

Detroit, favoring the governmental ownership and control of telegraphs—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Evangelical Lutheran St. John's Church of Michigan, against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. HARE: Petition of Edward Orton and others, professors in Ohio State University, for retention of the Coast and Geodetic Survey in the control of the Treasury Department—to the Committee on Appropriations.

By Mr. HENDERSON of Illinois: Protest of A. Wagner, chairman; A. Mueller, secretary, and others of the Evangelical Lutheran school committee of Illinois, against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. IZLAR: Memorial of the City Council of Charleston, S. C., urging that the recommendation of the United States Light-House Board for an appropriation of \$155,000, for the purchase of a site for a supply depot to be constructed at or near one of the dock piers at Charleston, S. C., and for the erection thereon of suitable buildings, be carried out without delay—to the Committee on Appropriations.

By Mr. LIVINGSTON: Papers to accompany bill for the relief of Cephas A. Christian—to the Committee on War Claims.

By Mr. MARTIN of Indiana: Protest of Rev. E. H. Scheips, Conrad Stark, and others, of St. John's Lutheran Church, of Peru, Ind.; of Rev. C. F. W. Hoge and others, of St. John's Lutheran Church, of Bingen, Ind., and of Rev. S. Hassold, of Huntington, Ind., against the proposed religious amendment of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: Protest of President Cyrus Northrop and Prof. W. W. Tolwell, C. W. Hall, and N. H. Winchell, of the University of Minnesota, against the bill to abolish the Coast Survey—to the Committee on Appropriations.

By Mr. McLAURIN: Resolutions adopted by the city council of Charleston, S. C., urging the speedy appropriation of \$155,000, as recommended by the United States Light-House Board, for the purchase of a site for a supply depot to be constructed at or near one of the dock piers at Charleston, S. C., and for the erection thereon of suitable buildings, be carried out without delay—to the Committee on Appropriations.

By Mr. McNAGNY: Protest of the Evangelical Lutheran Church of the Redeemer, Fort Wayne, Ind., and of St. Paul Evangelical Lutheran Church, Gar Creek, Ind., against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MEIKLEJOHN: Protest from the Evangelical Lutheran Church of Martinsburg, Dixon County, Nebr., and 112 communicants, against the proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MERCER: Three petitions remonstrating against the proposed change in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PERKINS: Protest from the Evangelical Lutheran Church at Spirit Lake, Iowa, against a proposed amendment of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PICKLER: Petition of the Woman's Christian Temperance Union of the District of Columbia, representing 1,000 members, favoring the passage of Senate bill 1841, providing for the seating of women employes in shops and stores of the District—to the Committee on the District of Columbia.

By Mr. REYBURN: Petition of citizens of Philadelphia, Pa., in favor of the exemption of loan and building associations from income tax—to the Committee on Ways and Means.

By Mr. RICHARDSON of Michigan: Resolution of the Barbers' Union, Detroit, Mich., in favor of Government control of a telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Memorial of Ohio and Pennsylvania wool-dealers against the Wilson bill—to the Committee on Ways and Means.

Also, resolution of Diamond Lodge, No. 26, Shield of Honor, and petition of C. W. Lamoreaux and others, of Carbondale, Pa., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Protest of J. F. Boerger, pastor, A. Gerke and R. H. Zemppe, trustees of Evangelical Lutheran Trinity Church, of Fall Creek, Eau Claire County, Wis., against the so-called God-in-the-Constitution amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: Protest of the board of supervisors of Yavapai County, Arizona, against the passage of bill granting 1,000,000 acres of desert lands to certain States and Territories—to the Committee on the Public Lands.

By Mr. STEPHENSON: Petition of the Trunk Maker's Union, of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Petition of citizens of Albany, N. Y., against the proposed change of the Constitution—to the Committee on the Judiciary.

By Mr. UPDEGRAFF: Petition of S. W. Hill, of Osage, Iowa, against a tax on the income of building and loan associations—to the Committee on Ways and Means.

By Mr. WEADOCK: Petition of Detroit cigar manufacturers against change in revenue laws relating to cigars—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Papers to accompany bill for the claim of William A. Walker, of Colbert County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for the relief of Henry Davis, of Madison County, Ala.—to the Committee on War Claims.

## SENATE.

FRIDAY, April 20, 1894.

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

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

## EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1893, a report of the Third Auditor of the Treasury and accompanying papers in regard to any and all matters not heretofore reported relative to the Indian war claims of the State of California, etc.; which was read.

Mr. WHITE. The communication is in response to a resolution submitted by me and adopted by the Senate last December. I suggest that, in so far as the communication relates to the sum claimed, the report of the Treasury Department, and the statement of the State of California, that it be printed without the exhibits, and that with the exhibits the communication and accompanying papers be referred to the Committee on Military Affairs. I make that motion.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 14th instant, a list of judgments rendered by the Court of Claims in Indian depredation cases; which, with the accompanying papers, was referred to the Committee on Indian Depredations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 17th instant, a list of all persons in office April 10, 1894, in the Department of Justice, employed by the Government in the defense of Indian depredation cases, etc.; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

## 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 report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the International Union of Journeymen Horseshoers, of Denver, Colo., remonstrating against the ratification of the proposed treaty with China; which was ordered to lie on the table.

Mr. BUTLER presented petition of the city council of Charleston, S. C., praying that an appropriation of \$155,000 be made for the purchase of a site for a depot for the Light-House Service, to be constructed at or near one of the dock piers at Charleston, S. C., and also for the erection of suitable buildings; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of Franklin Lodge, No. 16, Ancient Order of United Workmen, of Moline, Ill., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a memorial of the president and professors of the University of Missouri, Columbia, Mo., remonstrating against the transfer of the Coast and Geodetic Survey to the Navy and Geological Survey; which was referred to the Committee on Naval Affairs.

He also presented a petition of Maxville Lodge, No. 332, Ancient Order of United Workmen, of Maxville, Mo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PEPPER presented the memorial of Rev. G. Luecke, pastor, and sundry other members of St. Martin's Evangelical Lutheran Church, of Winfield, Kans., remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the passage of Senate bill No. 1841, providing for the seating of female help in offices, stores, etc., when such persons are not actively employed; which was referred to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1304) for the relief of the legal representatives of Hiram Somerville, reported it with amendments, and submitted a report thereon.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1779) authorizing certain officers of the Navy to administer oaths, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1784) to amend section 3719 of the Revised Statutes, reported it with an amendment, and submitted a report thereon.

Mr. VOORHEES. Some time ago I offered what I intended to propose as an amendment to the sundry civil appropriation bill, a proposition for the purchase of the oil portrait of Dolly Madison, by Mr. Andrews. I am now authorized by the Committee on the Library to report it in the form of a bill, which I ask may be read and placed upon the Calendar.

The bill (S. 1936) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews, was read twice by its title.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1774) to amend an act entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," approved May 11, 1892, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1629) to amend the act incorporating the Eckington and Soldiers' Home Railway Company of the District of Columbia, approved June 19, 1888, reported adversely thereon, and the bill was postponed indefinitely.

#### DISTRICT STREET RAILWAY TICKETS.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 443) to provide for the sale of new tickets by the street railway companies of the District of Columbia, to report two amendments to the first amendment of the House, and recommend concurrence in the amendment as proposed to be amended, and that the remaining amendment of the House be concurred in without amendment.

The VICE-PRESIDENT. The amendments will be stated in their order.

The first amendment of the House of Representatives was to strike out section 1 of the bill and insert:

That from and after the passage of this act, each street railway and street herdic transportation company in the District of Columbia shall issue its own tickets, and sell no tickets issued by any other company. Such tickets shall be printed and sold in sheets of six tickets each, and after having been once used shall be canceled by the company which issued the same.

The amendments of the Committee on the District of Columbia to the amendment of the House of Representatives were, in line 1 of the proposed section 1, to strike out the words "from and," and in line 2, after the word "after" to insert "thirty days from," so as to read:

That after thirty days from the passage of this act, etc.

And to add to the section the following proviso:

Provided, That all street railway companies and herdic transportation companies doing business in the District of Columbia shall receive and exchange tickets with each other, and said companies shall make monthly settlements with each other, and shall redeem in money any tickets in excess of the number of tickets exchanged.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the Committee on the District of Columbia to the first amendment of the House of Representatives.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment of the House of Representatives was, in

section 2, line 1, after the word "railway" to insert "or street herdic transportation," so as to make the section read:

SEC. 2. That any street railway or street herdic transportation company doing business in the District of Columbia which shall violate the provisions of this act shall be liable to a fine of not to exceed \$10 for each offense, to be recovered in any court of competent jurisdiction.

The VICE-PRESIDENT. The question is upon agreeing to the second amendment of the House of Representatives.

The amendment was agreed to.

#### COURTS IN NEBRASKA.

Mr. PUGH. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 105) to fix the times and places for holding the Federal courts in the State and district of Nebraska, to report it without amendment and recommend its passage.

Mr. HOAR. I desire to appeal to the Senator from Alabama [Mr. PUGH], the chairman of the Judiciary Committee. I ask that Senator to consent to have the bill which he just reported recommitted to the Committee on the Judiciary. In the light of what was said, I think in the Senator's absence, in regard to the creation of a new judicial district in that State, and as I understand one of the Senators from Nebraska would like to be heard before the committee, perhaps a solution of the matter could be arrived at which would be satisfactory to all parties. I ask the Senator to allow the bill to be recommitted that the matter may be heard.

Mr. ALLEN. I hope the Senator from Massachusetts will not insist upon that request. The bill as reported I understand provides for certain terms of Federal court in the State of Nebraska that are necessary and proper. I think that its passage ought not to be hampered in any way by the bill of my colleague now before the Judiciary Committee. If the Judiciary Committee see fit to recommend the bill now before them for the division of the State into two judicial districts, it will be a very easy matter by a very few words to fix the terms of the courts. If that bill for any reason should fail to be recommended or fail to pass, then this bill would be so much farther advanced upon the Calendar and could be acted upon by the Senate.

Mr. HOAR. The recommitment of the bill will not embarrass or delay the final action of the Senate one moment, I am quite sure. I take perhaps a little blame upon myself. The senior Senator from Nebraska [Mr. MANDERSON] desired to be heard before the committee and he was not heard. Under those circumstances, I suppose the unvarying course of the Senate would be, on the request of any member of the committee, to have a recommitment, unless it were in a case where the recommitment would substantially or at all delay the ultimate action on the bill.

Mr. ALLEN. If my colleague desires to be heard before the Judiciary Committee, I have not the slightest objection to the bill being re-referred. I was not aware of that.

Mr. HOAR. That is the ground which I offer.

Mr. PUGH. The bill that I reported from the Judiciary Committee relates purely to a local matter, and I consider that it ought to be under the control of the Senators from that State. It has passed the other House unanimously, and—

Mr. MANDERSON. I think the bill had better be recommitted to the committee. There are matters on file in that committee which, it seems to me, must have been overlooked in the deliberation upon the bill. But it is not only for that reason, and because I had no notice that this local matter was to be heard by the committee and acted upon. Yesterday I introduced a bill which is akin to this, and I think it should be considered with it. For these reasons I think it desirable that the bill should be recommitted to the Committee on the Judiciary.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts that the bill be recommitted.

Mr. MITCHELL of Oregon. I hope the chairman of the Committee on the Judiciary will consent to a recommitment of the bill. I have in my hand some papers handed me by the senior Senator from Nebraska some time ago, and also some papers from a member of the other House from Nebraska. I was unable to be present at the last two meetings of the committee, which was of course my own fault. For this reason I should like to have the bill recommitted.

Mr. PUGH. To terminate this consumption of time, I consent to a recommitment of the bill.

The VICE-PRESIDENT. Is there objection to the recommitment of the bill? The Chair hears none, and the bill is recommitted to the Committee on the Judiciary.

#### PRINTING OF MEMORIAL ADDRESSES.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution from the House

of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring).* That there be printed of the eulogies delivered in Congress upon the Hon. William H. Enoch, late a Representative from the State of Ohio, 8,000 copies, of which number, 2,000 copies shall be delivered to the Senators and Representatives of the State of Ohio, which shall include 50 copies to be bound in full morocco to be delivered to the family of the deceased, and of the remaining, 2,000 shall be for the use of the Senate, and 4,000 for the use of the House of Representatives, and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William H. Enoch, to accompany the said eulogies.

#### BERING SEA AWARD.

Mr. SHERMAN. I introduce a bill and ask the unanimous consent of the Senate to put it upon its passage. It is to correct a palpable error in the act recently passed prescribing the Bering Sea regulations. I do not know where the error occurred, but the bill as it passed the two Houses of Congress substituted the word "exclusive" for "inclusive," which makes a very material change in the award, and I think it ought to be at once corrected. There can be no doubt about the error. I myself went to the office of the Secretary of State and saw there the error carried into the enrolled bill signed by the President of the United States, and it had already been the subject of correspondence between our State Department and the English minister. I therefore ask leave to introduce a bill and have it read at length, and, if there is no objection, I should like to have it passed.

Mr. HARRIS. The act as it was passed makes the measure mean the very reverse of what it was intended to mean, I understand.

