,  
Squire,  
Turpie,  
Vance,  
Vilas,  
Voorhees,  
White, Cal.  
White, La.  
Wilson.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. PALMER. I ask that the amendment as amended be read.

The PRESIDING OFFICER. The Secretary will read the amendment as amended.

The Secretary read as follows:

Such committee shall also report to the Senate the number of persons employed in the classified service from each State and Territory and the date of their appointments, respectively, and whether the public service would be improved by the repeal or modification of the present civil-service law.

The amendment as amended was agreed to.

The resolution as amended was agreed to.

WILLIAM M'GARRAHAN.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from Kansas [Mr. PEPPER].

Mr. TELLER. I ask the Senator from Kansas to allow me to give a notice.

Mr. PEPPER. Certainly.

Mr. TELLER. I gave notice on Thursday last that I would this morning call up Senate bill 341, known as the McGarrahan bill.

I understand the Senator from Kansas desires to submit some remarks on his resolution and that there will perhaps be some remarks made on it to-morrow morning. Therefore I give notice that on Wednesday morning, after the close of the routine business, I shall call up Senate bill 341.

HAWAIIAN AFFAIRS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith dispatches received yesterday from our minister at Hawaii, with certain correspondence which accompanied the same, including a most extraordinary letter dated December 27, 1893, signed by Sanford B. Dole, ministers of foreign affairs of the Provisional Government, addressed to our minister, Mr. Willis, and delivered to him a number of hours after the arrival at Honolulu of a copy of my message to Congress on the Hawaiian question, with copies of the instructions given to our minister.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 20, 1894.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith copies of dispatches received from our minister to Hawaii after the arrival of those copies which accompanied my message of the 20th instant. I also inclose for the information of Congress copies of reports and a copy of an order just received by the Secretary of the Navy from Rear-Admiral Irwin, commanding our naval forces at Honolulu.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 22, 1894.

RAILROAD LANDS IN FLORIDA.

Mr. PEPPER. I understand that the Senator from Florida [Mr. CALL] expected to submit some remarks to-day upon another subject. I understand, further, that he is quite willing to yield to me for the present.

Mr. CALL. I gave notice, according to the custom of the Senate, that I would ask the consideration this morning at the close of the routine business of two resolutions which I had formerly introduced, relating to what I conceive to be a violation of the acts of Congress and the usurpation by the executive power of the rights and powers of Congress touching public lands in the State of Florida, and recent approvals of them by the corporations of that State. Out of respect to the Senator from Kansas, who desires the consideration of his resolution to-day, I have agreed to give way with the understanding, for which I ask unanimous consent, that on Thursday morning, at the conclusion of the routine business, the Senate will agree to



the consideration of the resolutions and allow me to make some observations upon them.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that on Thursday morning, immediately after the conclusion of the routine business, the resolutions referred to by him be taken up for consideration.

Mr. GORMAN. If it is the intention of the Senator from Florida merely to make a speech on the resolutions, of course I have no objection; but I call his attention to the fact that there is a general understanding that the bill to repeal the Federal election laws shall be proceeded with during this week, and of course if he asks unanimous consent to displace the unfinished business it will be impossible for me to agree to it.

Mr. CALL. I will give notice that I shall make a speech, and then I shall move that the Senate proceed to the consideration of the resolution, which simply proposes an inquiry by the Committee on the Judiciary in reference to a subject which can not be surpassed in importance by any other question—whether the executive department of the Government has not proceeded in violation of the positive commands of Congress.

The PRESIDING OFFICER. The Chair understands that there is objection to the request of the Senator from Florida.

Mr. GORMAN. I trust the Senator from Florida will not misunderstand me. In the absence of the Senator from Delaware [Mr. GRAY], I can not give my consent to anything which may displace the unfinished business, the bill to repeal the Federal election laws; and I am sure the Senator from Florida does not desire to put his request in that form. As a matter of course, the resolution may be further considered in the morning hour after he concludes his remarks.

Mr. CALL. Very well; I will give the notice, and shall ask consent that the resolution may be taken up for that purpose at that time. That is sufficient for the present occasion.

Mr. HARRIS. What is the exact request of the Senator from Florida?

The PRESIDING OFFICER. The Senator from Florida made a request for unanimous consent that two resolutions heretofore submitted by him should be taken up on Thursday for consideration immediately after the routine business, to which the Senator from Maryland has objected.

Mr. HARRIS. If the Senator from Florida will confine his request to the morning hour after the routine business, I suppose neither the Senator from Maryland nor myself would object; but if the request extends to an encroachment upon the time that belongs to the unfinished business I do not hesitate to interpose an objection.

Mr. CALL. Then I will confine my request to the morning hour, expecting to give way when the hour of 2 o'clock arrives and the unfinished business takes precedence.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that immediately after the routine business on Thursday morning the resolutions be taken up for consideration, the consideration to be confined to the morning hour. Is there objection to the request of the Senator from Florida?

Mr. HANSBROUGH. Let the resolution be read.

The PRESIDING OFFICER. The Secretary will read the resolutions by title.

The Secretary read as follows:

A resolution instructing the Committee on the Judiciary to inquire and report to the Senate whether approval of public lands by the Secretary of the Interior to the State of Florida for the benefit of the Florida Central and Peninsular Railroad Company is not in violation of law.

Also, a resolution requesting the Secretary of the Interior to suspend the approval or the issuing of patents to land in certain cases in Alabama and Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. ALLEN. I do not make any objection, but I also introduced a resolution on the 18th of the present month declaring that the Secretary of the Treasury has no power under existing law to issue bonds of the Government, and gave notice that I should ask the Senate to hear me on the resolution Thursday morning. I suppose both resolutions can be considered at that time. However, I do not desire to object to the request of the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

#### ISSUE AND SALE OF BONDS.

Mr. PEPPER. I ask that the resolution formerly introduced by me may be read.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PEPPER on the 18th instant, as follows:

Whereas, on the 17th day of January, 1894, the Secretary of the Treasury did prepare and publish the following notice:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., January 17, 1894.

"By virtue of the authority contained in the act entitled 'An act to provide for the resumption of specie payments,' approved January 14, 1875, the Secretary of the Treasury hereby offers for public subscription an issue of bonds of the United States to the amount of \$50,000,000, in either registered or coupon form, in denominations of \$50 and upwards, redeemable in coin at the pleasure of the Government after ten years from the date of their issue, and bearing interest, payable quarterly in coin, at the rate of 5 per cent per annum.

"Proposals for the whole or any part of these bonds will be received at the Treasury Department, office of the Secretary, until 12 o'clock noon on the 1st day of February, 1894. Proposals should state the amount of bonds desired, whether registered or coupon, and the premium which the subscriber proposes to pay, the place where it is desired that the bonds shall be delivered, and the office, whether that of the Treasurer of the United States or an assistant treasurer of the United States, where it will be most convenient for the subscriber to deposit the amount of his subscription. Failure to specify the above particulars may cause the proposal to be rejected.

"As soon as practicable, after the 1st day of February, 1894, the allotment of bonds will be made to the highest bidders therefor, but no proposal will be considered at a lower price than 117.223, which is the equivalent of a 3 per cent bond at par, and the right to reject any and all proposals is hereby expressly reserved. In case the bids entitled to allotment exceed the bonds to be issued, they will be allotted pro rata.

"Notices of the date of delivery of the bonds will be sent to the subscribers to whom allotments are made as soon as practicable, and within ten days from the date of such notice subscriptions must be paid in United States gold coin to the Treasurer or such assistant treasurer of the United States as the subscriber has designated, and if not so paid the proposal may be rejected.

"The bonds will be dated February 1, 1894, and when payment is made therefor, as above, accrued interest on both principal and premium from February 1, 1894, to date of payment, at the rate of interest realized to the subscriber on his investment, will be added.

"All proposals should be addressed to the Secretary of the Treasury, Washington, D. C., and should be distinctly marked 'Proposals for subscriptions to 5 per cent bonds.'

"J. G. CARLISLE, Secretary."

And whereas there is nothing in said notice to show that there is immediate or prospective need for the sale of bonds to accomplish the object sought by Congress in the enactment of the resumption law of January 14, 1875; and

Whereas the Secretary of the Treasury has no authority to issue and sell bonds for any other purpose than that set out in said resumption act: Therefore

It is resolved by the Senate, That, in the opinion of this body, the Secretary of the Treasury has no lawful authority for issuing and selling bonds as proposed in the notice aforesaid.

Mr. STEWART. Before the Senator from Kansas proceeds, I desire to give notice that to-morrow morning, after the conclusion of the morning business, I shall ask to be allowed to address the Senate on the subject of the resolution of the Senator from Kansas or on the general subject of the issuance of bonds.

Mr. PEPPER. Mr. President, I assume that the subject-matter of this resolution will provoke more or less discussion. If it were not for that fact I should ask that it be submitted to the Senate for action at once.

The question raised by the resolution is one touching a vital point in our system of government, for we have been taught to believe, and we do now believe, that the Government of the United States was established for the benefit and the protection of the people and their interests, and any matter involving the legality of the action of a public officer is one of very grave importance.

I feel somewhat embarrassed in approaching a subject of this character to assume affirmatively that the highest officer in the Republic is not only proposing, but has proposed and published to the world a scheme, if I may use that expression, for which a large proportion of the people believe there is no authority or warrant in law. With the consent of the Senate, while I do not expect to discuss the legal phases elaborately, I do wish to call attention to a few fundamental propositions and then to review the state of the law upon the question of issuing the Government's bonds and selling them upon the open market at this time and for the purpose and in the manner proposed.

In the first place, our Government is one made up of three distinct departments, to each of which certain powers have been delegated, and the word "power" or "powers" in that connection has a pregnant meaning. The language of the Constitution in its first sentence is, "all legislative powers herein granted." In the beginning of the provisions relating to the executive department the language is, "the executive power shall be vested in a President of the United States;" and in referring to the judiciary, "the judicial power shall be vested in a Supreme Court," etc. The obvious meaning of this use of the word "power" is that something is going out from the sovereign people behind—great sovereign powers delegated by the people of the country to certain departments of the Government.

The legislative department is to enact laws, the judicial department to interpret laws, and the executive department to execute laws. There is no lawmaking power in any of the departments except the one to which such power is expressly dele-

gated, namely, the legislative department. If it be true that the Secretary of the Treasury, acting as the agent of the President of the United States, is making a new law, there can be no question that it is in violation of the fundamental doctrines of the Constitution itself. It is to that point to which I wish to call the attention of the Senate.

The President of the United States is the head of the executive department, and he is not only clothed with certain specific powers, but when he enters upon the discharge of the duties of his high office he takes an oath that he "will faithfully execute the office of President of the United States, and that he will to the best of his ability preserve, protect, and defend the Constitution of the United States." As to the qualifications of this high officer, the Constitution provides that no person but a natural born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the Presidency. He must be of a certain age and a citizen of the United States. Great and important restrictions are thrown around the selection of this great officer. He shall be Commander-in-Chief of the Army and Navy of the United States, clothed with all necessary power to execute the laws of the Union.

It will be remembered that in the first proclamation of the President of the United States, in July, 1861, he stated among other things that the object in calling forth the Army was to retake property belonging to the Government of the United States and to enforce the laws of the Union.

The great commander to whom our armies were intrusted and to whom the arms of the Confederacy were surrendered, believed all along during his eventful and remarkable military history, that he was placed in charge of the people's soldiers to enforce the law, a part of the executive department; and at the conclusion of that great war, in his parting words to his opposing chieftain, Lee, he requested only that "you and your men go home and obey the laws; that shall be sufficient parole, that shall be sufficient authority and protection to guard you from future danger."

When it was proposed by the President to bring Gen. Lee to trial, that grand man of the prairies, who commanded more men than any other military chieftain in all human history, went to the President and said, "This must not be; Gen. Lee and all his men have my word of honor as commander of the United States Army that so long as they obey the laws of the United States they shall not be molested;" and the sword of this man was at the service of the President by way of resignation in case the trial was insisted upon.

Mr. President, the Chief Magistrate of the United States is an executive officer, pure and simple, to obey and execute the laws, not to create or to enact laws. In section 3 of Article II of the Constitution, among other things, speaking of the President, it is provided:

He shall take care that the laws be faithfully executed.

There shall be no doubt in the President's mind or that of any of his subordinate officers as to the legality of his actions. His duties are prescribed in the law the same as the duties of a sheriff or a constable or a marshal. There might be times, I have no doubt there are times, there have been, and that there will be times when large discretion might be properly lodged in the President of the United States, and that there ought to be, but this is not one of those times.

In the execution of the duties of the high office of President that officer is provided with assistants in the heads of the Departments. There is to be established at the seat of government a department of War, in charge of a Secretary, who shall take his orders from the President. There is also to be at the seat of government a Department of the Treasury, to be in charge of a Secretary, who shall take his orders from the President, excepting only such as are given him specially by Congress. Then there are to be other Departments established at the seat of government in charge of secretaries and officers under other names, all of them subject to the orders and the directions of the President.

**THE PRESIDING OFFICER.** The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated by the Secretary.

**THE SECRETARY.** A bill (H. R. 2331) to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

**MR. BATE.** The Senator from Delaware [Mr. GRAY], who is in charge of the bill, is not here. I suggest that it go over until after the Senator who now has the floor shall have concluded his speech.

**THE PRESIDING OFFICER.** The Senator from Tennessee asks unanimous consent that the unfinished business be temporarily laid aside to allow the Senator from Kansas to conclude his

remarks. Is there objection? The Chair hears none, and the Senator from Kansas will proceed.

**MR. PEPPER.** Mr. President, it is a principle of law well established, one of the first which every law student learns, that an agent has no authority except that which is given to him by his principal, and that the agent must act within the scope of his authority. There are, it is true, certain implied powers, and there are certain incidental powers in every agency. There are times when the discretion of an agent must be called into action. There are times when, in view of peculiar circumstances, certain incidental powers drop immediately and logically into the hands of the agent; but they must all be in the line of his duty, and in addition to that they must be exercised in the interest of the principal.

That is a proposition which no lawyer disputes, and which the logic of the situation brings home to all of us as being in itself right. And under our form of Government the people have specially reserved to themselves and to the several States all powers that have not been expressly delegated to one or the other department of the Government. The power to make laws, the powers of legislation are granted to one department, the power to interpret laws from a judicial standpoint is delegated to another department, and the power to execute the laws is delegated to still another department. Everything outside of those express delegations of power are just as expressly reserved to the people, and they would have been reserved at any rate even without any special reservation. It was only through extra caution that this provision was adopted after the original instrument had been established. The duties which are prescribed for the President to discharge are especially laid down either in the Constitution itself or in acts of Congress. So there need be no difficulty in the way.

There is another feature by way of distinction to which the attention of the Senate should properly be called at this point. That is, that the word "power" is pluralized when it is applied to the National Legislature, while it is used in the singular when applied to the judiciary or to the executive department. Legislative "powers" are granted to Congress, but executive "power" is delegated to the President, and judicial "power" is delegated to the judiciary. The Legislature may exercise varied powers, because in the great field of legislation there are innumerable subjects and of every variety that call for the exercise of legislative powers. The President has but one power, and that is to execute the laws.

The officers who are appointed to assist the President in the discharge of his executive duties must be governed, as their chief is governed, by the strict letter of the law; and in accordance with the principle just laid down, wherever there is any kind of discretion used or to be used by a public officer, it must be in the interest of that officer's principal, namely, the Government and the people of the United States.

I remember that some months ago, when a discussion was pending in this body in relation to the powers and duties of public officers, the Senator from Massachusetts [Mr. HOAR] referred to a conversation he heard once, in which Gen. Grant used this language, substantially: "The worst officer in an army is one who always obeys orders." It is true that sometimes public officers are permitted to act without special authority of law, but what they do must be in the interest of their employer—of their principal—and in this case it means the people of the United States. In the case of the officer it was the same. Where a great army is at stake there are times when a subaltern, even a private soldier, who under ordinary circumstances would incur the penalty of death for a violation of orders, is not only excusable for violating orders, but would be inexcusable if he did not do so.

There are instances of that kind in the history of every great army. So there are times in civil government when an officer would be excused for exercising powers not delegated to him, not within the scope of his specific authority, but yet necessary to be called into requisition in the interest of the Government and the people he represents. This rule is applicable only where grave emergencies are in front of us, and when it is necessary to preserve the rights and protect the interests of the principal.

In the notice which the Secretary of the Treasury has given that he will sell bonds to the amount of \$50,000,000, he says that his action is based upon the provisions of an act of Congress dated January 14, 1875, commonly known as the resumption act. That brings us to a consideration of the provisions and the purport of that law. Mr. President, that act was passed in the fulfillment of a pledge that the people of the United States, through the Congress, had made to the public creditors. The pledge had been made in 1869 by an act passed on the 18th day of March in that year, commonly known as the credit-strengthening act.

*Be it enacted, etc.* That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and

to settle conflicting questions and interpretations of laws, by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes—

**Commonly called greenbacks—**

and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

**Passing over a few lines—**

The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

Mr. President, in construing this act, as in the construction of every other act where there is anything doubtful about it, it is necessary to consider the contemporaneous circumstances under which the enactment was brought about. We all remember very well what a discussion there was in the country at that time as to whether or not our paper obligations were payable in coin; and it was in order to settle all question upon that point that the credit-strengthening act of March 18, 1869, was enacted. It is so stated in the act itself, and it is entitled "An act to strengthen the public credit," and begins with the words, "That in order to remove any doubt as to the purpose of the Government," in this respect the faith of the nation is pledged to redeem in coin of the United States all of its outstanding paper obligations, except only, such as are expressly payable in something else than coin. Then at the conclusion of this short act—and there is only one section in it—a solemn pledge of the Government is given in these words:

The faith of the United States is solemnly pledged to make provisions at the earliest practical period for the redemption of the United States notes in coin.

The United States notes, as everybody understands, are what are commonly called greenbacks. They are never known in the records of the Government or in the laws as Treasury notes or simply as Government notes or as Government securities, but they are known as "United States notes;" and this pledge in the credit-strengthening act was given to the world for the purpose and the only purpose of showing the intention of Congress that these notes would some day be redeemed in coin, and that at the earliest practicable period provision would be made for their redemption.

Mr. President, the resumption act contains that provision. The resumption act is the law in which provision is made to redeem the greenbacks in coin, to execute or to fulfill the pledge that was made by the credit-strengthening act of 1869, and for no other purpose, so far as that particular feature of it is concerned. Now, we will examine that act. It is entitled "An act for the resumption of specie payments." Hence it is known as the resumption act. The act of 1869 pledges the faith of the Government to make provision at the earliest practicable period for the redemption, not of bonds, not of the 7-30 notes, not of the compound-interest notes, not of the demand notes, nor of any class of paper obligations of the Government except only the United States notes commonly known as greenbacks. The pledge was that at the earliest practicable period provision should be made for the resumption of specie payments; and the act of January 14, 1875, is evidence that that was the "practicable period" to pass the act and to make provision to redeem the greenbacks.