Mr. BUTLER. And this bill is to correct it.

Mr. HARRIS. So I understand.

Mr. SHERMAN. The bill I introduce is a mere correction of the error.

Mr. HOAR. Let us know what is the mistake and what is the plan proposed for correction.

Mr. SHERMAN. I introduce the bill and ask that it be read at length.

The bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 23, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals" was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.* That section 1 of the act entitled "An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 23, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals," approved April 6, 1894, be amended by striking out the word "exclusive," where it occurs in said section 1, and inserting the word "inclusive," so that said section will read: "That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilof Islands within a zone of 60 geographical miles (60 to a degree of latitude) around said islands, inclusive of the territorial waters."

Mr. SHERMAN. I wish to say that I have before me the printed bill as it was passed. It shows that in the preamble, in the recital of the articles of the award of the Tribunal of Arbitration, the words "inclusive of the territorial waters" are used. Then in the body of the bill, in the enactment of the law to carry into execution the award, the words used are "exclusive of the territorial waters." I am satisfied that this error was not made in the Secretary's office. I examined and found that the bill as it was sent to the Printer was right, and instead of "exclusive," as in the print, the word was "inclusive;" but when it came back from the Printer it was acted upon by both Houses of Congress without noticing the error, which undoubtedly in some way occurred in the Printing Office. The bill passed both Houses of Congress, and was sent to the President and signed by him and became the law of the land. This mistake should be corrected promptly, so as to avoid any misapprehension.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the bill was considered as in Committee of the Whole.

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

#### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1929) to grant an honorable discharge to Isham B. Rogers, alias R. A. Confield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 1930) to authorize the construction of a bridge across the Missouri River at or near the

city of Lexington, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLANCHARD introduced a bill (S. 1931) for the relief of Holmes and Leathers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1932) granting a pension to Mrs. Sophia Lessing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 1933) granting a pension to Ann E. Chapman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 1934) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a bill (S. 1935) granting a pension to Elizabeth Ellery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER. At the request of the Senator from Alabama [Mr. MORGAN], chairman of the Committee on Foreign Relations, I introduce a joint resolution and ask that it be referred to the Committee on Printing.

The joint resolution (S. R. 76) to print the proceedings of the Tribunal of Arbitration at Paris, held in conformity with the treaty of February 29, 1892, between the United States and Great Britain, was read by its title and referred to the Committee on Printing.

#### AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### REPEAL OF STATE-BANK TAX.

Mr. GORDON. I submit a resolution which I consider of great moment at this time, and I beg leave to read it from my desk:

*Resolved,* That the Committee on Finance be instructed to report at the earliest day practicable, with such provisions as said committee may approve, a bill to repeal the law and all amendments thereto imposing a tax upon the issues of State banks.

Mr. President, I am deeply impressed as to the advisability of such action at this time. Of course, I shall not now discuss the resolution or the subject to which it relates; but I ask the Senate to allow me a few moments only, to read the few suggestions which I hold in my hand and which I wish to send with the resolution to the committee and the country. The serious condition of business interests, as well as the threatened disturbances in the country, would seem to justify careful consideration of any proposition which might prove helpful.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the Senator from Georgia will proceed.

Mr. GORDON. The suggestions are as follows:

First. The repeal of this tax will do more than any other possible legislation to bring quiet to the country, to settle the disturbing financial controversy, and to relieve this question of the somewhat sectional character which it has assumed and which all thoughtful men must deplore.

Second. Such repeal will place upon each State which may take advantage of it the responsibility of providing a sound, sufficient, and satisfactory currency for the local use of its own citizens—a currency which can and will be made available for the payment of State taxes, salaries of State officers, expenses of State governments, and furnish a medium of exchange for nineteen-twentieths of all business transactions within the limits of the State.

Third. It will leave the present banking system to stand upon its own merits and to furnish the necessary facilities for interstate exchanges.

Fourth. It will bring immediate quiet and confidence to the people of those States which demand the right of organizing State banks of issue within their own borders and for the convenience and benefit of their own citizens—a right of which the people of such States believe themselves now wrongfully denied by the representatives of other States.

Fifth. Such repeal can not by possibility damage the interests or disturb the business of those States which fail to avail themselves of the advantages which repeal will afford.

Sixth. The conditions have wholly changed since this prohibitory tax was imposed; and banking intelligence and education acquired by the experience of the last thirty years give assurance that the Legislature of no State would devise for its citizens an unsound banking system; or if it should, the damage would fall upon the citizens of that State, and the failure of such system to meet the requirements of business would insure its speedy repeal or the substitution of a better system.

Seventh. Such repeal will be a recognition of the doctrine which lies at the foundation of our free institutions, namely: That the people are capable of self-government; while a refusal of such repeal is a standing proclamation by Congress of its disbelief in the honesty and capacity of the people of the States.

Eighth. Such repeal will enable the States to protect their own citizens against the concentration of currency in one locality or section, either by design or by the ordinary accidents or mutations of trade.

Ninth. Such repeal will be an honest compliance with one of the plain pledges given to the people by the party now intrusted with power.

Tenth. Such repeal will in large measure divert from Congress to States the growing popular demand for more money, lessen socialistic tendencies in the country by turning popular thought from the General Government to the respective States as the sources of relief, and thus commit to the States, where under our system it rightfully belongs, the duty or responsibility, each for itself, of solving or dealing with those disturbing problems which more and more threaten the peace of communities and the permanence of free government.

I earnestly invoke, sir, the prompt and thoughtful consideration of this important subject by the Finance Committee and the Senate.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Finance, and printed.

#### REPORT ON NICARAGUA CANAL.

Mr. BUTLER (for Mr. MORGAN) submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed for the use of the Senate 5,000 additional copies of Senate Report No. 331, relative to the Nicaragua Canal, together with a topical index of said report prepared under the direction of the Committee on Foreign Relations.

#### RIVER AND HARBOR EXPENDITURES.

The VICE-PRESIDENT. The morning business is not yet concluded. The Chair lays before the Senate the resolution from the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

The Secretary read the resolution submitted by Mr. ALLEN on the 17th instant, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate of the amount of appropriations made and expended by the Government for the improvement of rivers and harbors since the 1st day of January, 1865, to the present date, specifying the different rivers and harbors in which improvements have been made and the amounts expended therefor, respectively.

Mr. ALLEN. I wish to modify the resolution by inserting "the 3rd day of March, 1837," instead of the time named in the resolution, the information having been furnished to the date I now name.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

Mr. DOLPH. Lest I should not be here when the information is sent in, I suggest that when the report is made upon the resolution it ought to be printed in connection with the reprint of the information we already have on that subject, as I think the document in which that information is contained is pretty much exhausted.

#### PERSONAL EXPLANATION.

Mr. MCPHERSON. Mr. President, I rise to a question of personal privilege. I read as follows from the New York Evening Post of April 14:

It would be a great public service, as well as a first-rate stroke of good politics, if all Democratic bodies and organizations in the land were to imitate the example set by the Minnesota Democratic committee, and send a public appeal to the Democratic majority in the Senate to either carry out the party pledges and pass the tariff bill or get out of the party. Everybody knows that when the Minnesota Democrats put the responsibility for delay upon the following Senators they put it where it belonged:

Then follows a list of those who are said to be responsible for the delay, among whom I am included. I do not read the list:

These men are doing their utmost to ruin their party by holding it in the way of the progress of the country and demonstrating its incompetency for public affairs.

I am not in the habit of spending much time in noticing (from my place in the Senate) newspaper attacks upon me, coming from whatever source they may. But this article deserves a passing notice, for it seems to point to the source of the false reports that have traveled to Minnesota and elsewhere in respect to my attitude upon the pending bill.

I had supposed that every Senator upon this floor, every citizen of my State, and the representative of every newspaper in the Senate gallery knew full well since the hour this bill was reported to the Senate, that as long as the bill remained an improvement upon the McKinley law in the direction of lower customs duties, it would receive my vote.

The correspondent of the Post in the Senate gallery early un-

derstood my position and purpose in this respect, and, as he informed me, he had so advised the publication office of the Post.

Therefore, while I do not complain of this wanton, deliberate, misrepresentation from such a source, I take this occasion to remind that journal that it is far more honorable to tell the truth than to circulate falsehoods.

#### SUPPRESSION OF LOTTERY TRAFFIC.

Mr. HOAR. I ask unanimous consent that the lottery bill may now be taken up and put upon its passage. It has been already read, and I understand there is no further objection to it from any quarter.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

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

Mr. GORMAN. I object to the consideration of the bill at this time.

Mr. HOAR. I hope the Senator will allow the bill to be considered. It will only take a minute. It has been read at length, and will not require to be read again.

Mr. GORMAN. I understand there is objection to the bill, and there are some amendments to it which are considered necessary.

Mr. HOAR. I think the Senator who proposes the amendment only desires to have the word "exclusive" inserted where the bill says "subject to the jurisdiction and laws of the United States," which, I suppose, means exclusive jurisdiction. I do not hear of any other amendment that any Senator desires to offer. I will say to the Senator I do not want any matter of substance affected by an amendment; but I am going away this afternoon, to be gone a week, and if the Senator desires any serious amendment I will not press the bill at this time.

Mr. GORMAN. My attention was called this morning for the first time to the provisions of the bill, and I should like to have a day or two longer to consider it.

Mr. HOAR. Then I withdraw the request, of course.

#### HEARINGS ON PROPOSED LEGISLATION.

Mr. COCKRELL. I ask the Senate to take up and consider for a short time the resolution submitted by the Senator from Kansas [Mr. PEPPER], which was under discussion yesterday, and went to the table.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the resolution is before the Senate, and will be read.

The Secretary read the resolution submitted by Mr. PEPPER on the 14th instant, as follows:

Whereas there exists in many places and on the part of large numbers of citizens, individually and in organized bodies, a disposition to visit the city of Washington for the purpose of personally presenting to Congress their views with respect to pending and prospective measures of legislation; and

Whereas many of such persons and bodies are reported to be now on their way thither, with others likely to follow, for the purposes aforesaid:

Therefore, to the end that these our petitioners shall have full and respectful hearing and that proceedings attending their communication with the Senate shall be orderly and not subjected to interruption by the transaction of other public business,

*Be it resolved*, That a select committee of nine members of the Senate be appointed by the Vice-President, to be known as the Committee on Communication, whose duty it shall be to receive all written or printed communication from citizens or bodies of citizens visiting the Capitol or intending to make such visit, for the purposes mentioned in the preamble hereto, and to receive all petitions, memorials, and remonstrances of such persons and bodies and hear them orally in relation to the matters and things about which they desire to communicate with the Senate. The committee shall report fully to the Senate from time to time as other committees report.

The Sergeant-at-Arms will set aside a convenient room in the Capitol or other building belonging to the Government for the use of said committee, and furnish the same with the necessary articles for the convenient dispatch of business.

Mr. COCKRELL. I yield the floor to the Senator from Connecticut [Mr. HAWLEY].

Mr. HAWLEY. Mr. President, I prefer that a representative of the dominant party should make some observations upon this matter, but the Senator from Missouri yields to me.

I am sure that the remarkable speech of the Senator from Nebraska [Mr. ALLEN] ought not to go forth to the country as in any degree representative of the views of the Senate, and it ought not to pass without some conservative comment and dissent. I confess it pained and surprised me very much. I think that there is not a Senator, that there is not a sensible citizen in the United States who does not profoundly sympathize with the tens and hundreds of thousands and I may say millions of people suffering in the present extraordinary financial and business crisis. With expressions of impatience or resentment, every kind and thoughtful man will be very patient indeed, nor

does any man in the world think of restraining or overruling the right of the people, in the language of the Constitution, to "peaceably assemble and petition for a redress of grievances."

But there have been circumstances arising in the last month or two that do not come precisely within that category. All the world is informed from day to day that bodies of men are assembling, as if by concert, in widely separated sections of the country and marching toward the capital of the United States with the purpose of assembling here on or about the 1st of May, to make some sort of political demonstration, by gathering, as they threaten, in front of the Capitol building in a multitude, to be addressed by their orators; and demanding also that they shall, by their representatives, march bodily into this Chamber to be heard. I need not say that that is an extraordinary course of proceeding which is without precedent in the United States anywhere, unless it be found in the colonial days in New Hampshire, when a body of men took possession of the Legislature; or, to go farther back, when the Gauls marched into the Roman senate and shook the venerable beards of the senators.

The right of the people to assemble, the right, if you choose, however misjudged the movement may be, to come here and assemble, I am not questioning; but I wish simply to suggest respectfully that the Senate of the United States owes something to its own traditions and dignity—the House of Representatives will take care of itself—and that what we say or do in this matter, in this Chamber, in this first precedent, which may possibly be followed, should be done thoughtfully and carefully. It is quite possible to manage this business gently and firmly and have it pass away, and it is quite possible to so manage it that it may become a habit to make pilgrimages annually to Washington and endeavor to dominate Congress by the physical presence of the people.