It might as well be stated at this time as at any other in the course of these observations, that at the time the resumption act was passed there were no other notes outstanding to any considerable extent or amount; that all the paper that had been floated during the great war as money and as currency had been withdrawn and funded into bonds or had been paid and were at that time out of circulation. By reference to the report of the Secretary of the Treasury in 1869, at pages 244 and 245, it will be seen that, excepting the greenbacks, there was only \$120,000,000, in round numbers, of paper currency then outstanding, and in 1875 the amount had been reduced to \$555,752.50—a little more than half a million. So, when the act of 1875 was passed there was but a small amount of notes outstanding other than the greenbacks or United States notes. Attention is called to that fact merely for the purpose of doing away with what force there is in the pretended argument that the resumption act included all other classes of paper money—Treasury notes and bonds and everything else that had been used either as security or as currency among the people.

The resumption act provides first for the redemption of fractional currency, by coining certain subsidiary coin, for abolishing mint charges for coining gold, and for removing the limitation of national bank circulation. Up to that time there had been a limit to the circulation of banks; and among other things in the first and second sections of the resumption act the limita-

tion was removed, so that national banking then became free. The law provides:

And whenever, and so often, as circulating notes shall be issued to any such banking association—

**Referring to the national banks—**

so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of Secretary of the Treasury to redeem the legal-tender United States notes—

**Greenbacks—**

in excess only of three hundred million of dollars.

**And so on.**

The object was to redeem first and only, so as to get them out of circulation, all the excess of United States notes over and above \$300,000,000. There was \$375,771,580 out June 30, 1875, and it was the intention of the act to reduce the volume to \$300,000,000, and after that to permit only \$300,000,000 to remain in circulation.

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding—

**And that is all, Mr. President—**

on their presentation for redemption at the office of the assistant treasurer of the United States, in the city of New York, in sums of not less than \$50.

Now, we come to the point which is made by the Secretary of the Treasury in the present case, and by such of his friends as agree with him.

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required—

Not for anything else; but "for the redemption in this act authorized or required"—

he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870—

**known as the refunding act.**

The provisions of this act, Mr. President, are perfectly plain, and in view of the contemporaneous circumstances, and in view of what had been done in our financial legislation, an experience before that time, it is plain that the act related to and was intended to relate to the redemption of United States notes and nothing else. That is the language of the law, "to sell and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870," for this particular purpose and only that.

When the act of 1869, the credit-strengthening act, was passed our 5.20 bonds and a few other interest-bearing obligations were still out; but nearly all of our circulating currency, other than that of the greenbacks, had been absorbed in 5.20 bonds; and in the refunding act of 1870, just one year after the credit-strengthening act was passed, provision was made for the refunding of all our paper obligations, except United States notes, in bonds running ten, fifteen, and twenty years; the ten-year bonds bearing 5 per cent interest, and it is the 5 per cent ten-year bonds provided for in that act that the Secretary now proposes to sell in order to defray the running expenses of the Government.

Mr. President, there is absolutely nothing in this act, or in the credit-strengthening act, or in any other act of Congress passed before that time, then, or since which authorizes the Secretary of the Treasury, or his chief, the President, or any other officer of the United States, without additional legislation, to issue one farthing's worth of public credit and sell it to anybody.

The Secretary of the Treasury was authorized to collect a fund, not of any special amount, not \$20,000,000 nor \$50,000,000, nor \$100,000,000, nor was he required to collect it in gold either, but in coin. The amount that he was required to collect was to be only sufficient to redeem the United States notes as "authorized and required by the provisions of this act."

"And to enable the Secretary of the Treasury to prepare and to provide for the redemption in this act authorized."

It did not authorize the redemption of bonds. It did not authorize the redemption of any kind of currency except the greenbacks, because there was little other currency out. This law was enacted in pursuance of a pledge made in 1869 to do this very thing; to make provision for redeeming the greenbacks in coin and an amount sufficient for that purpose only. Let me read the language of the law again:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress, approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions to the extent necessary—

I call special attention to this language, Mr. President—to the extent necessary to carry this act into full effect.

That is the object of the sale of these bonds, to carry into effect the provisions of this act, and that is, to redeem certain outstanding notes which were then in circulation, and only that.

Every Secretary of the Treasury prior to the year 1875 and after 1862 had specially recommended to Congress that provision ought to be made at as early a period as practicable to redeem the greenbacks, get them out of circulation, and to substitute in their place national-bank notes. Anyone who will take the trouble to examine the financial reports for the different years, from, say, 1863 on down to 1870, in every instance, if I remember correctly, the Secretary recommended that this kind of currency be withdrawn, and that instead of it the national-bank currency be substituted. Indeed, the title of the national-bank act is, "An act to provide a national currency." So here, at the first practicable period a law was passed to carry that design into effect, to get rid of the legal-tender notes and to substitute national-bank notes in their place. Section 3 of the resumption act provides that as fast as new bank notes were issued, either by way of increasing the circulation of banks then in existence or to new banks about to be organized, 80 per cent of that amount of such notes should be withdrawn from the volume of greenback circulation until the amount of the greenbacks outstanding should be \$300,000,000 and no more.

The retirement of the greenbacks, we all remember, had been begun without any special act of Congress, simply under the general theory that these notes were promises to pay money; and after the war had closed, as fast as it was possible for the Treasury to pay any of them that came in, they were paid off and canceled. That was the policy of the Government at that time.

The act of April 6, 1866, provided for the further retirement of the greenbacks at the rate of \$10,000,000 a month for the period of six months; and after the expiration of six months the limitation was fixed at \$4,000,000 a month. The object was to continue the gradual retirement of these legal-tender notes, and it was not until the act of May 31, 1878, that the process of retirement was stopped. By that act it was provided—

That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes.

After the passage of that act it was not lawful to retire any more of the greenbacks—

And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation.

"And kept in circulation." This law was passed on the 31st day of May, 1878, at which time Congress determined that there should be no further retirement, and hence no further necessity for redemption, except as it takes place in private exchanges among the people, the same as with notes and bills in bank. From that time on a \$5,000,000 fund or a \$10,000,000 fund would have been amply sufficient at any one time to redeem all the greenbacks that have been presented, excepting only the latter half of the year 1893.

I repeat, there has been no time since the taking effect of the resumption act in 1879 when a fund of \$5,000,000 or \$10,000,000 would not have been amply sufficient to redeem all the greenbacks that were presented at the counter of the Treasury, unless it be the year 1893. But the Secretary of the Treasury at that time, who is now the honored Senator from Ohio [Mr. SHERMAN], sitting upon my left, deemed it wise that inasmuch as there were \$346,000,000 of this currency outstanding to be redeemed, and that the old rule of bankers had been that 25 per cent at least of specie was always necessary in the bank vaults to redeem bank-note circulation, to provide a fund a little stronger than that, and make it in the proportion of one dollar of coin to three dollars and a half in paper.

But in view of the passage of the act of May 31, 1878, and in view of the further fact that these notes were in favor with the people, and nobody, save only the bankers, was asking for their retirement, all these contemporaneous and preexisting circumstances go to show that there was no need of any redemption fund further than that a few million dollars should appear upon the face of the Secretary's returns to show that there was some coin there in order to make nervous people feel better.

But, Mr. President, whether I am right or wrong in reference to the proper amount of the redemption fund or the reserve fund, as it is now called, one thing is certain, that the object in collecting it was for the sole and single purpose of redeeming such of the legal-tender notes, greenbacks, as might be presented for redemption. That was all; and it is all that the act authorizing the collection of a fund for any purpose was passed for. If I needed any other authority, I might quote my distinguished friend from Ohio in an amendment which he proposed to an appropriation bill last January or February, if my memory serves

me, in which he proposed to authorize the Secretary of the Treasury to issue bonds, just as the present Secretary of the Treasury is doing, without any additional authority from Congress. The Senator from Ohio in his amendment specially required that the bonds to be issued under the provisions of the amendment should be limited to the purposes specified in the resumption act of 1875. The Senator from Ohio would not have used that language if it had not been in his mind at the time the resumption act was passed and at the time he proposed his amendment last winter that the object of the reserve fund was to redeem greenbacks and nothing else.

In the notice which the Secretary of the Treasury has issued proposing to sell bonds, he does not ask for permission to use the proceeds of the bonds for the purposes named in the resumption act of 1875, from which he professes to derive his authority. There is nothing in the notice published by the Secretary to show that he desires to use, or that he expects to use, the proceeds of the bonds for the purposes provided in the act of 1875. I do not find anything in this notice to suggest for what purpose the Secretary proposes to use the proceeds; but in a few minutes I shall call attention to a letter of the Secretary to the chairman of the Senate Committee on Finance, in which he does set forth the object he has in view in issuing and selling the bonds.

Mr. President, there is good reason why the Secretary should not incorporate in the notice his disposition to use the fund which he proposes to collect for the purpose of redeeming United States notes, and that reason is the fact that there is an abundance of money in the Treasury now for that purpose, even belonging to the fund that was originally collected by the Secretary of the Treasury in the years between 1875 and 1879. There is to-day in the Treasury some seventy-odd million dollars of gold, and that is more than sufficient to redeem all the greenbacks that are being now held by interested parties for special purposes, even if they were all presented at the Treasury in one lump for redemption. But it has not been the custom to present these notes in large amounts at one time.