The men coming here say they are "the people," and the Senator from Nebraska speaks of them as "the people." He says the people want this; the people want to do that; the people have a right to come here, and have a right to fill the galleries, and all that. They may have, and they may not, sir. We have more authoritative advice and imperative commands from the people of the United States than Mr. Coxe can possibly bring. We have had our advice given us for a hundred years in the Constitution, in the statutes of the States, in the laws of the District of Columbia, and in the traditions and rules of the Senate. The will of the people is here carefully sifted out by a most complex and universal system of selection, by the votes of the people, by the action of their representatives, by the action of men who from personal interests, as well as motives of patriotism, are extremely desirous to do just what the people think ought to be done.

Now, sir, it is a matter of common sense, and not "infamous," as the Senator from Nebraska said, that the behavior of multitudes around this Capitol and these squares here should be carefully regulated by law and rules, and that a sufficient body of policemen, and in the case of riot a body of the military, should be here, to the end that the Constitution and the laws and the rules of the Senate and the general laws of the District shall be obeyed on every inch of ground and in every second of time. And if there be any patriotism in the misguided company of men near here, or the others who are coming, there are men in this Senate who could address them and satisfy them, I am sure, if they are Americans and have any respect for their country.

I was pained to hear the Senator from Nebraska refer to the organized militia in this district in the style and manner he did. It is a credit to the Government, sir. It was thought wise by the best men that, instead of being obliged to call for a regiment of regulars, there should be, after the analogy of our States, a body of the people themselves, practically a posse comitatus, ready here at the command of the civil arm to maintain order. Such a body has been organized.

The Senator speaks of "a man named Ordway." I have the great pleasure of being able to personally testify—for he was under my ~~own~~ command for a time and I knew him during the war—to the gallantry, to the courage, to the common sense, and high personal character of Gen. Ordway. He is brigadier general of the militia here. It is quite ridiculous, to use no stronger term in characterizing it as a slander or abuse, to represent him as mobilizing the militia with a view to beating anybody over the head with the butt end of a musket or thrusting a bayonet into him for coming into this District.

I venture to say, judging by the Senator's speech, that Gen. Ordway has more carefully studied than has the Senator the proper function of the armed force of the Government in complete subordination to the civil power. Not one command will be given, not one step will be taken under him—and I might say the same of the tens of thousands of militia officers in the country—except at the command of the civil power.

The Senator proceeded to make other observations, not all of

which I care to discuss, even if I had time before 1 o'clock; indeed, I do not know that I care to speak longer now. I have, perhaps, given my sufficient protest.

The men who are coming here do not represent the great voice of the American people. As to their complaining of the present situation so far as it is due to the political action of Congress, or so far as it is due to the generally disturbed financial condition of the world, I have little to say; but they do not represent the American people in the manner or avowed purpose of their coming. They come here to make an impression upon Congress by mere physical presence. We read in old romances of the oppressed subject who struggled to get in the way of his ruler and thrust himself prostrate in the dust under the feet of the horse which bore the emperor, that he might prefer his humble petition. No American citizen prefers a petition in that way.

I am sorry to say it, but I feel bound to say it, that the speech of the Senator from Nebraska was one that would have been received with tumultuous applause in a meeting of anarchists. It had in it, not requiring a microscope, but visible to the naked eye, the bacteria and bacilli of anarchy.

Mr. ALLEN. Mr. President—

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

#### 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 amendments of the Senate to the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota.

The message also announced that the House had passed a bill (H. R. 6055) to authorize the construction of a bridge over the Monongahela River in the city of Pittsburg; in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain; and it was thereupon signed by the Vice-President.

#### THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. QUAY. It was the unanimous sense of the Senate that I should yield the floor to-day to the Senator from New Hampshire [Mr. GALLINGER]. At the conclusion of his remarks the Senator from Michigan [Mr. MCMILLAN] will address the Senate. Those Senators will probably occupy the afternoon.

Mr. GALLINGER. Mr. President, the anomaly is presented to the Senate of a bill that we are asked to enact into law which nobody thus far has ventured to unqualifiedly indorse or approve, with the exception of the Senator from Mississippi [Mr. McLAURIN] and the junior Senator from Indiana [Mr. TURPIE]. Even its distinguished author in the other House [Mr. WILSON] felt called upon to enter an apology for the measure in these words:

The bill on which the committee has expended much patient and anxious labor is not offered as a complete response to the mandate of the American people. It no more professes to be purged of all protection than to be free of all error in its complex and manifold details. However we may deny the existence of any legislative pledge, or of the right of any Congress to make such a pledge, for the continuance of duties that carry with them more or less acknowledged protection, we must recognize that great interests do exist whose existence and prosperity it is no part of our reform either to imperil or curtail.

From the moment that remarkable utterance was made to the present time few genuine or whole-hearted words have been spoken in behalf of this bill. For a time it seemed to be a veritable Pariah, homeless and friendless. First, the Senator from New Jersey [Mr. McPHERSON], when the bill was reported to the Senate, with a protectionist pathos in his voice, promptly declared his opposition to some of its features. Then the Senator from Indiana [Mr. VOORHEES], chairman of the Committee on Finance, varied his declamatory and denunciatory speech by saying, "Faults and imperfections can, of course, be alleged and pointed out, concessions are apparent which have been unwillingly made, and only when found necessary to secure its passage."

Think, Mr. President, of the chosen leader of the Democratic side of this Chamber openly and unblushingly proclaiming the imperfections of the measure, and shamelessly admitting that it was framed, not on the principles of exact justice and fair play, but rather for the purpose of securing votes enough to pass it through the Senate! What greater condemnation of the bill can any Republican imagine than that, and how inconceivable it is that such a dishonoring bargain should have been made.

Following the Senator from Indiana came the Senator from Texas [Mr. MILLS], himself the author of a famous tariff measure, and he bluntly and frankly declared that "the bill does not suit me. I am between the devil and the deep sea." And then the Senator from New York [Mr. HILL] and the Senator from New Jersey [Mr. SMITH] entered the arena, with spear and javelin in hand, and gave the measure what it is hoped may prove to be its *coup de grace*, by denouncing it vigorously, and serving notice on their party associates that unless it is materially modified they must look elsewhere for votes to pass it. Indeed, Mr. President, if this thing continues the bill will be disowned on all hands, and our Democratic friends will be adopting the language of Betsy Frig to Sary Gamp, and saying, "I don't believe there is no such a person."

This, then, is the kind of a bill we are now considering, and which the tyranny of the party lash and the power of Executive patronage are expected to force through Congress. Can it be done? Certain it is that to-day the measure is sadly in need of defenders, and is presenting anything but a healthy and vigorous appearance. How aptly it is described in the following verse:

Halting on crutches of unequal size,  
One leg by truth supported, one by lies;  
Thus sidle to the goal with awkward pace,  
Secure of nothing but to lose the race.

As I look on the bruised face and battered form of the Wilson bill I am strongly reminded of the farewell words of the country minister as he pathetically took leave of his congregation:

Brothers and sisters: I come to say good-bye. I don't believe God loves this church, because none of you ever die. I don't think you love each other, because I never marry any of you. I don't think you love me, because you have not paid my salary. Your donations are moldy fruit and wormy apples, and "by their fruits ye shall know them." Brothers, I am going away to a better place. I have been called to be chaplain of a penitentiary. Where I go ye can not now come, but I go to prepare a place for you, and may the Lord have mercy on your souls. Good-bye.

[Laughter.]

And so the Senators from New Jersey, Indiana, Texas, and New York might well turn their backs on this wretched and destructive measure, and changing somewhat the words of the good minister, say:

Wilson bill, we come to say good-bye. We don't think God loves you, for you have already brought untold disaster and wretchedness to the country. We know men do not love you, for, since you have appeared on earth, they have risen in their might in Ohio, Iowa, New York, Massachusetts, New Jersey, Pennsylvania, New Hampshire, Connecticut, Illinois, Rhode Island, and elsewhere, and denounced you as a menace to their interests and an enemy to their prosperity. Your donations are enforced idleness, want, and sorrow—moldy fruit and wormy apples of discord and misery—and "by their fruits ye shall know them." We are going away from you forever, for we would like to save Texas and Mississippi from the political ruin you have brought upon us. We are going to a better place than we find in your companionship. Where we go you can not come, for we go to labor for the industrial interests and welfare of the American people. Good-bye!

Such a declaration as that would be manly and honorable. It would insure the defeat of the measure, and would send a thrill of joy to the hearts and homes of the industrial masses of the country. It would light the fires and start the looms in mill, factory, and workshop. It would solve the problem of the unemployed, and again give work and wages to the multitude of men and women now vainly crying for employment and sustenance. But this is too much to expect of the Democratic party. All through its history, under the guidance of the South, it has degraded and oppressed labor, and the Wilson bill is a natural and inevitable sequence of its teachings and its theories.

On the 16th day of January, while the bill was pending in the House of Representatives, I addressed the Senate on the tariff question, criticising the provisions of the measure, calling attention to the iniquities of the income-tax proposition, and especially dwelling upon the effects of the bill upon the industries and labor interests of the New England States. Since then the measure has passed the House, has gone through the crucible of the Senate Committee on Finance, and is now on the Calendar substantially in the form in which it is proposed by the majority to pass it. In common with this side of the Chamber, and in deference to the wishes of the great industrial North, I had hoped that the Senate committee would eliminate from the bill its most objectionable features, and report it back in a form which, while raising sufficient revenue for the support of the Government would also throw theegis of adequate protection around the great industries of agriculture and manufacturing, thus securing the workingman a chance for employment at remunerative wages. Instead of that the bill comes to us in worse shape than it went to the committee.

It was then bad, it is now diabolical; it was then framed in the interests of the South, it is now intensified and emphasized in every bad feature it possessed. So far as I can discover it is "evil, and nothing but evil, and that continually." It professes to be "An act to reduce taxation, to provide revenue for the Government, and for other purposes," but unless the words "other purposes" mean the destruction of the manufacturing

interests of the North and the degradation of American workingmen, it better deserves the title of "An act to protect trusts, to recoup the South at the expense of the North, and to build up American importers and foreign manufacturers on the ruins of American industry and American labor."

As I said heretofore I now repeat that the bill is sectional in the extreme, hostile to the best interests of the country, and partial only to the products of the South and the great interests from which the Democratic party never fails to draw inspiration, money, and votes at election time. It might well be denominated a measure designed to halt the prosperity of the the North, and wither and destroy the results of the industry and thrift of the American people. It is a bad bill; bad in construction, bad in purpose, and bad in its assaults upon the onward march of the industrial energy and prosperity of this mighty Republic. It is not a wise economic measure, and I wonder that sane men could have given it their approval. Surely such a bill can not be enacted into law; surely such a scheme of spoliation and wrong must fall before the aroused indignation and protests of the mighty North.

The bill has been truthfully characterized by a Democratic newspaper as being neither fish, flesh, fowl, nor good red herring. It preaches, as the Senator from Massachusetts [Mr. LODGE] has truthfully said, the gospel of despair. It is a mongrel and bastard production, which ought to be repudiated and disowned by those who brought it into being. If enacted into law (which God forbid) it will light the fires in Belgian, French, German, and British workshops, and extinguish them in American mills and American factories. It will send joy and gladness to the hearts of the farmers of Canada and Australia, and add to the hardships and struggles of the American agriculturist. It will rejoice the heart of the American importer of foreign products, and crush the hopes and aspirations of the American manufacturer.

It will rob the workingman of his chance in life, reduce his wage, and take from his home the comforts he has enjoyed. It will destroy utterly the prosperity of our manufacturing communities, and cast a pall upon the homes and the hearts of millions of workingmen and workingwomen. What true American can contemplate with satisfaction such legislation as that? The echoes of popular discontent and popular disapproval of the bill have come from almost every precinct where the people's voice has found expression through the ballot box, and what has already happened is but a zephyr to the storm that will inevitably overtake the Democratic party next November.

#### A WARNING TO THE SOUTH.

As I pointed out in my former remarks, and as the Senator from Maine [Mr. HALE] so ably elaborated in his speech of the 10th instant, almost every product and industry of New England is singled out for destruction in this bill. What excuse can be urged for this wretched assault upon a people who have done so much to build up the industrial interests of this country? New England has invested millions of capital in the South upon the assurance that the old order of things had passed away, and that a new South had risen on the ruins of the old. Most of the New England money that has been thus invested is lost forever, and now those who profited by it propose to strike down our manufacturing establishments by hostile legislation. This is the answer the South sends to us: this the gratitude and the return. In all Republican tariffs the products of the South have been protected—sugar, rice, fruits, coal, iron, and every other industry that tended to the welfare and progress of her people.

But we are to be destroyed, not protected. Our woolen manufactures, cotton manufactures, paper manufactures, cutlery, granite, agricultural products—all are to be sacrificed on the altar of Southern prejudice and free-trade theories. Let me warn the South against this policy. The people are awake to this contest. They are watching with breathless interest every move on the political chessboard. They propose in due time to take a hand in its settlement. What answer will the South expect from us when we return to power in 1896? She should not forget, in this her moment of triumph, that there may be reprisals when our day of victory comes. If our agricultural products are to be destroyed in the interest of Canada, why not her sugar and rice in the interest of Cuba and other tropical countries? If our granite is to be sacrificed in the interest of New Brunswick and Scotland, why not her marble in the interest of Italy? The lesson is worth pondering, and I commend it to the careful consideration of Southern Senators.

Indeed, Mr. President, the South may sooner than she is calculating be a suppliant for the protection of her great staple, the crop that above all others is of value to her people. Not only are foreign countries competing with ours in the matter of finished products, but they are also flooding our markets with the so-called raw materials. With our present duties wool comes to us from Australia and the Argentine Republic, coal from Nova

Scotia, and lumber from Canada. What assurance has the South that her markets for cotton in this country will not be invaded in due time by the products of the cotton fields of Egypt? Indeed already large sales of long-staple Egyptian cotton have been made to American manufacturers, one sale being of 400 bales, of an average weight of 700 pounds per bale. On this purchase the American manufacturer is said to have saved 2½ cents per pound, or \$3,300.50 on the entire lot. In this bill the South is amply protected on everything that she produces which needs protection. To-day she does not need protection on her cotton, but the indications are that the time is not far distant when such protection will be needed. Let her take pause in her senseless raid on the manufactures and the products of the North, lest when that time comes she will cry in vain for Northern sympathy and Northern help.

#### THE INDUSTRIES OF NEW ENGLAND.

And just here let me briefly state the effects of this legislation upon the industries of New England. The Senator from Maine [Mr. HALE], in his most admirable speech, went fully over this ground; but it will bear repetition, especially in its relation to my own State. Not only does the bill violently assail the woolen and cotton manufacturing schedules of the McKinley law, upon which our prosperity largely depends, but it attacks almost every interest and industry, however small, of our people.

#### WOOD AND MANUFACTURES OF WOOD.

The wood schedule, in which the people of New Hampshire are greatly interested, has been radically changed. Lumber, hewn and sawed, which now pays a duty of 10 per cent; squared lumber, which pays a duty of one-half cent per cubic foot; boards, planks, and deals, which pay from \$1 to \$1.50 per thousand feet; hubs and blocks, which pay 20 per cent; laths, which pay 15 per cent; shingles, which pay 10 per cent; and sawed timber, which pays 10 per cent, are all transferred to the free list, and a heavy cut is made on many other items.

This means the practical transfer of the lumber business from New Hampshire and Maine to Canada. There will be no escape from it if this schedule of the bill is enacted into law. And what is the excuse for it? Thus far no one has ventured to say. Every dollar's worth of Canadian lumber coming into the United States is a blow to the interests of American laboring-men. Every dollar's worth of labor which comes into our markets in the way of manufactured lumber displaces a dollar's worth of labor which otherwise would have been employed and paid for in this country.

The importations of Canadian lumber into the United States for the fiscal year 1893 have been stated in round numbers as 520,000,000 feet, board measure. Now to manufacture 1,000,000 feet of lumber requires an equivalent of the labor of 1,500 operatives for one day, or the labor of one operative for 1,500 days. It will thus be seen that during the past fiscal year we imported into the United States in the shape of Canadian lumber 780,000 days' work, and thus prevented the employment in our own country of just that much labor.

It is an incorrect notion that the importation of lumber in the shape of a manufactured article simply results in lowering the wages now paid for similar labor in this country. The effect is not merely to reduce the wages now paid, but to displace as many days' labor as has been expended upon the imported article.

It must be clear to any person who stops to reason it out, that if the 520,000,000 feet of Canadian lumber imported in 1893 had been manufactured in the United States, there would have been an increased employment of labor here. In other words, if the 520,000,000 feet of lumber had not been imported, American manufacturers would have been compelled to supply the deficiency by lumber made by American labor.

Under the present bill there will inevitably be a greatly increased importation, which will deprive thousands of American workingmen of the chance to labor, and will necessarily lower the wages of those who find employment. What wretched business this is, legislating for a foreign country and against the interests of our own people. It seems utterly idiotic.

#### AGRICULTURAL AND FOOD PRODUCTS.

The bill under consideration plays havoc with the interests of New England farmers, and promises to wipe out forever the men who are struggling to sustain themselves on the rocky farms of New Hampshire. Under the present law our farmers are reasonably prosperous, finding a market for their surplus products in the manufacturing cities and villages of the State. They are brought necessarily into competition with the farmers of Canada, where labor is cheaper and the soil more easily tilled. Notwithstanding the high duties on hay, apples, potatoes, eggs, etc., considerable importations were made from Canada during the past year, and now it is proposed to put many of our leading farm products on the free list, and to reduce materially the duties on others.

Look at the record. Under existing law the duty on bacon and hams is 5 cents per pound; broom corn, \$8 per ton; cabbages, 3 cents each; cider, 5 cents per gallon; eggs, 5 cents per dozen; lard, 2 cents per pound; milk, 5 cents per gallon; green peas, 40 cents per bushel; straw, 30 per cent ad valorem; tallow, 1 cent per pound, and wool grease, ½ cent per pound. All these are to go on the free list. Reducing specific to ad valorem duties, the reductions made on live stock and products of the farm not put on the free list are as follows: Horses, from 30 to 20 per cent; cattle, from 50 to 20; oats, from 40 to 20; barley, from 65 to 30; butter, from 33 to 20; cheese, from 42 to 25; beans, from 40 to 20; hay, from 43 to 20; onions, from 50 to 20; potatoes, from 52 to 30; other vegetables, from 25 to 10; apples, from 31 to 20; live poultry, from 32 to 20; dressed poultry, from 54 to 20, and starch, from 84 to 30.

This means disaster to the agricultural interests of Northern New Hampshire. Coos County, which borders on Canada, depends upon agriculture and lumber for its prosperity, and of late years has been making rapid progress. What will happen to it if the Wilson bill becomes a law is so well told by Hon. Chester B. Jordan, one of its most prominent citizens, that I will quote his words:

There is no question as to the effect of the Wilson bill in Coos. It gets in its deadly work all over the county. There is not another county in the land where the changes in the tariff schedules affect so great a proportion of the people.

Here is our situation: We have two great interests, lumber and agriculture. Lumber, of course, is the great interest, and has been for thirty years. In respect to agriculture we have somewhat peculiar conditions. Our soil is of especial richness for raising potatoes, oats, and a grass crop. Horace Greeley wrote up Coos a great many years ago, and told what it was good for. According to him it was good for raising potatoes and oats.

Now, this condition of soil is peculiar, almost unique. It is found in only two other localities in the United States—Northern New York and Northern Maine. The same soil conditions prevail in Canada, just across the line from us, where they can raise just as good potatoes, just as good hay, and just as good oats as we can—and just as many of them, too, for they are just as bright as we are, and their labor costs them only about half what our labor costs us.

Therefore, we have not only to compete against the Canadian natural advantages, which are the same as ours, but have also to meet an economic condition of low wages which we have not. The protective tariff duties have thus far stood between the Coos farmer and the Canadian farmer's unequal advantages. The Wilson bill will, in a large measure, remove that defense.

That is the situation which confronts the men who are tilling the soil in New Hampshire to-day, and it is scarcely to be wondered at that most of them are voting the Republican ticket this year.

#### WOOLEN GOODS.

Under the existing law the manufacturers of woolen goods have an average protection of 98.53 per cent, and it is proposed to reduce it to 35.09 per cent. With the high rate of duty now existing woolen goods were imported into the United States for the fiscal year ending June 30, 1893, to the value of \$36,993,409.16, on which duties were collected amounting to \$36,448,667.46. The lowering of the duties almost two-thirds means a deluge of foreign goods into our markets, which will result inevitably in crippling American industries and greatly reducing American labor. Our people find it difficult to compete with the almost pauper labor of Saxony under existing conditions, and when the duty is reduced from 98 to 35 per cent the men and women working in hosiery mills in this country will be brought to a practical realization of what foreign competition means in the matter of wages. The prospect is an appalling one from whatever point of view it is regarded.

Mr. President, the most casual examination of the estimates of the reductions in the revenue which the Wilson bill makes shows where the heaviest blow to manufacturing will fall.

In his speech opening the tariff debate the Senator from Indiana [Mr. VOORHEES] submitted a table of estimates, in accordance with which it appears that the Wilson bill is expected to reduce revenues to the extent of a total of \$76,670,000 annually. Of this sum the rather astonishing amount of \$26,500,000 is set off against the duties on woolen manufactures alone, more than one-third of the entire reduction.

According to the plan of the Wilson bill, the manufacturers of wool are to be put under a contribution equal to that which is required from all articles transferred to the free list, together with all metals and manufactures of metals.

So the woolen manufacturers may as well prepare to either shut down entirely or continue business by paying their operatives wages at starvation rates. How this thing will inevitably work is strikingly illustrated by a page of recent American history, to which Congressman RUSSELL of Connecticut called attention in a speech in the other branch of Congress. In brief it is this:

Nottingham, in England, was long famed for its manufacture of hosiery. Its products of hosiery thirty years ago were sold the world over. For some years the industry was entrenched in that city, and there were no similar manufactures of fine wool hosiery in other countries.

Nottingham had a peculiar advantage in the holding of patents on knitting machinery. In course of time, however, the patents expired, and the German manufacturers acquired the machinery, educated labor to run it, and secured work at about one-third of the wages paid in Nottingham. The Nottingham workers refused to accept the lower wages of the Germans, and the decline of Nottingham hosiery manufacture was rapid, so rapid indeed that a dozen years ago in free-trade England, in the home of its former citadel, German hosiery took the market and Nottingham knitters took to coal-mining.

German hosiery likewise took possession of the American market, taking it from the English manufacturer through the cheaper wages of the German workman. The English manufacturer saw his business destroyed, and in his despair turned to the protective policy of the United States for relief, and he got it.

Nine years ago one English concern which, prior to German intervention, from its factory in Nottingham had annually sold in the United States 200,000 dozen of fine wool hosiery, and received for the employment of English capital and labor about \$1,200,000 of United States money, moved its business to this country and established itself in Rhode Island.

This was an actual importation of a new industry into this country under the stimulus of a protective tariff—an industry driven out of free-trade England by the competition of foreign cheap labor. The British manufacturers who migrated from Nottingham spent \$50,000 in simply acquiring the necessary skilled workmen to handle the delicately adjusted machinery which produces the finest grade of hosiery.

In this hosiery factory, started in Rhode Island nine years ago, the first of its character in this country, there have been employed 500 people, and around the factory has sprung up a thriving village of 1,500 inhabitants.

This concern when in Nottingham sold, as above stated, some 200,000 dozen of hosiery in this country. Since its removal to Rhode Island it increased its sales in the American market to more than 300,000 dozen. When in Nottingham it sold its hosiery in this market to the wholesale trade for \$6 a dozen. It sold in 1893 the same hosiery for \$3.75 a dozen.

That establishment is not selling woolen hosiery to-day because it is shadowed by the blight of the Wilson bill. It has paid its workmen \$2 a day, and though German knitters get less than half that wage, the Rhode Island hosiery factory, under Republican protection, has held the home market, has reduced the price to consumers more than one-third, and has maintained the American rate of wages.

This is a chapter from real industrial history; it is worth tons of theory.

Now, what does the Wilson bill do for this hosiery industry? It reduces its protection by about two-thirds, makes what is left an uncertain quantity, because it is to be levied on an ad valorem basis, and, in exchange, gives it just what it had in free-trade England, and with which it was driven by Germany to shut up shop, namely—free wool.

Under this bill the hosiery industry is doomed in this country unless hundreds of thousands of intelligent American workmen will accept the pauper and pauperizing wages now paid in the hosiery mills of Saxony. What utter, unnecessary, cruel folly this is, and what say the workmen to the proposition?

The Boston Commercial Bulletin is as reliable a trade paper as is printed in the United States and is everywhere accepted as authority upon wools and woollens, for it is free from partisanship and its facts are collected with great care and stated with perfect fairness. With this in mind close attention is invited to its comment upon the wool schedule of the Wilson bill, which is none the less eloquent because it is composed mainly of facts which nobody can successfully question. The Bulletin says:

It is seldom that in the brief space of a twelvemonth an industry plunges from the highest condition of prosperity to the deepest adversity known in a generation. That, in a sentence, is the history of wool manufacturing in 1893.

The year preceding (1892) was the most prosperous that this country has ever seen. Every loom and spindle was employed, and there was a veritable labor famine. The wool clip of the United States had increased 23,000,000 pounds, our imports of wool increased 28,000,000 pounds, but in spite of this fact there were 13,000,000 pounds of wool less on hand at the end of 1892 than at the beginning. The consumption of wool by American mills increased nearly 70,000,000 pounds in a single year.

As in 1890 we were but 36,000,000 pounds behind Great Britain, and as that country has certainly not increased since that year, when her mills were pouring goods into the United States to anticipate the McKinley tariff, we may say with confidence that in 1892 the United States led the world in the consumption of wool.

Though the price of wool fell somewhat in that year, the prospect of the continuance of the tariff induced growers to increase their flocks. The clip of 1893 was shorn and pulled from the flock of 1892, and the figures of the clip that we have just had the honor to complete show that the clip from that flock was 361,000,000 pounds, the largest clip of wool ever raised in the United States.