There is nobody clamoring for the redemption of United States notes in any amount. As a matter of fact, it appears that the national banks now hold as reserves \$114,000,000 legal-tender notes. I use the word "now" with reference to the concluding portion of the last year, as shown by the report of the Comptroller of the Currency. The State banks hold probably \$40,000,000 more, although the Comptroller was not able to procure a complete statement as to that amount; but there are more State banks than national banks. Their capital is larger, including the savings banks. It is safe to assume, comparing their reserves of all kinds with their deposits, that they have \$40,000,000 of greenbacks in their vaults as part of their reserve fund. Putting the \$114,000,000 in the national banks and the \$40,000,000 in the State banks together, we have a total of \$154,000,000 of United States notes that are now outside of the Treasury and held by the banks as a reserve. That would leave \$200,000,000 somewhere to be provided for in case they were brought in \$50 packages to the subtreasury in New York for redemption. There is three times as much gold in the Treasury now for that special purpose as would be sufficient to redeem every dollar of them in the ordinary course of business.

Mr. ALLEN. I should like the consent of the Senator to put to him one question.

Mr. PEPPER. Certainly.

Mr. ALLEN. I should like to ask the Senator from Kansas if there is not a still more serious difficulty with the resumption act of 1875. The third section of that act, I understand, provides in substance that the Secretary of the Treasury shall redeem the outstanding legal-tender Treasury notes existing on the 1st day of January, 1879, to the amount of 80 per cent of the new issue of national-bank notes and not below \$300,000,000. By the act of 1878 it was modified so as to leave the volume of greenbacks at \$346,000,000. But that is not pertinent to the inquiry I now make.

That act provides for a single and specific redemption—not two redemptions, but a single act of redemption. It provides that the Secretary of the Treasury may use any surplus in the Treasury for that purpose, and that he may issue, sell, and dispose of bonds for that purpose in form the same as provided in the refunding act of 1870.

The question I wish to put to the Senator, it occurs to me, is a serious legal question and is vital in this discussion, whether when the Secretary of the Treasury issued bonds under the resumption act, and did redeem the notes as provided in that act, the act was not itself temporary and tentative in its character, and became *functus officio* and obsolete by that act of redemption, and, therefore, the power does not exist to issue more bonds?

Mr. PEPPER. I will state the view I take of that subject. By the act of May 31, 1878, it was provided that when "any of the said notes," meaning the United States notes, greenbacks, are

redeemed, or whenever they shall be received in the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation. Now, I construe the law in this way, that it was the intention to accommodate people who for any purposes of their own might desire to use coin rather than the paper, just as we are in the habit of doing with banks of issue. When we prefer the coin they have in their vaults as a reserve, rather than their notes, for any specific use, we go to the bank and say, "I should like to have gold for this;" or, "I should like to have silver for this;" or, "I should like to have coin for this," and the exchange is made. That is what in banking law and in commercial law is understood by the term redemption.

That note then is redeemed, but the note is not laid away in the Treasury or put into a macerating machine and destroyed; nor is it burned, nor is it canceled, or in any other way disposed of except just as the language of this act has it, that it shall be reissued and paid out again and kept in circulation. The object of the law obviously and manifestly is that this paper money shall be made a continuous currency, kept out in circulation among the people, and the only redemption provided for was a mere matter of exchange and convenience for the holder of paper; because otherwise, if it were to be construed according to the original intention of the officers of the Government when the notes were first issued, that when they are redeemed they shall be canceled, destroyed, and kept out of circulation—if that were the rule, then there would be no sense in this law. But the object is to make a continuing circulation. So my answer to the Senator from Nebraska is that a few million dollars, \$5,000,000 or \$10,000,000, would have been amply sufficient at any time for the purpose of effecting this particular class of redemption, and there is no other redemption, either expressed or implied, in the language of this law. There is no necessity for \$100,000,000 then or at any time since to redeem the few dollars of greenbacks that might be presented at the counter of the Treasury.

Mr. ALLEN. With the consent of the Senator from Kansas I desire to make another suggestion. The act of 1875, the resumption act, and the act of 1878, being *in pari materia*, must be construed together as part and parcel of the same general act. Now, that being true, and Congress having limited the redemption to the then outstanding volume, which proved to be three hundred and forty-six million six hundred and odd thousand dollars, and the redemption having been made from three hundred and eighty odd million dollars down to the minimum of \$346,000,000, that specific redemption having been made and being the only redemption permitted by those acts, and bonds having been issued and sold to make that redemption, does not the power to issue bonds cease with that accomplishment?

Mr. PEPPER. Unquestionably, the Senator is right.

Now, Mr. President, we come to the letter of the Secretary of the Treasury, under date of January 17, 1894, to the chairman of the Committee on Finance, in which he sets out the condition of the Treasury, and wherein he also sets out what he wants to do with the proceeds of the bonds. I find on page 3 of Senate Miscellaneous Document No. 33, containing the Secretary's letter, these words as preliminary to the point I make:

With the permission of the committee, I have prepared and presented for its consideration a bill which, if promptly passed, would, in my opinion, meet all the requirements of the situation by providing the necessary means—

Now, listen, Mr. President and Senators—

providing the necessary means for defraying the public expenses and replenishing the coin reserve—

For what purpose?—

to such an extent as to assure the maintenance of the parity of all forms of United States currency.

The Secretary of the Treasury of the United States asks permission of Congress to issue bonds to make good the doctrine of the Republican platform that all forms of currency shall be held to be of equal value and all dollars shall be as good as gold dollars, and also the proposition of the Democratic platform to precisely the same effect, not to redeem greenbacks—not to redeem the notes that had been issued during the perils of war to save the credit of the Government to feed and supply our armies (and that by the law of 1878 required to be kept in circulation as a permanent currency), not to carry out the provisions of the act of 1875, from which he claims to derive his authority—but to provide means to defray the public expenses.

That is what the Secretary of the Treasury wants to issue bonds for, to get money to carry on the operations of the Government, to procure revenue to pay public officers, to meet Government obligations in all quarters, wholly outside of the provisions, authorities, and requirements of the act out of which he claims to derive all the authority he has. It seems to me,

Mr. President, that the proposition is preposterous. Here is the bill referred to by the Secretary:

And the proceeds of such bonds shall be held and used to maintain the parity of all forms of money coined or issued by the United States, but the Secretary of the Treasury is hereby authorized to use from time to time such part of such proceeds as may be necessary to supply deficiencies in the public revenues during the fiscal year 1894.

Construing together the letter and the bill which the Secretary proposes to the committee to carry out his views, and this proposition to sell bonds, and we have the whole case perfectly clear before us. The Secretary of the Treasury is anxious to procure coin with which to carry on the affairs of the Government wholly independent, I repeat, of all matters appertaining to redemption of greenbacks. The Secretary understands, and so does every man, woman, and child in the country reasonably familiar with current history, that there is no demand for the redemption of greenbacks except for special purposes, to which I shall call the attention of the Senate before I get through.

To maintain the parity of all forms of money.

It is astonishing that such a proposition should come from the Secretary of the Treasury.

The Secretary calls attention to another fact which doubtless has been used in the sense of special pleading, that there has been no issue of bonds to replenish the reserve fund in the Treasury. He gives certain reasons for it; but the true reason is that there was no necessity for it; that there was little demand made upon the fund by persons holding these notes. Nobody wanted to have them redeemed except in the ordinary exchanges in the daily transactions of life. That is the reason why there was no demand made by his predecessors for a further fund to do something that there was no need of doing.

And the Secretary calls attention to the fact that the high premium, which amounts to interest, on Government bonds at this time made him hesitate about issuing bonds under any circumstances, and not until the pressure became so great as that in his judgment as a public officer the Government's credit is at stake and that the Treasury is in danger does he ask authority, and then proceed without the authority he asks for, to save the credit of the Government.

Mr. President, there is no such emergency as the Secretary of the Treasury seems to dread. I concede very frankly that it is his business to call attention to the condition of the Treasury, but in these days of rapid transit, when it is but a minute's ride from here to the Treasury Department, when in a second the voice of an officer of this body can reach the ear of the chief officer of the Treasury Department, in these days when a second is as a thousand years in the past, there is no danger of the people being ignorant of the condition of the Treasury.

But the simple truth is, there is a great interest in this country that is demanding the issue of these bonds, and humiliating as it is to make the statement, our Government is in practical partnership with that interest. I refer to the banking interest, the brokers and the speculators, and the men who gamble on the people's credit. That is the interest that is clamoring for these bonds; and that is the interest which must be protected at all hazards though the rest of the country may go to the dogs. And this in the face of a clamoring multitude, in the face of men and women with poverty drawing dark lines over their pale faces, and saying, as did they who a few days ago addressed the mayor of Indianapolis, "Mr. Mayor, we want work; we must have bread; we are starving, and we may be tempted to desperation."

This morning before I left my office to come to this Chamber an employé of the Government begged me to aid in the passage of a measure that would give to him and his companions more than \$25 a month each for manual labor. We can not pay our own workmen here on the Capitol grounds, taking care of the public property, more than \$20 a month, and if they do not take it modestly they are turned aside as tramps and vagabonds, while we open the doors of the public Treasury and pledge the people's credit to these men who do not need money or credit.

There is nothing in the resumption act about emergencies. All these things that the Secretary brings into his letter and into the bill, and into the proposition to issue bonds, are wholly foreign to the act from which he professes to derive his authority. There is no question about emergency, no question about parity raised in that law. This parity business was an afterthought and did not come to my distinguished friend from Ohio until 1890. It was a makeshift, as the Democratic platform calls a certain piece of legislation other than that, something to tide over a period of clamor upon the part of the common people of the country for more money.

This "parity," I say, is an afterthought; and now the Secretary proposes, without the authority of statute, to use the proceeds of the people's credit in maintaining parity. Parity! Why in the name of common sense and justice are we not able to maintain a parity of money that is circulating among the people every

day without any question about parity. We go to the office of the financial clerk of the Senate and receive our salaries regularly every month in silver certificates representing coin which, according to the doctrine of these modern Napoleons of finance, is worth only 50 cents on the dollar, and yet we do not complain. Not the members of the Senate, not the members of the House of Representatives, not the President, not any public officer is complaining about a lack of parity in our money. It is the men in the East, Mr. President, the wise men, who have come to worship where the golden child is about to be born. Those are the men who are clamoring for the preservation of parity, and they insist that it shall be preserved with gold.

Mr. President, the Secretary is in error in his construction of the word "coin." He wants to replenish the Treasury with coin, but he insists that that coin shall be made of gold. He also insists that he derives his authority from the resumption act of 1875, and that was passed in pursuance of the credit-strengthening act of 1869, which particularly specified the kind of coin that was to be provided for the redemption of the United States notes. That coin is gold and silver coin—the coin of the United States from the beginning of the Government, and the coin of the United States at this hour. A silver dollar is legal tender to any amount whatever, says the original act of 1792, and it has never been changed in that respect. There is nothing in the statutes anywhere declaring against the legal-tender quality of the silver dollar. Our statesmanship is sinking to a very low level if our laws are to be construed by the officers who are to execute them.

This bond clamor is not new. As long as there was money plenty in the Treasury, so that every little stringency that took place in New York City could be relieved by the outpouring of the public treasure, there was no demand for an issue of bonds. Then the demand was that the Government purchase bonds and pay to the owners of them the market price, which amounted to a very high premium. We were frequently in the habit of anticipating the payment of interest to those poor people who held the bonds. As I shall show in a little while, in the matter of these interest advances alone, in the course of a few years we paid out \$66,000,000 and upwards of the people's money. We paid them in premiums on their bonds in the course of a few years somewhere over the same amount, \$66,000,000, but in the course of time (and that happened about 1890) this drain upon the Treasury exhausted the public funds, at least down to the level of a business line. From that time forward, there being no money in the Treasury to pay into the coffers of these poor people, they now ask that we shall sell bonds to them in order that they may gamble in the premium, and in order that they may get more bonds when the first installment is exhausted.

Mr. President, I ask in all candor and seriousness what is the purpose of this clamor for bonds? Is the country in danger? Are we menaced from without or from within by any great war? Are we about to be invaded? Is there any government threatening us stronger than that of Lilliuokalani? Are we to be made the prey of speculators and gamblers? Is our Treasury empty, and have we nothing to draw upon in this emergency?

At this hour there is nearly \$140,000,000 of idle money lying in the Treasury—\$138,847,340.76 of uncovered silver coin and bullion, which, according to the platforms of both of the great parties and in perfect accord with the professions of Administration Senators of both parties, is and must be maintained as good money, good enough for the common people, and therefore it ought to be good enough for everybody else. I get the amount from the December, 1893, statement of "cash in the Treasury," which shows \$11,639,466.53 subsidiary coin, and silver bars of the value of \$127,207,874.23 on hand, the two items amounting to \$138,847,340.76, and these items I regard as uncovered because the Treasurer does not pay them out in redemption of Treasury notes, he using gold only for that purpose. We as Senators, as hired men of the people, public servants, receive our salaries regularly in silver certificates, and none of us complain.

The Secretary of the Treasury had authority under the Sherman law, and that law made it his duty to coin silver enough to redeem the notes with which the silver was bought. That authority exists now, Mr. President, and it is in force to-day as much as it was the day the law took effect.

Are we unable to pay our debts with \$75,000,000 of gold and \$140,000,000 of silver in the public Treasury? Is our credit imperiled? The Secretary of the Treasury does not so believe or he would not ask 117 for the bonds; the bankers, the brokers, and speculators who bid above the Secretary's offer do not so believe. This talk about our credit failing is not only nonsense, but it is criminal, and if it were in a time of war I have no doubt that such men would be summarily dealt with. In the time of the Revolutionary war such men were sent to Halifax.

Are we unable to pay our debts? See what we have done in that direction. We have bought up our bonds at 125 and up-

wards, and now the Secretary of the Treasury offers to sell similar bonds at 117. We have not only paid the premium on our bonds, but we have even anticipated the interest and paid it from nine months to a year in advance. Since and including 1880 and up to 1891 we have paid \$60,125,218.98 in premiums on our bonds, and I have here a statement of the amount paid each year, as follows:

1880	82,775,320.42
1881	1,061,248.78
1882	8,270,842.46
1883	17,232,362.65
1884	20,304,224.06
1885	10,401,220.61
Total	\$60,125,218.98

We anticipated interest from 1881 to 1892 to the amount of \$66,697,883.08, and here are the specific amounts from year to year:

1881	\$3,091,947.07
1882	11,166,900.21
1883	3,980,728.00
1884	220,932.62
1885	8,735,743.23
1886	15,904,117.50
1887	13,229,726.50
1888	5,364,068.80
1889	5,003,066.15
From July 1, 1893, to October 1, 1893	5,003,066.15
Total	\$66,697,883.08

We have been unsparing in our attentions to the people who are specially interested in our credit. We have gone even so far as to keep an average of about \$18,000,000 annually in the national-bank depositaries, which the banks were permitted to use in their business without charge. We have not been wanting in this respect. At first it was proposed to sell a short-time, low-interest bond of small denominations, so that the common people, the farmers, the mechanics, and the railroad hands would rapidly absorb the whole issue; but the people for whose benefit the work is to be done would have none of that, and they are candid enough to say so, and, lest I be misunderstood, I will read a few paragraphs from dispatches dated the day on which the notice of this bond issue and sale was published, and before and since. Here is one a day or two before:

Fifteen separate offers, aggregating \$40,000,000, to take bonds should Secretary Carlisle issue them, have been received at the Treasury Department. One offer to take a block of \$25,000,000 was received from a New York firm this morning. Another offer to take \$175 worth was received from a mechanic.

Mr. President, I imagine, because of their early arrival and presentation, these offers to purchase did not come from the section hands and from the farm hands and from the people in the fields, for one offer alone proposed to take a block of \$25,000,000. I know that we Populist people are charged with using millions very flippantly, but there are few of us who could muster as much as the one-thousandth part of this single offer to take bonds from the Secretary of the Treasury. How kindly disposed our patriotic neighbors in Wall street are coming to be!

Here is one on the same day as the notice:

Two offers for the bonds were received to-day from New York bankers before the circular was prepared.

Mr. President, it was common talk, and everybody who had his eyes open and his ears open knew that prominent bankers of New York, brokers and speculators of that great city, were here at that time—presumably in the interest of this very bond issue.

One made a proposal for the entire issue and the other agreed to accept \$25,000,000 at a figure under the amount fixed by the Secretary.

Here is one on the day after:

Secretary Carlisle received a number of offers to-day for his new bonds. One offer was for \$100,000 at \$1.18.

That came from our party, doubtless!

Secretary Carlisle believes, from offers already received, that the total offering will aggregate nearly \$200,000,000, and that the price will reach \$1.20, making the bond practically bear 2½ per cent interest.

Then here are a few others on the same day and afterwards. Mr. Cannon, vice-president of a national bank in New York, said:

I think it will be the general sense of conservative financial men not only in New York but in all great commercial centers throughout the country—

Mr. President, they are the only men who are consulted in these matters; these great financial men are the only men presumed to know anything about the business of running the Government of the United States, and of course they must be consulted—

that there could be no wiser nor more justifiable means of relieving the Treasury of the rather heavy and unusual burdens which are now weighing it down than by the issuance of bonds under the resumption act, as proposed by Secretary Carlisle.

When Mr. Cannon knew, if he knew anything, that there was no authority in the resumption act for the issuance of these bonds or for any, as proposed by the Secretary.

I have had a couple of glimpses—

Oh, Mr. President, let us take a glimpse—

I have had a couple of glimpses into the proceedings in Congress since my arrival in Washington, and it was plainly apparent to me that Mr. Carlisle would have been obliged to wait for an indefinite period had he depended upon Congress to afford the means for the amelioration of the present financial conditions. Of course, the bonds will be immediately and eagerly taken up, and I am quite prepared to believe the news contained in a dispatch which I have just read in a newspaper, to the effect that a New York syndicate had offered to take \$25,000,000 of the bonds offhand.

This great banker of New York City had looked in on the proceedings of Congress and saw that the representatives of the people were unwilling to grant authority to the Secretary of the Treasury to sell the people's credit, and, as was the case in 1873, when the same class of men went to the Secretary of the Treasury and demanded that he should violate existing laws in the interest of the men who were clamoring for money in Wall street, New York bankers to-day are asking that the Secretary proceed upon his own motion, independently of any act of Congress in the premises granting authority. They are the men to be consulted; these men must be satisfied and their desires granted, no matter who may suffer.

Mr. Henry Clews, another noted banker of New York, on the same day the offer of bonds was made, said:

It is a step in the right direction. It gives the present Administration a policy, a thing it has not had up to date.

I fear, Mr. President, that if the present Administration makes this its own policy and goes before the people with it, the party will be scattered to the four winds, as it ought to be. This, says Mr. Clews, will give to "the present Administration a policy, a thing it has not had up to date." If that is to be the policy, I pray God it may never happen. Mr. Clews continues:

The want of a policy thus far has been a powerful factor in the general business demoralization of the country. Therefore I regard this bond issue as an extremely important and desirable step. It will repair the Treasury's \$100,000,000 reserve, give the Government a good working balance, and there will come with it confidence in all quarters, which should give a vigorous impetus to the return of business prosperity.

Here are statements from two other firms and companies of the same place and on the same day, both indorsing the policy of the Administration in paying out the people's money at 5 per cent interest:

Ladenburg, Thalman & Co.: "We believe the bonds will be readily absorbed, and the bulk of them will be taken here. Europe does not care to pay the premium asked. The general effect ought to be good."