In spite of the high prosperity of the first two months of 1893 the industry has gone steadily backward. Our imports of wool have declined nearly forty millions. Our mills have reexported their imported materials, our

wool pullers have exported their wool pelts. Yet the stock of wool on hand on January 1 shows an increase of over 40,000,000 pounds. It is within the truth to say two-thirds of all the machinery is silent or running on reduced time. The very mills in Massachusetts that were last year advertising extra pay for operatives willing to work all night are now either shut down or running on short time with a reduced scale of wages.

It is idle to ascribe a change like this to any silver legislation. The change is due to the fear of the breaking down of the industry by an unprotective tariff, a fear that has been justified by the Wilson bill.

The hollow promise of the "markets of the world" has been exploded by experience. The only promise of hope presented to the industry by the framers of the Wilson tariff was that by cheaper raw material American manufacturers would be able to compete in foreign markets.

Now, the fact is that wool is very nearly on a free trade basis to-day, and has been for months. Some grades are quite on that basis. Wages have been cut down in almost every woolen mill in the country, yet in eleven months the increase brought about in exports of woollens by the cheap raw material that was to accomplish everything is but a trifle over \$200,000.

The threat of the Wilson tariff has cost the industry millions. It has already discounted most of the effect on prices. The "markets of the world" have increased our exports \$200,000 by the shipment of a job lot of carpets to England and a few bankrupt stocks of clothing to Canada.

Was ever glittering delusion more pitifully rent asunder by historical facts?

When the people of the United States agree with Mr. WILSON to adopt the scale of living that permits the sweat shops of London and Berlin we shall be able to compete with the products of the labor of those establishments—  
not before.

#### COTTON MANUFACTURES.

I might speak at length of the hostile nature of this bill to the great cotton manufacturing industry of New England, but what I have said as to woolen manufactures applies in a modified form to this industry. Under existing laws the average rate of duties on the manufactures of cotton is figured to be 55.25 per cent, and it is proposed to reduce it to an average of 38.45 per cent. For the fiscal year ending June 30, 1893, the importations of cotton manufactures aggregated \$20,510,433.98, on which duties were paid amounting to \$11,333,605.23. The proposition is to reduce the duties about one-third. That done and there will scarcely be ships enough in England to bring the goods to this country, and then will come the terrible struggle on the part of American manufacturers to compete with their foreign rivals. Many New England mills will of necessity be idle, for importations will surely be greatly increased, and the wages of the operatives will in all cases be largely reduced. I will further discuss this matter when the bill is considered by paragraphs.

#### CUTLERY.

Under the existing tariff cutlery establishments have sprung up in different parts of New England, and have been able to just about compete on equal terms with the cutlery made by cheap labor in Sheffield, England. One establishment of this kind is in New Hampshire, where liberal wages are paid, and a beautiful and thriving village has sprung up as a result. The present tariff on cutlery, such as is manufactured in New Hampshire, ranges from 50 to 95 per cent, and it is proposed to reduce the duty to about an average of 35 per cent on the different articles manufactured. The importations of table cutlery are now very large, and under the reduced tariff the American market will be deluged with foreign goods, to the utter detriment of both the American manufacturers and workmen in this line of industry. Some months ago when I asked the Senate to pass a resolution declaring it inexpedient to make changes in the existing tariff laws, I received an interesting letter from ex-Governor Goodell of Antrim, N. H., a cutlery manufacturer, which reads as follows:

ANTRIM, N. H., August 19, 1893.

DEAR SENATOR: I am glad to see that you have introduced an amendment to the Lodge resolution, which, if passed, I believe will do a great deal towards setting the wheels of business in motion. As you know I am a manufacturer of table cutlery, butcher knives, carving knives, and the like. I have been in the business twenty-one years. It has been gradually increasing in volume during most of this time, especially so since the McKinley tariff law went into effect. While the price of these goods is fully 10 per cent lower than it was in 1889, the year before the McKinley law went into effect, the quantity of goods made in this country in 1892 must have been very much larger than ever before; certainly it was in my own factory. If we had absolute free trade we could not get our stock for much less than now. Our handle woods, which come from South Africa and Central America largely, are on the free list. Our steel is made in this country, but the prices are so low that we could not expect any material reduction if we had the open competition of foreign manufacturers of steel. If there should be any material reduction in the tariff duties upon table cutlery I see no possible chance for us to compete with manufacturers in Sheffield and other foreign points except by a reduction in price of labor.

The speech made by Mr. Folsom, cousin of the President, as consul to Sheffield, in Cutler's Hall in Sheffield recently, expressing his congratulations to the cutlery manufacturers there upon the fact that within twelve months they would have a better opportunity to sell their goods in America, alarms me. How it is possible that it can be for the interests of the laboring classes of America to be thrown out of business and have their wages reduced while English and German manufacturers at their own home are furnishing the goods for this country is beyond my comprehension. I hope, therefore, that wise counsels will prevail, and that the Senate will pass this resolution as amended by you, and thus assure the manufacturers and workmen that their interests are not to be injured by any legislation in the interest of foreign countries.

Truly, yours,

D. H. GOODELL.

Hon. J. H. GALLINGER.

That letter tells the whole story. Reduced duties on cutlery

will either drive out of business the American manufacturer, or else result in a material reduction of wages to the laboring classes.

GRANITE.

New Hampshire is denominated the "Old Granite State," and we are proud of the appellation. We have an abundance of granite in our hills and mountains, but the distance to tide water and the heavy cost of railroad transportation has made it difficult for us to compete with the maritime provinces and Scotland, from whence granite can be conveyed by water.

But under the policy of the Republican party we have built up a thriving industry, and a sample of our work, which comes from my own town, can be seen in the granite of which the magnificent new Congressional Library building in Washington is being constructed. Heretofore we have been protected by a duty of 50 per cent on unmanufactured granite and 40 per cent on manufactured, but this bill proposes to put the unmanufactured on the free list and to reduce the duty on the manufactured one-half. This means the closing of our quarries, or else a large reduction in the wages of those engaged in this industry. There will be low wages and idle men in New England and plenty of business in the granite quarries of Nova Scotia and Scotland.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER (Mr. PROCTOR in the chair). Does the Senator from New Hampshire yield to the Senator from Kansas?

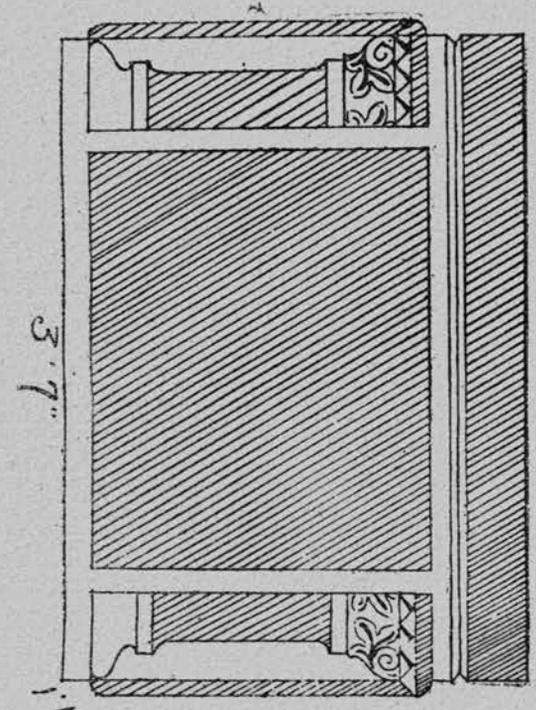
Mr. GALLINGER. Certainly.

Mr. PEPPER. I infer from the Senator's remarks upon the granite industry that he is not satisfied with the proposed reduction of duties. I should like to inquire of him what will be the effect of the proposed change upon the American interest, so far as it relates to monuments and work of that kind?

Mr. GALLINGER. In just one moment I shall come to the matter of monuments, at which time I shall be glad to answer the inquiry of the Senator from Kansas.

It should be borne in mind that Scotland can send her granite to our large cities at a very low rate of freight—indeed, some of it will come free in the shape of ballast for our ocean steamships. A Massachusetts friend of mine has kindly furnished me with a cut of a granite column die like sketch, with the relative cost of producing it in Scotland and at Quincy, from which it appears that it can be made in Scotland, freighted to Boston, and the duty of 40 per cent paid on it, and then sold for \$181.93, while the same column will cost in Quincy, freighted to Boston, \$238.55, a difference of \$56.62 in favor of Scotland. If made in Concord, N. H., the difference will be a little greater in favor of the foreign product, the freight probably costing more from Concord to Boston than from Quincy. I will insert this cut, with explanatory text, in my speech, so that Senators can examine it at their leisure.

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A column die-like sketch, 3'7" by 1'11" by 2'7".

QUINCY.		SCOTCH.	
Cutting, 42 days, at \$3.....	\$128.00	Cutting, 42 days, at \$1.50.....	\$63.00
Polishing.....	78.75	Polishing.....	35.00
Blacksmith, at 25 cents.....	10.50	Blacksmith.....	5.04
Stock, 17'8", at \$1.20.....	21.20	Stock.....	21.20
	236.45		124.24
Freight to Boston.....	2.10	40 per cent duty.....	49.69
		Freight to Boston.....	8.00
Total.....	238.55	Total.....	181.93
Difference, \$56.62 in favor of Scotch.			

Now I shall be glad to answer the inquiry made by the Senator from Kansas. I will say to the Senator that in my judgment if the tariff upon manufactured granite is reduced as is proposed in the bill, there will be a temporary reduction in the price of monuments to those who are unfortunate enough to have to buy that article. I believe there will be a temporary reduction, but the Senator from Kansas must remember that if the reduced duties wipe out the American industry and give to Nova Scotia and Scotland a monopoly of the granite business it will not be very long before they will compel us to pay a larger price for our monuments than we are paying at the present time. Again, it must be remembered that this is only one of a great variety of American industries that are threatened by the bill. If the bill becomes a law our people will have very little money with which to buy monuments or anything else.

The Senator from Kansas is a man of wide observation and learning. He studies into all of these questions and tries to understand them, and I am very glad to have an interruption from him on this point. But I will venture to state that with all the Senator's investigation he may not have discovered the fact that the United States is to-day consuming more than 50 per cent of the entire marble of the civilized world. This one country of 70,000,000 people is consuming more than one-half of all the marble that is produced on the face of the earth; and I venture the observation, without having the statistics at hand, that if we could ascertain the fact it would be found that our people are consuming at least 75 per cent of the granite product of the world. What does that mean? It means that our mechanics and our workmen have been getting money enough in wages to enable them to buy gravestones to put at the final resting place of their loved ones, and that the other nations of the earth, with their low wages and the condition of destitution that prevails, are unable to do so.

Mr. PEPPER. I should like to ask the Senator from New Hampshire one more question.

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

Mr. GALLINGER. With pleasure.

Mr. PEPPER. I should like to inquire of the Senator if he has had occasion to observe what is the relative merit of granite as compared with marble in the matter of durability?

Mr. GALLINGER. I have not any expert knowledge on that point, but I think our Concord granite will endure much longer than will the distinguished Senator from Kansas, and probably quite as long as our children and our children's children will live. I think it is entirely durable.

I have here also a sketch of a granite monument, which was priced by reliable parties in Aberdeen, Scotland, and it was found to be, after adding consul fees, duties, and freight to Boston, \$275. At the rate of wages paid in Quincy, the same monument, landed in Boston, will cost \$435, without a dollar's profit to the manufacturer. Now, beyond a doubt, when the duty is removed the price of the American article will be temporarily reduced through a reduction of wages, but it requires no spirit of prophecy to discern the time when American granite-workers will refuse to take the wages that are paid in Scotland, our granite sheds will be closed, foreigners will supply our wants, and the price will be increased at their own sweet will. That will be the inevitable result of this senseless raid on the granite industry of New England.

RELATIVE WEALTH OF EAST AND WEST.

Mr. President, I have hurriedly touched upon the chief industries in which the people whom I represent are interested, and have pointed out the injury that will come to them if this bill becomes law. New England has done nothing to deserve the chastisement that is threatened her in this legislation. And just here I want to correct an impression which is abroad in the land as to the matter of increasing wealth in New England. A studious effort is being made to prejudice the great agricultural States of the West against New England on the ground that the wealth of the country is centering in the East. It is generally believed that protection works almost wholly to the advantage of manufacturing States and communities, but that is not so.

If one section of the country is prosperous, all sections share

that prosperity; if one section is making money, that section buys and consumes more of the products of the other sections. If manufacturing States can afford to pay high wages to their operatives, they in turn buy and consume more than they otherwise would of the products of the rest of the country. The startling fact confronts me that New Hampshire, a State largely engaged in manufacturing, has fallen rapidly behind in wealth since 1880, as is shown by the census reports of 1890. The entire wealth of the country reaches the almost fabulous amount of \$5,037,091,197, about \$1,000 per capita, the largest item being in real estate, which reaches \$39,544,544,333, or considerably more than one-half of the whole.

Of this wealth New Hampshire's part is \$325,128,740, which makes her the poorest of the New England States except Vermont. New Hampshire shows a falling off of \$38,000,000 in wealth since 1880, but a gain of \$73,000,000 since 1870. Vermont and Maine also show a loss for the decade, the former of \$37,000,000 and the latter of \$22,000,000. New Hampshire's per capita wealth, which is \$863, is \$137 less than the average per capita for the entire country. It is greater than that of either Vermont or Maine, but is a falling off of \$183 since 1880, in which year she was one of the richest States in the Union, according to census returns.

New Hampshire's aggregate wealth in 1890 was less than that of each of the other States and Territories except Vermont, Delaware, Oklahoma, Indian Territory, Wyoming, New Mexico, Arizona, Nevada, and Idaho.

In manufacturing she stood seventeenth, being exceeded by Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Kentucky, and California.

New Hampshire's wealth in real estate with improvements thereon amounts to \$176,131,000, which places her ahead of Vermont alone. In live stock on farms and ranges, farm improvements and machinery she has \$14,044,975 invested, which places her ahead of Connecticut and Rhode Island, but behind the rest of New England. In mines and quarries, including product on hand, she has \$1,188,089, which is a better showing than Rhode Island makes, but is less than that of the other New England States. In machinery she comes out with \$30,964,365, which only lacks \$5,000,000 of being as much as shown by Maine and Vermont combined. Singularly enough the best showing made by the Granite State is in her railroads. In them she has no less than \$58,782,551 at stake, a larger sum than either Vermont, Rhode Island, or Connecticut, and almost as much as Vermont and Rhode Island together. She has \$2,143,867 tied up in telegraphs, telephones, shipping, and canals, and \$35,814,204 in miscellaneous business, in both of which directions she exceeds Vermont alone.

I give these figures to show that the frequent attacks upon the New England States, on the ground that they are, because of tariff laws, concentrating an undue proportion of the wealth of the country in their borders, is not justified by the facts. If New Hampshire has declined in wealth \$38,000,000 in ten years of high protection, I beg to ask my tariff-reform friends what will become of her under the low-tariff law we are now considering?

Now, let us cast a glance at the agricultural sections of the country and see what they have been doing. It seems to me that the farmers have had their share with the manufacturers in the benefits of the thirty-three years of protective tariffs, under which they have thrived and prospered together. During that period our farm acreage has increased from 407,212,538 acres in 1860 to 623,218,619 acres in 1890; the value of our farms was \$6,645,045,007 in 1860, but in 1890 it was \$13,275,959,058. The estimated value of all farm products was \$1,115,110,000 in 1860, as compared with \$2,460,107,454 in 1890.

We exported \$256,560,972 of farm products in 1860, while in 1890 we exported \$629,785,917, an increase during these three decades of high protection of 145 per cent. The average value of a farm acre was \$16.32 in 1860, and in 1890 it had increased to \$21.30.

These figures are conclusive. They knock the bottom out of the Democratic assertion that protection has made the manufacturers rich by making the farmers poor. I commend these figures to the careful and thoughtful attention of Democratic Senators, as well as to the notice of the Populist Senators from Kansas and Nebraska. It begins to look as though the "effete" East, as we are sometimes called, will soon be compelled to surrender the scepter of wealth, as well as the scepter of political power, to the great "omnivorous" West.

MR. VOORHEES'S SPEECH.

Mr. President, I feel constrained to recur to the somewhat remarkable speech of the Senator from Indiana. It is a well-known trick of the legal profession, when the facts and the law are against them, to attempt to beg the minds of the jury with

rhetorical sentences and declamatory assertions, but after the echoes of the eloquence have died away the judge and the jury usually find the law and render a verdict in accordance therewith. And so in opening this debate, the Senator from Indiana, finding that he had a bad case, adopted the methods of his profession, and instead of making an argument he filled the air with denunciations of manufacturers and attempted to mislead the popular judgment by eloquent appeals to their passions and their prejudices.

But the game will not work. The people are reading and thinking, and when the verdict is rendered in Indiana next November the Senator will then learn of the popular disapproval of the bill he is championing. Listen to some of the Senator's choice epithets, gathered at random from his speech:

"Privileged classes;" "forcible revolution and bloodshed;" "indescribable injustice and oppression;" "vicious principles and workings;" "iniquitous existing burdens;" "vast individual robberies committed in protected markets;" "the untold and incalculable millions of blackmail levied by American manufacturers for their own pockets;" "this wide and well-known field of extortion and injustice;" "the gates of avarice, oppression, and fraud;" "the appalling legislation of 1890, known as the McKinley law, unlimited in its scope and purposes of spoliation and plunder;" "riotous extravagance;" "arrogant, insolent, dictatorial;" "sinister, perfidious, and dishonest in character;" "a giant robber;" "a predatory monster;" "manufacturing interests which are now the colossal taskmasters of the whole people, commanding tribute from every day's labor beneath the sun, haughtily striding the corridors of this Capitol and issuing their edicts in the tones of dictators for or against the enactment of pending measures in the Hall of Congress;" "unworthy, unmanly, unchristian desires to commit extortion;" "in favor of the right to plunder by the law;" "favorites of fortune, pets of vicious legislation to whom the Government has farmed out the power of oppression over others;" "incarnation of human selfishness;" "sordid, brutal selfishness;" "the lust for riches;" "obstructive avarice;" "to commit crime with impunity;" "monopoly and extortion;" "a gigantic crime;" "a policy so flagitious in principle, so rotten in morality, so ravenous in its exactions on the absolute wants of life;" "unjust, relentless, unsparing, insolent, and brutal;" "delusive bribes;" "a reckless, foolhardy experiment on the forbearance of the American people;" "rash and insolent assault on the toiling masses;" "the lowest depths of human depravity may be raked in vain for a baser or more infamous scheme by which to obtain money dishonestly;" "falsehood and perfidy;" "ghastly results;" "hideous fruits;" "uproar and strife;" "distress, want, and sometimes murder;" "unconscious and contented victim of robbery;" "dangerous policy;" "unbridled extortion;" "oppressed labor;" "monopoly and brutal avarice;" "narrow and corroding selfishness of riches;" "the oppression of the toiling masses;" "dangerous pretensions and intolerant arrogance of accumulated wealth;" "continued and brutal dictation of the plutocracy;" "this fortress of greed and gain, dedicated to the plunder and spoliation of the people;" and so on *ad nauseum*. What a choice vocabulary for the chosen leader of the Democratic party in this Chamber!

But let us turn from the Senator's lurid denunciation of the McKinley law and the robber manufacturers to such portions of his speech as may be properly considered in the line of argument. The Senator defends the Walker tariff law of 1846, approves of a duty on sugar, supports the committee's recommendations as to taxing distilled spirits, upholds an income tax, advocates free wool, and claims that Thomas Jefferson was a Democrat after the modern type. Let me, as briefly as may be, reply to those several points.

#### THE WALKER TARIFF OF 1846.

In reference to the Walker tariff of 1846 the Senator says:

In the history of tariff legislation in this Government, from the first act in 1789 to the present day, there is one enactment which stands out in its wisdom, its success, and its glory over all others. The Democratic tariff of 1846, devised by Robert J. Walker, ad valorem in its rates from beginning to end, with not a specific duty in it, has had no peer, no rival, even in the prosperity it secured for the American people during its existence as a law.

I know of nothing so absolutely astounding and incomprehensible as the Democratic claim that the Walker tariff brought prosperity to the country. In my former speech I discussed this matter at some length, but something further may properly be said concerning it. It is the one period to which the average Democratic orator always "points with pride;" the "golden era of prosperity." Well did McKinley, the great apostle of protection, once declare, "If that was a golden era of prosperity, may God save the country from any more such golden eras."

It is easy to make a glowing general statement that the Walker tariff brought prosperity to the country. A new generation has come on the stage of action since the free-trade

policy of the Southern slaveholding oligarchy was overthrown. But there are some men living who remember those days, and fortunately facts and figures are at hand to utterly disprove the Democratic assertion.

No attention whatever seems to be paid by our Democratic friends to the facts of history. They conveniently forget that in 1850 Mr. Samuel Bowles and other representative citizens of Massachusetts sent a petition to Congress entreating it to revise the tariff of 1846 in the interest of protection, and this is what that well-known editor of the Springfield Republican and his associates said at that time:

Previous to the passage of that law the manufacturing and mechanical interests in this community were in a flourishing condition. Since that time the condition of things has entirely changed, and it is fully believed that much of the stagnation of business may be traced to the operation of that law. Manufacturing languishes, mechanics are thrown out of employment, business of all kinds is dull, and unless protection can be afforded to our laboring class poverty will overtake them. The subscribers therefore pray that Congress will so alter the tariff of 1846 that it will protect the labor and capital of the country from foreign competition.

And they seem to forget, too, that in 1852 President Fillmore, in his annual message to Congress, made this statement:

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from \$68,000,000 in 1847 to \$21,000,000 in 1851, with almost a certainty of a still further reduction in 1852. The policy which dictated a low rate of duties of foreign merchandise, it was thought by those who established it, would tend to benefit the farming population of this country by increasing the demand and raising the price of agricultural products in foreign markets. The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of this policy.

President Fillmore also painted in glowing colors the disasters that had come to our manufacturing interests, and the suffering and sorrow that had overtaken our people.

Mr. FRYE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. I yield with pleasure.

Mr. FRYE. The recent elections in the North had, I supposed, utterly destroyed the Democratic party there, but I see they have destroyed it in the United States Senate also. When I commenced to speak there was one Democratic Senator here in the Chamber, now there are two.

Mr. GALLINGER. I welcome to my audience the Senator from Delaware [Mr. GRAY], who I see is now entering the Chamber. It is to be hoped that after we get along a little further in the discussion of the schedules of the bill that our Democratic friends will be on hand, as they doubtless will be, especially when we take votes on different provisions in the measure. I do not find fault that they do not listen to me to-day. The people are listening, and they will settle with the Democratic party.

Going along a little further, to 1854, and we find Hunt's Merchants' Magazine, a well-known free-trade journal of that period, declaring that:

Confidence is shaken everywhere and all classes are made to realize the insecurity of worldly possessions. The causes which led to this have been a long time at work. Goods which had accumulated abroad when the demand had almost ceased were crowded upon our shores at whatever advance could be obtained, thus aggravating the evil.

A little later, January 6, 1855, the New York Herald said editorially:

Elsewhere will be found some mention of large failures at Boston and New Orleans. The epidemic is traveling over the whole country. No city of any note can hope to escape.

An address of the Unemployed Workingmen's Committee to the mayor of the city of New York was published in the Herald of that same date. These workingmen said:

We do not come as beggars, but we ask what we deem right. We ask not alms, but work. We don't want a little soup now and cast-off clothing to-morrow. But we do want work and the means of making an honest livelihood. The condition of the working classes is most piteous. They want bread. Is there not enough in the city? They want clothes. Is there none madenowadays?

The New York Herald is filled with statements of this kind, showing the terrible condition of the workingmen, and the well-known appeals for help printed in the New York Tribune of the same date and in other papers equal anything that has occurred during the past year in this country. It was Democratic times then: it is Democratic times now.

And although often quoted, the words of President Buchanan in his message to Congress in 1857 will bear repetition:

In the midst of unsurpassed plenty in all the productions and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

Can it be possible that those were prosperous times? If idleness, low wages, hunger, failures, bankruptcy, are evidences of prosperity, then indeed did the Walker tariff bring prosperity to the country, but not otherwise.

The following letter from a resident of my State, a man of wide

observation and experience, now well advanced in years, will throw a flood of light on this question:

CHARLESTOWN, N. H., April 11, 1894.

MY DEAR SIR: If you propose to say anything more on the tariff question, I wish you would arraign the abettors of the "Wilson bill" for the entire falsehoods they utter in regard to the "Walker tariff" of 1846.

Those of us who were engaged in manufactures at that time well remember the prostration in business and the illness of the working people in 1848, 1849, and 1850, despite the call for some braucades of manufacture caused by the Mexican war. This continued until the gold began to pour in from California in 1851, when a short period of apparent prosperity and inflation followed, until the great crash of 1857.

The gold all went through the country to Europe, and, as you will know, the United States had to pay a premium for it in 1853.

I sketched some reminiscences of those days in the new city of Lawrence (started in 1845), in a paper for the Manufacturers' Gazette, which I sent you last week, and which I hope may be of interest to you. Few of these free-trade orators are old enough to know what they are talking about.

Yours, very truly,

SAMUEL WEBBER.

HON. J. H. GALLINGER.

A letter written by the same gentleman in January of this year, and printed in the Boston Journal, is of interest in this discussion. Mr. Webber says:

While you are perfectly correct in denying the falsely claimed prosperity of the country under the Walker tariff of 1846, you do not make use of some important facts in the history of the city of Lawrence from 1847 to 1853, when the influx of gold from California produced a temporary prosperity which lasted until the great crash of 1857. There must be some of the old stockholders in the mills of that city living, who can give you some mournful facts.

I went down there from Lowell as draftsman and assistant engineer to the Bay State mills in 1847, and well remember how in 1843 it was found impossible to start the mills on the fabrics for which they had been planned, viz. "fancy cassimeres and overcoatings." I remember when Miss Turnbull, sister of Mrs. Samuel Lawrence, brought home a plaid shawl from Scotland, and Mr. Lawrence saw it might pay to try and make some of them.

Milton D. Whipple, a well-known inventor of Lowell, was called in, and invented a machine to twist the fringes, which was done by hand in Scotland, and thus saved about 20 cents on a shawl. The success for a couple of years was phenomenal, until the fashion changed, leaving the mills to struggle along uncompleted, until they went under completely in 1857, and were re-capitalized as the Washington mills at 10 cents on the dollar.