L. Von Hoffman & Co.: "The issue will be favorably received abroad. We believe that the issue will be subscribed four times over."

These bonds are to be gold bonds, and the money which is to be received for them is not to be coin, but to be gold coin, something different from the money that the common people of the country use. This Administration seems to have got past the old landmark of 1868, that the money of the plow-holder ought to be as good as that of the bondholder, and the resumption act makes no provision whatever for gold coin, but simply coin of the United States, such as our fathers taught us to respect as the lawful coin of this country, namely, gold and silver. It seems that there has been a large accumulation of gold recently for the very purpose of buying these bonds.

It is curious—

Says a newspaper paragraph—

It is curious to note at this time that the national banks of New York City alone hold more gold than the Treasury of the United States, or rather that it contains "free gold." In the figures given gold certificates are included in the gold. The returns in the principal cities show: New York, \$83,000,000; Brooklyn, \$450,000; Washington, \$900,000; Baltimore, \$1,979,000; Cincinnati, \$1,200,000; New Orleans, \$370,000; St. Louis, \$2,400,000; Kansas City, \$1,015,000; Boston, \$2,200,000; Chicago, \$19,700,000; Philadelphia, \$2,700,000; Louisville, \$330,000; San Francisco, \$1,336,000; Milwaukee, \$900,000.

The returns show that in New York there are \$83,000,000 of gold in the bank vaults, saying nothing of the other cities mentioned—\$83,000,000 in gold, besides the large amount of greenbacks to which I referred a moment ago, and the reports that come in the daily papers show that there is \$102,000,000 of idle money in the New York banks, over and above their necessary reserve, and a large part of that, I may be permitted to assume, is gold, for the very purpose of buying these bonds.

The gold that is to be accumulated by the Secretary of the Treasury is not for a redemption fund, but it is for a gaming fund; it is a fund upon which speculators may play. Upward of \$81,000,000 in gold were drawn from the Treasury on notes from December, 1892, to June, 1893, all for export. During the months from January to September, 1893, upward of \$74,000,000 in gold was drawn out in the same way on notes, and more than that much is now in the New York banks to pay for this new issue of bonds.

From October, 1891, to September, 1893, \$112,572,860 were thus withdrawn from the Treasury, of which aggregate amount \$52,171,860 was in redemption of Treasury notes issued under the redemption law, commonly known as the Sherman law, which provided that these Treasury notes should be redeemed in silver coin.

Mr. ALLEN. I should like to ask the Senator from Kansas a question at this point, with his permission.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. PEPPER. Certainly.

Mr. ALLEN. I have heard it asserted a great many times by those who claim to know, and I have read it a great many times in the newspapers, that we had a statute creating a reserve fund to the amount of \$100,000,000 in gold. I should like to ask the Senator if there is any such law?

Mr. PEPPER. No, sir; there is no such law, and there never was any such law. I called the attention of the Senate to that fact an hour ago, but not in so impressive a manner as it is now brought to our attention by the Senator's pointed questions.

The fund that was provided for by the act of 1875, the resumption act, was a sum sufficient to carry out the provisions of that act, and, although the then Secretary of the Treasury believed it was necessary to provide \$100,000,000, looking back, using our hindsight—to use a Western phrase—it seems to us now that \$5,000,000 or \$10,000,000 would have been amply sufficient; but whatever was required, that, and only that, without naming any specific amount, was provided for in the law. There is no law directing \$100,000,000, or any other particular sum, to be set aside as a reserve.

I have just stated that the Secretary of the Treasury was bound under the law of July 14, 1890, commonly known as the Sherman law, to redeem the Treasury notes issued in payment for silver bullion in silver coin.

That the Treasury notes issued in accordance with the provisions of this act—

I am reading the first lines of section 2 of the Sherman law—

That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, etc.

Then, going to section 3, it is provided—

That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for.

If there can be language plainer than that, Mr. President, I confess that I would not know where to look for it.

But Senators will say to me in reply that this language is modified by another paragraph in section 2. I will read all the sentence, so that there can be no mistake about it:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion.

Now comes the modifying clause:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

Mr. President, there is no construction, except that which the author of the sentence himself intended should be put upon it, to justify the Secretary of the Treasury in refusing to redeem these Treasury notes in silver coin. He is required to make the redemption, and he is permitted to exercise his discretion as to whether the coin he pays out in redemption shall be gold coin or silver coin.

It is claimed, I understand very well, that the discretion of the Secretary of the Treasury is limited and restricted by this proposition, that it is the established policy of the United States to maintain a parity between the two metals. Mr. President, that is not the established policy of the United States and has not been; but suppose it were the policy of the United States to maintain the parity between gold and silver. What has that to do with the Secretary's discretion in using either gold or silver coin, of which he may happen to have on hand more of one than of the other?

This interpretation of the law was given, I say, by the author of the paragraph, and he and the members of this body who believed as he did, and who now believe as he does, insist that he shall have no discretion, but that he shall pay out gold, and gold only, in redemption of the Treasury notes issued in payment for silver bullion.

When this question comes before the courts, if it ever does—and I have no doubt it will, for there is an onward movement which can not be stayed—the construction of this law will be given as I am giving it now; that is to say, the redemption of these Treasury notes is a mere matter of exchange for the convenience of the holder. I go to a bank of issue and ask for coin in exchange for a note. The bank cashier exercises his discretion. If I do not ask for silver and if I do not ask for gold, but simply for coin—and under this law I am not authorized to ask for anything but coin—the cashier will give me silver or gold, whichever is most convenient for him and best for his master's business. That would be the exercise of a discretion given to a

banker's cashier, if such discretion were couched in the language of the statute from which I have read.

Mr. ALLEN. I do not desire to be intrusive upon my friend from Kansas, but I desire to make a suggestion in connection with his statement. This matter is liable to come before the courts. I want to suggest to the Senator from Kansas that there are a great many ways of avoiding the decision of this question by the courts. For instance, in an application for an injunction against the Secretary of the Treasury to prevent the issuance of bonds under this law, we might be met with the suggestion that the Secretary of the Treasury is an arm of the executive branch of the Government, and that therefore his action can not be controlled by an injunction. I desire to suggest in this connection that possibly the better way to reach the question would be to permit the Secretary of the Treasury to issue his bonds, and then to enjoin the presentation of these bonds for payment in the hands of the holder, thereby taking out the question of executive immunity.

Mr. PEPPER. There is a court of the people where an application for the writ of injunction will be entertained.

I quite agree with the remarks written by the editor of the New York Sun a few days ago upon this subject, in which, after citing the provisions of the resumption act of 1875 and asserting that there is nothing in that act to authorize the Secretary's proposed course, the Sun proceeds in these words:

The Secretary is therefore in this dilemma: Either he must keep locked up in the Treasury the \$53,811,500 of gold, for which the nation is to pay in the course of the next ten years \$25,000,000 in interest, or he must lay violent and illegal hands upon it and apply it to other uses than the single one for which alone he is authorized to procure it. If he confines himself to his strict legal duty he will have saddled upon the country to no good end the payment of \$2,500,000 a year in interest for ten years; and if he exceeds that duty he will make himself amenable to impeachment.

The Chicago Times of January 17, in the same vein, says:

Despite the open opposition of members of his party, the Secretary of the Treasury has determined to issue United States bonds to the amount of \$50,000,000, bearing 5 per cent interest. With at least \$53,000,000 of unused silver in the Treasury paid for and lying idle, Mr. Carlisle has determined to saddle annual interest payments of \$2,500,000 on the nation for the next ten years. \* \* \* He abandons the plan of inviting small investors and issues the bonds so that they can only be taken by banks and big financial institutions. Finally, by adopting the bond expedient in any form he has offended the rank and file of the Democratic party. As financier and as politician Secretary Carlisle—or rather his master, Cleveland, who dictates his action—is equally unfortunate.

The next day the same writer in the same paper proceeds to make comparisons, which sometimes are odious. He begins by saying:

If the people of a Kansas county voted in favor of issuing bonds to build a railroad, and the county commissioners, before putting the bonds on the market, announced their purpose of using the proceeds to build a court-house there would probably be some litigation before the bonds were sold and some doubt as to their legality.

I think so, too, Mr. President. I live in Kansas.

Yet such a situation would exactly parallel the position of Secretary Carlisle to-day.

The people, through their representatives in Congress, gave the Secretary of the Treasury authority to sell 5 per cent bonds for a specific purpose, namely, to provide funds for redemption of legal-tender notes. But no funds are at present needed for that end. Nobody is presenting legal-tender notes for redemption. If the Secretary sells \$50,000,000 worth of 5 per cent bonds under that law he will have some \$53,000,000 to store away idle in the Treasury, and will have to pay \$25,000,000 in interest for the pleasure of thus hoarding it.

The Chicago Herald takes the same view of the matter, and so do a great many other papers to which my attention has been recently called.

This trading in Government credit is a very simple matter, Mr. President; the process is easily understood. With \$83,000,000 of gold in the banks \$50,000,000 of it can easily be transferred to the subtreasury, a few rods away, in exchange for bonds; then \$50,000,000 of notes can be presented at the subtreasury for redemption, and the same gold goes back into the bank vaults again, ready for use in buying another installment of bonds; and so this great wheel revolves. Our miserable financial policy has brought us to this, Mr. President, the Government is at the mercy of gamblers.

No Administration has yet had the courage to apply for a divorce. The Presidents of the United States and their secretaries of finance have been and are now fastened by golden cords to a combination of the worst men in the world. They have stood and do now stand helpless in the power of this imperious plutocracy. In the face of idleness, destitution, hunger, and desperation in every State and in every city of the Union, and with \$250,000,000 in the public Treasury, the President is compelled to sell the people's credit to appease the clamor of these misers of Wall street.