I remember how the great Atlantic cotton mills threw up half their plans and the Essex Company took back the land and wheelpits, which had been built and which lay idle for many years, until it was finally purchased by the Pacific mills, and is now utilized for the manufacture of cotton and worsted goods, and known as the "Lower Pacific."

I remember how friends of mine, who were original subscribers to the stock of the Pacific mills, were said to have sold their \$1,000 shares for \$75, because they could not raise the money to pay assessments called for additional stock because the expenditure had exceeded the estimates.

I well remember, also, how this call for money worried the late Hon. Abbott Lawrence, who was largely interested in those mills. I can speak only as an observer and a working engineer, but you can surely find men who can tell you of their personal losses.

The tariff of '46, planned by a Southerner, did not bear so heavily on coarse cotton goods as it did on woolens, and after the gold came in from California the manufacture of ordinary cottons was profitable, but all the prosperity of that period was due to California and not to the tariff, and that all was not prosperous before the gold came in is shown in an article in the November number of the Engineering Magazine on "The History of Strikes in America," which says: "In 1850 business was dull throughout the country. Out of 2,485,700 cotton spindles in New England over 800,000 are said to have been stopped." Wages were reduced in Fall River and a great strike followed, in which 1,300 people were out of employment for six months.

We are now repeating the disasters which followed the tariff of 1846 for four years, and we have no California to fall back on!

The young men who write the "Free Trade Tariff Reform" articles for the Boston Herald and such papers do not remember as far back as 1850, and you will do good service to the country if you will obtain and publish some facts from men who were crippled or ruined financially by the tariff of 1846.

Yours, very respectfully,

SAMUEL WEBBER.

CHARLESTOWN, N. H., January 6, 1894.

Such testimony is worth more than all the rhetoric of all the Democratic orators in the country, and ought to settle forever the contention as to the practical workings of the tariff of 1846.

Mr. GRAY. Does the Senator from New Hampshire object to a question? I see he has a prepared speech.

Mr. GALLINGER. Not at all; I shall be pleased to have an interruption.

Mr. GRAY. The letter from the constituent of the Senator from New Hampshire, to which I have been listening, describes the condition of the country as he believes it to be under the Walker tariff of 1846.

Mr. GALLINGER. Yes.

Mr. GRAY. Has he said anything about the condition of the country under the McKinley tariff in 1892, 1893, and 1894, the tariff under which we are now living, and which is in active operation to-day?

Mr. GALLINGER. I believe he did not allude to that, but the Senator from Delaware knows that he could not have said anything detrimental to the operation of the McKinley tariff in 1892, as it is admitted on all hands that that was the most prosperous year in the history of the country.

Mr. GRAY. We had in 1892 some of the most disastrous strikes we have ever had in the history of the country.

Mr. GALLINGER. We have always had disastrous strikes, and free-trade England has had more than this country has had.

Mr. GRAY. The strikes in this country never were so disas-

trous as they were in 1892. Never were so many men shot down in their tracks for demanding their share—

Mr. GALLINGER. I do not agree to that. How many men were shot down in their tracks, and under what circumstances?

Mr. GRAY. Ever so many; I do not know the number.

Mr. HOAR. Will the Senator from New Hampshire allow me a moment?

Mr. GALLINGER. With pleasure.

Mr. HOAR. How can the McKinley tariff be said to be in active operation in the United States to-day when, ever since the election of the Senator from North Dakota [Mr. ROACH], which gave the Democrats their majority in this Chamber, every business man has known that if he made a contract the tariff was liable to be repealed before he could execute it?

Mr. GALLINGER. I was about to make that very observation. Mr. Webber, the gentleman from whom I have been reading, and whom I know to be one of the most intelligent men in our section of the country, calls attention to the fact that this condition of things has existed in this country, just as it existed under the tariff law of 1846, ever since the Democratic party came into power on a platform pledging it to re enact a tariff similar to the tariff law of 1846. It is, Mr. President, I submit, almost a reflection upon the intelligence of the distinguished Senator from Delaware for me to have to remind him of the fact that the business interests of this country perfectly understand that the Democratic majority proposes to strike down the high-tariff law of 1846 and enact a low-tariff law in its stead, and that every contract that is being made is made, and every man who proposes to invest one single dollar in any industry in this country, does it with the understanding that if the Democratic party can rally, by fair means or foul, a sufficient number of votes to pass the Wilson tariff bill, they propose to give this country a low tariff instead of the high tariff which we have had for the last thirty-three years.

Mr. GRAY. I do not wish to interrupt the Senator from New Hampshire unduly.

Mr. GALLINGER. I am very happy to yield.

Mr. GRAY. I should like the Senator from New Hampshire to state what he thinks the people of this country meant by the mandate which they gave to Congress by an overwhelming majority in 1892, to do the very thing of which he complains?

Mr. GALLINGER. While I am not a Yankee by birth, I have lived among the Yankees long enough to answer the question of the Senator from Delaware by asking another. I wish to ask the Senator from Delaware what he thinks the people of this country meant by the overwhelming verdict they have given against the Democratic party in every State where elections have been held since the Wilson bill was reported to the Congress of the United States?

Mr. GRAY. I will answer the question not by asking another, but by saying that since the verdict of the people on the McKinley law was given there has been no election in which the tariff was an issue at all. There has not been, since 1892, one single Representative sent to the Congress of the United States who was elected upon the issue, fairly raised, as to the existence of the McKinley tariff.

Mr. GALLINGER. Evidently the Senator from Delaware has been neglecting his opportunities. If he does not know that there was a contest in two Congressional districts in the city of New York, and that the tariff was the only question that was at issue, and that in one district 10,000 Democratic majority was wiped out and a Republican elected, and in another district 12,000 Democratic majority was reduced to 2,000, then I say again it is a reflection upon the intelligence of the Senator from Delaware to even call his attention to this matter.

Mr. GRAY. If I were to indulge in that kind of language, which I do not wish to do, I should say it was a reflection on the intelligence of the Senator from New Hampshire not to know that the elections in New York turned upon the local, city politics, the Tammany and the anti-Tammany organizations. It was one of those temporary disturbances in politics which occur there and in all great cities.

Mr. GALLINGER. I certainly did not mean to be offensive to the Senator from Delaware. This is the first time the suggestion has ever been made that those elections were conducted on local issues, and I hope the people of New York will take note of it.

Mr. ALDRICH. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. With pleasure.

Mr. ALDRICH. The elections in the two Congressional districts in the city of New York to which the Senator from Delaware has alluded were conducted solely upon the question of the tariff.

Mr. GALLINGER. That is precisely what I said.

Mr. ALDRICH. The successful candidate in one of the dis-

tricts, Mr. QUIGG—I do not remember the number of the district—made a house-to-house canvass throughout the entire district, not simply upon the tariff question, but upon the bill as it then stood in the House of Representatives, the so-called Wilson bill. The election in Pennsylvania was also carried on upon tariff lines.

Mr. GRAY. The "Dutch carried Holland" there, did they not?

Mr. ALDRICH. The election in my State, where the selection of a member of this body was at stake, was carried, too, solely upon that issue. If there is anything in the signs of the times that is perfectly clear and that the Senator from Delaware understands as well as I do, it is that the people of the United States are heartily sick and disgusted with themselves for the result of the elections of 1892, and that there is a revision of that judgment going on at the present moment.

Mr. GRAY. Against the assertion of the Senator from Rhode Island and his declaration in respect to which I have no doubt the wish is father to the thought, that the people are sick of tariff reform, I have only to place again their distinct, emphatic, and impossible-to-be-misunderstood verdict in 1892, and to state that since then there has been neither opportunity to reverse it nor any attempt to reverse it.

Mr. ALDRICH. If the Senator from New Hampshire will yield for a moment further—

Mr. GALLINGER. Certainly.

Mr. ALDRICH. I did not say that the people of the United States were sick of tariff reform. My declaration was not intended to be so broad. What I did say and what I mean to affirm is that the people of the United States, with great unanimity, are opposed to the kind of tariff reform which it is proposed to be enacted into legislation by any of the bills now before the Houses of Congress. It is this nondescript measure, which is neither for free trade nor protection, which is a thousand times worse in its effects upon the country than either would be, that the people of the country are disgusted with. I will state to the Senator from Delaware (and I am not greatly mistaken he will find the same thing true in Delaware next November) in my part of the country there is not an intelligent Democrat of any kind who does not denounce the proposed legislation that is now before Congress.

Mr. GRAY. The only satisfactory evidence that we can ever have about popular sentiment is a popular vote, and I am not in the habit of indulging in prophesies in a matter of that kind. If I did I could indulge in some.

Mr. ALDRICH. I do not think it would be safe for the Senator from Delaware to indulge in prophesies.

Mr. GALLINGER. Now, I believe I will proceed. I will say, broadening the suggestion of the Senator from Rhode Island a little, that, in my opinion, there has not been an election in any State of the American Union since the Wilson bill was reported that was not fought distinctly upon the tariff issue.

Mr. FRYE. Nor in any town.

Mr. GALLINGER. Nor in any town. If the Senator from Delaware is so confident that the verdict of the American people was in favor of tariff reform, as he calls it—and I wish to call his attention to this matter—and that the American people decided in favor of this sort of legislation and that they have not changed their mind in regard to it, is he willing to put this matter over and submit it again to the people of this country in November of the present year?

Mr. GRAY. I should not dare go home to my people if I did.

Mr. GALLINGER. The Senator would not come back here if he did. [Laughter.]

Mr. ALDRICH. I desire to call the attention of the Senator from Delaware to another significant fact. The Democratic press of the country, the influential press of the country, has had nothing but words of praise to say in respect to the two speeches which have been made upon the other side of the Chamber in opposition to this measure. I know of no Democrats of the North who are not heartily in sympathy with the effort which is made here by the Senator from New York [Mr. HILL] and the Senator from New Jersey [Mr. SMITH] either to put the bill into a shape where it will conform with Democratic principles and Democratic doctrines or to defeat it. This movement, I say, has the hearty sympathy of every Democrat I know of in the North.

Mr. GRAY. I crave the indulgence of the Senator from New Hampshire, as he is so amiable about yielding.

Mr. GALLINGER. I am always delighted to yield to the Senator from Delaware.

Mr. GRAY. The Senator from Rhode Island as usual, in the enthusiasm of his nature and with that hopefulness which builds itself to such gigantic proportions upon so slight a foundation, is building a very great superstructure on the two speeches to which he alludes. I understand both of those speeches were

confined (certainly the last one was confined, unless I am misinformed) to a discussion of the income-tax provision of the proposed law, which has just about as much relation to the tariff reform that was passed upon by the people in 1892 as a ukase of the Emperor of Russia. If he builds his hopes entirely upon that foundation, I am afraid we will have to sympathize with a very grievous disappointment. If that means an objection to tariff reform, then, of course, I am quite as much mistaken as the Senator from Rhode Island no doubt thinks I am.

Mr. ALDRICH. I shall be very much mistaken if a large majority of the Senators sitting upon the other side of the Chamber do not arrive at the conclusion before we are through with this discussion that the income tax is a very essential element of tariff reform.

Mr. GRAY. Is the Senator from Rhode Island opposed to the income tax?

Mr. ALDRICH. Certainly. I am not only opposed to an income tax, but to all the innumerable odious provisions of the pending bill.

Mr. GALLINGER. I can speak more definitely concerning the politics of my own State than I can speak concerning the State of Delaware or any other State. I know what our people are thinking about to-day. I heard a gentleman, who was a delegate from New Hampshire to the last national Democratic convention and who was a warm supporter of Mr. Cleveland's nomination, say in this building that if the proposed tariff law is passed there will not be any Democratic party in New England left.

I know that the member of the national Democratic committee from my State is credited with having recently said to a high officer of the Government in this city that he proposed to continue to vote the Democratic ticket as long as he lived, but that if the Wilson bill passed he thought he would be the only man in New Hampshire who would vote that ticket at the next election. It may be that the people are not talking and thinking and acting upon the tariff question; it may be that they are talking of local matters instead of national affairs, but I can not conceive how any Senator can stand in this Chamber and make a declaration of that kind.

DOCUMENTARY PROOF.

Fortunately, too, there are documents in existence bearing on the question of the tariff law of 1846 which can not be gainsaid. Among those are the pay rolls of New England manufacturing establishments. Mr. John F. Busiel, of Laconia, N. H., is a gentleman known throughout New England as a man of strictest honor and integrity. Until recently he was a Democrat, but the free trade tendencies of the Democracy have driven him into the ranks of the Republican party. In 1848 Mr. Busiel managed the Gilford Manufacturing Company, and in a recent letter to Congressman BLAIR he furnished the pay roll of his mill for the month of February, 1848. It is exceedingly instructive, and I borrow it from a recent speech of Congressman BAKER of New Hampshire:

February, 1848.