Mr. President, there is a day of retribution ahead, a day of reckoning nigh at hand. The people will one day smite their enemies. In their wrath this great crime will be avenged. Standing as I do, in the night of the nineteenth century, looking toward the dawn of the twentieth, I see coming a wave of

fire and blood. I pray God that it may spend its force on the sea. Behind me, Mr. President, is Rome; before me—God alone in His infinite wisdom knows.

Mr. PLATT. I did not wish to interrupt the Senator from Kansas in the midst of his speech; but he stated, as I remember, that there was about \$140,000,000 of uncovered silver in the Treasury of the United States.

Mr. PEPPER. Of coin and bullion.

Mr. PLATT. Of coin and bullion. I wish the Senator would be a little more specific, and state how he arrived at that figure?

Mr. PEPPER. I took the figures from the last published circular statement of the Treasury Department, the last statement which came to my table—I think it was for the month of December, 1893—giving the amount of fractional silver coin and the amount of silver bullion, two separate items, and putting the two together, giving the figures, which I think are \$140,000,000, or whatever the sum was.

Mr. PLATT. Does the Senator include all the silver bullion in the Treasury?

Mr. PEPPER. I did not stop to inquire about that, but picked up the statement to see how much silver coin and silver bullion there was in the Treasury, and those are the two items. I am sorry I did not bring the statement with me. I intended to do so, so that it might be readily corrected.

Mr. PLATT. I think the Senator is very much in excess of any figures of coin and bullion which can be claimed to be uncovered in the Treasury.

Mr. ALLISON. I desire to ask the Senator from Kansas a question before he passes from the point of the amount of coin and bullion in the Treasury. I understood him to say some time ago that there was \$75,000,000 of gold in the Treasury and \$140,000,000 of silver.

Mr. PLATT. Uncovered.

Mr. ALLISON. The Senator did not say whether it was uncovered or otherwise. Of course, the gold would be uncovered if we have no gold set aside for the redemption of greenbacks.

Mr. PEPPER. I will state to the Senator from Iowa that the \$75,000,000 of gold to which I referred is a part of the old \$100,000,000 reserve fund.

Mr. ALLISON. In relation to the silver in the Treasury, I am surprised to learn that there is any considerable amount of it there which is not in some way covered by statutes, which make it impossible for the Secretary of the Treasury to use it. I doubt whether there is any considerable amount of silver in the Treasury which is not in some way pledged by statute. I may be mistaken in this. I should be glad to have the details of the subject.

Mr. PEPPER. Every dollar of the silver bullion purchased under the act of 1890, which is now in the Treasury, is uncovered, according to the construction placed upon the law by my honorable friend from Iowa, by the party to which he belongs, by the Administration now in power, and by all the executive officers of the Government since the law was passed. They do not propose to use that bullion in the redemption of the notes which were issued in payment of it. Hence the silver is lying there absolutely idle, useless to the Government according to their doctrine.

Mr. ALLISON. Well, Mr. President, I was not aware that that was my doctrine. It may be the doctrine of the Administration; but I suppose under the law that the bullion was purchased to be coined and that the Treasury notes which are outstanding are in some way secured by it. If there is no law requiring it to be so held, then it is uncovered; but I understand the bullion as it lies in the Treasury under the law is to be coined at some time, and in the meantime it is held as a fund for the redemption of outstanding Treasury notes. If that is not true, then there are about \$33,000,000 of silver in the Treasury which could be used for current expenses.

Mr. PEPPER. Mr. President, the Senator from Iowa surprises me, and yet I ought not to be surprised at anything which happens nowadays. The Senator and the party to which he belongs and the present Administration party in this body, composed of Republicans and Democrats alike, have insisted continuously, earnestly, vigorously, and impetuously sometimes, that there was no earthly use for that silver which had been purchased, except as an eyesore; something that may be talked about; that the notes were to be redeemed in gold, and only in gold, in order to steer around that little falsehood designated "parity" in the Sherman act. I repeat, the Senator surprises me that he now insists that in some way, in some form, under some construction of some statute, the silver is to be used for some purpose, when in reality the law requires that it should be coined to redeem those notes.

I say to the Senator from Iowa that it was what ought to have been done with the silver which was purchased with the Treasury notes. The law so intended and so specified. It was only



the author of the law who did not intend that the notes should be redeemed in silver coin and that the silver purchased under the authority of the act should be used only for that purpose. There is no other use for it.

Mr. TELLER. I should like to call the attention of the Senator from Iowa to the statement made by the Secretary of the Treasury, which it seems to me the Senator from Iowa overlooked.

The act of 1890, providing for the purchase of silver bullion, provided that there should be as much silver kept on hand as there were Treasury notes out—that is, dollar for dollar. If there were \$150,000,000 of Treasury notes in circulation there must be 150,000,000 silver dollars or the bullion, which would make \$150,000,000 in silver, kept in the Treasury. That is a fair interpretation of the law; but as the Senator from Kansas says, the policy of the Government has been declared against paying in silver, and, as he rightfully and properly says, what is the use of keeping the silver there now if it is not to be used in redemption? About \$36,000,000 of the silver purchased under the Sherman act have been coined into silver dollars; about \$2,500,000 of that has been used for the purpose of the redemption of Treasury notes as I recollect; I am not speaking with exactness, because I have not had an opportunity to look at the figures.

Mr. PEPPER. I shall secure the correct figures, I will say to the Senator from Colorado, and insert them, whatever they may be, in my remarks.

Mr. TELLER. That is in the neighborhood of the amount. There are some fifty-odd millions of silver dollars now in the Treasury, held for the purpose of coining, as I understand, to redeem the Treasury notes. The total amount has been reduced by two and one-half millions. That was during the panic, when people went to the Treasury to get silver dollars and got silver, preferring it to gold. There is enough silver in the Treasury to keep behind every Treasury note a dollar of silver in coin or a dollar of bullion, which may be made into coin. Then there will be \$55,000,000 of bullion, which will make 55,000,000 silver dollars besides, and the 55,000,000 silver dollars which could be made out of the bullion are certainly free, whatever may be said of the other.

There is now 140,699,760 ounces of fine silver bullion purchased under the act of July 14, 1890.

Mr. ALLISON. That is not free.

Mr. TELLER. When the bullion is coined and there is a dollar behind every Treasury note, the bullion which is left will be free. The late Attorney-General declared, and so did the late Secretary of the Treasury, that the seigniorage was a demand on the Government at any day for coinage that it saw fit to coin it. I understand that was the position of the present Secretary, until, I believe, he went over to New York, and they then persuaded him that that was not the law; at least, that is what the newspapers say.

Mr. CHANDLER. Who persuaded him?

Mr. TELLER. I saw in one of the financial papers that the Secretary had been to New York, had an interview with the bankers there, and they convinced him he had no right to coin the \$55,000,000 of seigniorage. I do not know whether that is true or not. I know the public press stated that he had given orders for the preparation of the coinage of the seigniorage. I am well advised that none of it is being coined at the present time, and there is no prospect of its being coined. So I conclude that the Secretary has upon this subject, as upon several others, changed his views.

I do not care at this time to discuss the financial question, or the issue of bonds, which I propose to debate at some other time. I only want to say that there is in the Treasury of the United States silver enough to make 55,000,000 silver dollars, not held there under any law nor for any purpose, which is dead capital, and which, if put into silver dollars, would replenish the Treasury of the United States to that extent; but I say here—and when the opportunity presents itself I shall speak more at large upon it—it is not gold which the Treasury Department needs; it is money; and any money which will discharge the obligations of the Government will answer the Government's purpose just as well as gold.

Mr. ALLISON. Mr. President, I do not intend to discuss this question at this time, but I understood the Senator from Kansas to state that there was \$140,000,000 of silver in the Treasury which was now available as money, and I wish him to state distinctly and clearly how that is.

As I understand, the Senator from Colorado has substantially stated the law upon this subject. Whether or not the law as it stands authorizes the coinage of the seigniorage in advance of the coinage of a sufficient amount of dollars to redeem the Treasury notes, I am not clear, but I should have great faith in the judgment of the Senator from Colorado upon that subject. It certainly is true, however, that the 36,000,000 of silver dollars

now in the Treasury, and coined under the law of 1890, is in the terms of that law held for the redemption of those Treasury notes. Is there any doubt about that, I will ask the Senator from Colorado?

Mr. TELLER. Less the amount which has been redeemed.

Mr. ALLISON. Yes, less the amount which has been redeemed. Therefore that is not available.

The law of 1890 also provides that the silver shall be coined in sufficient quantities to redeem the Treasury notes. So unless the seigniorage is available now under the existing laws, and unless the Secretary of the Treasury shall coin the seigniorage under existing law, there is no silver money in the Treasury available.

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

Mr. ALLISON. Yes, sir.

Mr. MITCHELL of Oregon. Does not everybody know that there is bullion enough now in the Treasury to coin dollars enough to redeem every one of the Treasury notes outstanding and then have enough left to coin \$55,000,000 more?

Mr. ALLISON. Nearly everybody knows that, and that is what I was stating in more inapt terms. I thank the Senator from Oregon for placing it in the way of easy comprehension.

Mr. MITCHELL of Oregon. That is available now; that is free silver, is it not?

Mr. ALLISON. It is silver bullion and can be coined under the act of 1890, in the discretion of the Secretary of the Treasury.

Mr. PEPPER. Before the Senator proceeds further I should like to suggest to him that my language was not "money." I said there was a certain amount—I have forgotten the figures—of fractional silver coin and a certain value of bullion, and that those two items, if my memory serves me, amounted to \$140,000,000. But, as I said to the Senator awhile ago, in order that it may be understood I will examine the authorities carefully and make whatever corrections are required before my remarks go into the RECORD.

Mr. ALLISON. I am not antagonizing at this moment any view which the Senator from Kansas may have upon this subject, but I gathered the impression that from his statement unexplained it would appear that there is now \$75,000,000 of gold in the Treasury without any impediment as respects its use, and that there was also \$140,000,000 of silver in the Treasury. If that be true by and large, it would seem strange that the Secretary of the Treasury would be borrowing \$50,000,000 either to redeem the greenbacks or, as the Senator says, for current expenditures. It was only for the purpose of gathering clearly from his own remarks how the Senator from Kansas accounted for this money in the Treasury that I asked him the question which I did, and not for the purpose of antagonizing any view he may have respecting it.

Mr. GORMAN. Mr. President, I am quite certain that the Senator from Colorado [Mr. TELLER] in his statement a moment ago, used language stronger than he intended, and I think stronger than the facts would warrant in regard to the Secretary of the Treasury.

I do not understand from any expression of the Secretary of the Treasury in any public document or in any speech he made while a member of this body, that he ever held he had a right to use the seigniorage to coin it, or to issue notes upon it at any time without further action of Congress. On the contrary, I think that I can not be mistaken when I say that he has held and maintained that that seigniorage could not be used until the bullion was actually coined.

I understand the further fact that in the discussion of the financial question at the extra session, that was one of the subjects which was carefully considered, not only by the Secretary of the Treasury, but by all who were engaged in adjusting legislation at that time and whether it was not a proper matter of adjustment by legislation at that session. Some of us went very far in the direction of giving him the authority to do so, but I remember distinctly that the distinguished Senator from Ohio [Mr. SHERMAN], an ex-Secretary of the Treasury, and an authority upon financial matters, at least on one side of this Chamber—and everybody has respect for his judgment—went so far as to hold that it would be almost repudiation for Congress to give the Secretary of the Treasury the authority to use the silver bullion by issuing notes upon it.

So I am quite certain that the Senator from Colorado, upon reflection, will at least modify his statement that the bankers of New York or elsewhere have recently convinced the Secretary of the Treasury that he had no power to use that bullion. I think that is an unfair statement of the Secretary's position, and I know the distinguished Senator from Colorado does not mean to be unfair.

Mr. TELLER. Mr. President, I certainly did not intend to

do the Secretary of the Treasury any injustice. Whatever I may think of the Secretary's ability as a Secretary of the Treasury to manage the finances of this country in this hour of our trouble, I have high respect for him as a man, but I shall feel entirely free at all times to criticise his conduct as an official.

I have had occasion to criticise him with the greatest freedom at a former session. I shall not criticise him for changing his views. I have only called attention to the facts of the case as they exist from his report, and stated what everybody in this Chamber knew that it was understood that the Secretary intended to coin the seigniorage; the public press teemed with it, and I think his report here in my hand bears me out in the assertion that he intended to coin it.

The Secretary of the Treasury who preceded Mr. Carlisle declared that the authority existed without any legislation, the Attorney-General had declared it existed without any legislation, and a fair construction of the statute, in my judgment, determines that question without any assistance from the Attorney-General.

I shall read from the Secretary's report an extract, which will be found on page 55 of his last report. He says:

The Treasury now holds 140,699,760 fine ounces of silver bullion, purchased under the act of July 14, 1890, at a cost of \$126,758,218, and which, at the legal ratio of 15.988 to 1, would make 181,914,899 silver dollars.

Let me add, by way of parenthesis, that is in addition to what has been already coined and is in the Treasury for the purpose of the redemption of the Treasury notes.

The act provided that after the 1st day of July, 1891, the Secretary of the Treasury should coin as much of the bullion purchased under it as might be necessary to provide for the redemption of the notes, and that any gain or seigniorage arising from such coinage should be accounted for and paid into the Treasury. It is plain from this and other provisions of the act that so much of the bullion as may be necessary, when coined, to provide for the redemption of the entire amount of notes outstanding is pledged for that purpose, and can not be lawfully used for any other; but it was decided by the late Attorney-General and by my predecessor in office that the so-called gain or seigniorage resulting from the coinage as it progressed constituted a part of the general assets of the Treasury, and that certificates could be legally issued upon it, notwithstanding the act of 1890 is silent upon the latter subject.

I suppose nobody denies the Secretary's right to coin every dollar of the silver which has been bought; everybody admits that. The only question, as I understand, is whether he can coin and use the seigniorage until he coins the other.

The coinage of the whole amount of this bullion, which would employ our mints, with their present capacities, for a period of about five years, would, at the existing ratio, increase the silver circulation during the time named \$55,156,681 from seigniorage, besides such additions as might be made in the meantime by the redemption of Treasury notes in standard silver dollars. In order that the Department might be in a condition to comply promptly with any increased demand that may be made upon it by the public for standard silver dollars or silver certificates, or that it might take advantage of any favorable opportunity that may occur to put an additional amount of such currency in circulation without unduly disturbing the monetary situation, I have caused a large amount of bullion to be prepared for coinage at New Orleans and San Francisco, and have ordered the mints at those places to be kept in readiness to commence operations at any time when required.

Bear in mind, Mr. President, that he is not proposing to coin for the purpose of redeeming Treasury notes. He does not say, and nobody can infer from his language, that he had prepared the mints to coin for the purpose of providing additional money to redeem the Treasury notes, for he had about thirty-odd million dollars there which had been coined previous to July 1, 1891, that he could use for that purpose, and the total demand made upon him from the beginning has been only about two and a half million dollars, as I recollect.

Mr. GORMAN. I ask the Senator from Colorado whether a fair construction of that whole statement is not that the Secretary believes that the only authority he had to use the seigniorage was, first, to coin the bullion in the Treasury and after it was coined that the Department had no right to use it.

Mr. TELLER. I do not think so. I do not think it is possible to torture the report into that suggestion, and it is certainly contrary to what the public understood to be the Secretary's views upon the subject.

The Secretary might have had the views which I have attributed to him, and might have changed them. I do not say that he had not the right to change his views if, after reflection, he concluded that the construction of the law should be different. I mentioned the fact that one of the financial papers of New York—I believe it is called the Indicator—had an article in which it stated—I spoke from recollection, not having read it very recently—that one of the beneficial things which had occurred by the Secretary's coming to New York had been that he had concluded he did not have the authority to coin the seigniorage, which he had before supposed he had. In making that statement I did not think that I was charging him with any great inconsistency after all.

My own judgment is that the Secretary can coin this \$55,000,000 of silver, he can coin it all, or he can coin as much of it as he chooses. If he coins \$10,000,000, he can set it apart for the purpose of the redemption of the Treasury notes, but if, on the

other hand, he chooses to say, "I will set apart as many dollars worth of bullion at 412½ grains to the dollar as there are Treasury notes out," he may do that and not coin it, and the balance of the money is an asset in the Treasury like any other money, in my judgment. There is a general authority in the statute to coin any silver or gold which may be found in the Treasury. The pretense that the Secretary wants or needs any authority—I shall not use the word pretense, but the statement that he needs any such authority—I do not think is supported by law; in my judgment it is not.

Mr. PLATT. May I inquire does the Senator hold that the Secretary of the Treasury has authority to coin silver bullion except as such authority is found in the act of 1890?

Mr. TELLER. There is a general authority for the coinage of bullion in the Treasury. Under the act of 1890 the Secretary may coin it all, if he sees fit, or may coin a part of it, if he sees fit; and when there is a provision that the seigniorage shall be turned into the Treasury as an asset of the Treasury, for what was it to be turned in? For what are assets in the Treasury? To be used, of course. It is absurd to say that Congress intended to lock up 55,000,000 silver dollars, or silver bullion to make 55,000,000 silver dollars, at a time when the Treasury revenues were falling off and when the Government was in distress for money.

Mr. GORMAN. Mr. President, if there is no other Senator who desires to address the Senate on this resolution, I move that it be referred to the Committee on Finance.

Mr. TELLER. The Senator from Nevada [Mr. STEWART] gave notice that to-morrow he desired to discuss the resolution.

Mr. GORMAN. Then I ask that the unfinished business be laid before the Senate. I understand the resolution goes over, the Senator from Nevada having given notice of his desire to discuss it.

#### REPEAL OF ELECTION LAWS.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 2331) to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

#### EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 23, 1894, at 12 o'clock m.

#### NOMINATION.

*Executive nomination received by the Senate January 22, 1894.*  
ASSOCIATE JUSTICE SUPREME COURT OF THE UNITED STATES.

Wheeler H. Peckham, of New York, to be associate justice of the Supreme Court of the United States, vice Samuel Blatchford, deceased.

#### CONFIRMATION.

*Executive nomination confirmed by the Senate January 22, 1894.*

#### INDIAN AGENT.

Joseph Clements, of Dakota City, Nebr., to be agent for the Indians of the Santee Agency in Nebraska.

### HOUSE OF REPRESENTATIVES.

MONDAY, January 22, 1894.

The House met at 11 o'clock a. m., and was called to order by the Speaker. Prayer by the Rev. J. H. HARDIN, of Cincinnati, Ohio.

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

#### TREATY WITH YANKTON TRIBE OF SIOUX INDIANS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs and accompanying petition from Indians, praying for the ratification of the treaty made with the Yankton tribe of the Sioux Indians; which was ordered to be printed, and referred to the Committee on Indian Affairs.

#### THOMAS RYAN VS. THE UNITED STATES.

The SPEAKER laid before the House a copy of the findings of the Court of Claims in the case of Thomas Ryan vs. The United