Name.	Time.	Rate.	Amount.	Rate per hour for 14 hours.	Rate per day on 10-hour basis.
	<i>Days.</i>			<i>Cents.</i>	
J. V. Goodwin, overseer	25	\$1.50	\$37.50	10 $\frac{1}{2}$	\$1.05 $\frac{1}{2}$
Jas. Robie	25	.42	10.42	3	.30
Thomas Kelley	25	.25	6.25	1 $\frac{1}{2}$	.17 $\frac{1}{2}$
Nancy J. Piper	24	.53	12.71	3 $\frac{1}{2}$	.37 $\frac{1}{2}$
Nancy Robie	25	.72	17.87	5 $\frac{1}{2}$	.51 $\frac{1}{2}$
Mary Robie	25	.63	15.81	4 $\frac{1}{2}$	.45
Susar E. Robie	25	.65	16.43	4 $\frac{1}{2}$	.46 $\frac{1}{2}$
M. J. Dolloff	11	.50	5.50	3 $\frac{1}{2}$	.35 $\frac{1}{2}$
Catherine Buzzell	23 $\frac{1}{2}$	.62	14.57	4 $\frac{1}{2}$	.44 $\frac{1}{2}$
Merriam Leavitt	23 $\frac{1}{2}$	.68	15.98	4 $\frac{1}{2}$	.48 $\frac{1}{2}$
Ruth Smith	2 $\frac{1}{2}$	.68	1.70	4 $\frac{1}{2}$	.48 $\frac{1}{2}$
H. E. Semple	25	.58	14.62	4 $\frac{1}{2}$	.41 $\frac{1}{2}$
B. Moulton	16 $\frac{1}{2}$	.66	10.88	4 $\frac{1}{2}$	.47 $\frac{1}{2}$
L. A. Flanders	18	.51	9.18	3 $\frac{1}{2}$	.36 $\frac{1}{2}$
S. E. Martin	25	.57	14.25	4 $\frac{1}{2}$	.40 $\frac{1}{2}$
S. Taylor	25	.75	18.75	5 $\frac{1}{2}$	.53 $\frac{1}{2}$
Ruth Taylor	25	.75	18.75	5 $\frac{1}{2}$	.53 $\frac{1}{2}$
Eleanor Hinds	25	.33	8.33	2 $\frac{1}{2}$	.23 $\frac{1}{2}$
P. Hayford	25	.41	10.33	2 $\frac{1}{2}$	.29 $\frac{1}{2}$
M. A. Tilton	3	.31	.93	2 $\frac{1}{2}$	.22 $\frac{1}{2}$
Mary Tilton	3	.17	.51	1 $\frac{1}{2}$	.12 $\frac{1}{2}$
Eleanor Leavitt	2	.17	.32	1 $\frac{1}{2}$	.12 $\frac{1}{2}$
Mary A. Swain	8	.34	2.72	2 $\frac{1}{2}$	.24 $\frac{1}{2}$
L. A. Drake	8	.38	3.06	2 $\frac{1}{2}$	.27 $\frac{1}{2}$
Caroline Jewett	20	.28	5.66	2	.20
Mary E. Tucker	1 $\frac{1}{2}$	.42	.73	3	.30
W. Tucker	*78	1.50	117.00	10 $\frac{1}{2}$	1.05 $\frac{1}{2}$
Jere Jaques	150	.88	44.00	6 $\frac{1}{2}$	.62 $\frac{1}{2}$
Charles Kelly	20 $\frac{1}{2}$	.58	11.90	4 $\frac{1}{2}$	.41 $\frac{1}{2}$
William Elkins	25	.58	14.55	4 $\frac{1}{2}$	.41 $\frac{1}{2}$
Lewis Badger	16 $\frac{1}{2}$	.51	8.35	3 $\frac{1}{2}$	.36 $\frac{1}{2}$
John Kelly	20 $\frac{1}{2}$	.45	7.12	3 $\frac{1}{2}$	.37 $\frac{1}{2}$

\*Three months. †Two months.

February, 1848.—Continued.

Name	Time.	Rate.	Amount.	Rate per hour for 14 hours.	Rate per day on 10-hour basis.
	<i>Days.</i>			<i>Cents.</i>	
Amanda Smith	8	\$0.52	\$4.16	3 $\frac{1}{2}$	\$0.37 $\frac{1}{2}$
S. J. Tucker	25	.43	10.78	3 $\frac{1}{2}$	.30 $\frac{1}{2}$
Angelina Folsom	25	.49	12.18	3 $\frac{1}{2}$	.35
Amanda Semple	25	.48	12.08	3 $\frac{1}{2}$	.34 $\frac{1}{2}$
Caroline Semple	25	.43	10.78	3 $\frac{1}{2}$	.30 $\frac{1}{2}$
Mary Semple	25	.33	8.33	2 $\frac{1}{2}$	.23 $\frac{1}{2}$
Mary Parsons	25	.42	10.42	3	.30
Sarah A. Gilman	14	.38	5.25	2 $\frac{1}{2}$	.27 $\frac{1}{2}$
Sarah A. Clay	22	.35	7.73	2 $\frac{1}{2}$	.23 $\frac{1}{2}$
Hannah Keyser	25	.50	12.52	3 $\frac{1}{2}$	.35 $\frac{1}{2}$
E. Hackett	21	.53	11.10	3 $\frac{1}{2}$	.37 $\frac{1}{2}$
Mrs. F. Smith	25	.50	12.50	3 $\frac{1}{2}$	.35 $\frac{1}{2}$
Sarah Leavitt	25	.45	11.25	3 $\frac{1}{2}$	.32 $\frac{1}{2}$
Eliza J. Dolloff	6	.54	3.25	3 $\frac{1}{2}$	.38 $\frac{1}{2}$
Mary A. Ames	10 $\frac{1}{2}$	.43	4.58	3 $\frac{1}{2}$	.30 $\frac{1}{2}$
David Edwards	4 $\frac{1}{2}$	.50	2.25	3 $\frac{1}{2}$	.35 $\frac{1}{2}$
Caroline Parsons	21	.35	7.33	2 $\frac{1}{2}$	.25
Mrs. J. Gilman	2	.37	.75	2 $\frac{1}{2}$	.26 $\frac{1}{2}$
Emily Morrill	23 $\frac{1}{2}$	.23	7.83	2 $\frac{1}{2}$	.23 $\frac{1}{2}$
Melissa Young	17	.46	7.78	3 $\frac{1}{2}$	.36 $\frac{1}{2}$
Ann Parsons	25	.33	8.33	2 $\frac{1}{2}$	.25
Geo. Smith	16 $\frac{1}{2}$	.42	6.92	3	.30
Olive J. Chapman	24 $\frac{1}{2}$	.33	8.17	2 $\frac{1}{2}$	.23 $\frac{1}{2}$
Emeline Folsom	25	.37	9.30	2 $\frac{1}{2}$	.26 $\frac{1}{2}$
Hannah Taylor	25	.42	10.42	3	.30
E. Ladd	25	.38	9.50	2 $\frac{1}{2}$	.27 $\frac{1}{2}$
Anu D. Eagan	3	.35	1.05	2 $\frac{1}{2}$	.25
John Tucker	4 $\frac{1}{2}$	.25	1.12	1 $\frac{1}{2}$	.17 $\frac{1}{2}$
Phoebe Ames	14	.33	4.67	2 $\frac{1}{2}$	.23 $\frac{1}{2}$
Lydia Flanders	5 $\frac{1}{2}$	.54	2.98	3 $\frac{1}{2}$	.38 $\frac{1}{2}$
J. Blackey	14 $\frac{1}{2}$	.52	7.55	3 $\frac{1}{2}$	.37 $\frac{1}{2}$

If any Democratic Senator who thinks the period of the Walker tariff was such a golden era will take that pay roll, copied from the books of a manufacturing concern in my State, and then come before the Senate of the United States and still contend that those were prosperous times I will promise to yield the discussion absolutely.

This table shows that the average pay of each employe, including overseers, during those good old Democratic days was 51.6 cents per day of fourteen hours or 36 $\frac{1}{2}$  cents per day of ten hours. Statistics show the average pay of mill operatives to have been as follows, at stated periods between 1848 and 1892:

- 1848, Walker tariff, 50.7 cents per day of fourteen hours, 3.62 cents per hour.
- 1853, Walker tariff, 57.4 cents per day of fourteen hours, 4.1 cents per hour.
- 1861, Morrill tariff and war time, about 50 cents per day of eleven hours, 4 $\frac{1}{2}$  cents per hour.
- 1864, Morrill tariff, about 60 cents per day of eleven hours, 5 $\frac{1}{2}$  cents per hour.
- 1869, Morrill tariff, \$1.16 per day of eleven hours, 10 $\frac{1}{2}$  cents per hour.
- 1892, McKinley tariff, \$1.57 per day of ten hours, 15.7 cents per hour.

For 1893 the wage rate showed a slight increase over 1892, until the panic stopped business. It will be seen that the wage rate under the McKinley tariff of 1890 was more than four times that of the Walker tariff of 1846. And yet the Senator from Indiana says we had marvelous prosperity under the tariff of 1846, and that the McKinley law was "a reckless and foolhardy experiment on the forbearance of the American people." What sublime and unutterable nonsense that is.

Mr. Busiel concludes his exceedingly interesting letter in these words:

Thus it will be seen that during the period of the Walker tariff and through the war, there was very little increase in the purchasing power of an hour's work, while since protection has had a natural opportunity to operate during the last thirty years, the hour's pay has become at least three or four times more valuable as a purchasing power than under the Walker period of free trade or revenue only. It should be further stated that food, clothing, and other necessities were generally much more expensive relatively during the Walker tariff period than since that time under protection.

What is true of the manufacturing industry is also true in regard to agriculture and all other employments of society. I worked on a farm myself in those days and know that first-class hands received 50 cents working out by the day during the warm season, excepting in haying time, when they were paid 75 cents. Ten and twelve dollars by the month was the very highest pay then known to be paid on a farm in that part of the country, while six or eight was nearer the average. The improvement of the condition of our people under the policy of protection is beyond realization by those who have not witnessed it in others or experienced it themselves.

These are solemn facts as against Democratic theory; but notwithstanding it all the Democratic party will continue the cry that the Walker tariff period was "a golden era of prosperity." Heaven save the mark!

SUGAR.

The Senator from Indiana defended with much vigor the proposed placing of a duty on sugar, and denounced the bounty feature of the McKinley law as a great outrage on the American people. It is difficult to discuss seriously such a speech as that of the Senator from Indiana. How can argument reach a man who claims that the farmer does not need protection for

his wool, because, as he says, "a man canopied by the free open heavens can not prosper by the artificial and unfair processes of protection." The same logic would forbid the farmer, with the free canopy of heaven over him, to use artificial fertilizers on his land.

The Senator exulted in eloquent language because the price of sugar has fallen heavily since 1846, and then he fiercely denounced the bounty system, to which alone that decline is due. If he does not like McKinley prices for sugar why does not he go back to Walker prices in 1846, which were more than twice what they are to-day? The Senator calls the \$10,000,000 paid in bounty robbery and extortion, but he conveniently forgets the \$50,000,000 or \$60,000,000 that have gone into the pockets of the people because of practical free sugar under the McKinley law.

The price of sugar has fallen because three-fifths of the sugar supply of the world is furnished by beets; and the beet sugar industry, created by protection of the most stringent character, has always been, and is now, stimulated by bounties. The Senator does not like "artificial" methods of producing industrial results under the free canopy of Heaven. But if there ever was employment of artificial means in such a direction it was when France thus summoned into existence, and the other nations of Europe promoted and developed, the culture of the sugar beet. Eloquent references to the free canopy of Heaven and to the intrinsic viciousness of bounties will not disguise the facts, first, that this friend of the farmers is trying to destroy a new industry which in the great West promises much for the prosperity of the agricultural population; and, second, that while he will relieve the people from payment of about ten millions annually for bounties, he will compel them to pay in sugar duties from fifty to sixty millions which they are not now required to pay.

This is the grand scheme of the Democratic party in regard to sugar. It strikes a blow at every man, woman, and child in the land, and especially in the families of the poor. It protects and fattens the great sugar trust, while at the same time it imposes an additional burden upon every consumer of sugar in the United States, and sounds the death knell of the beet-sugar industry in Kansas, Nebraska, and other States.

Whether, as is rumored, the Democratic majority have further yielded to the sugar trust, and are contemplating an added increase of duty, I do not know. It matters not whether that be true or false, the people understand the question, and the day of reckoning for the Democratic party on this subject is not far away.

#### TAX ON DISTILLED SPIRITS AND THE EXTENSION OF THE BONDED PERIOD.

In discussing the tax on distilled spirits and the extension of the bonded period the Senator from Indiana declared that the task was easy and the way smooth. He then proceeded to show that the proposed increase of tax and the extension of the bonded period was altogether in the favor of the Government and not at all to the interest of the whiskey ring. It will be difficult for the Senator to impress his views on this subject upon the minds of candid men. The present internal-revenue tax on whisky and other distilled spirits is 90 cents a gallon, to be paid by the distillers three years after the liquor is made, or at any time within the three years if it shall be sold.

The three years are allowed for the reason that the newly made liquors are unfit for use, and require about three years to ripen and evaporate their rawness. For the purpose of keeping these liquors until sold for use, the Government provides bonded warehouses in which to put them during the three years' process of maturing. The tax is not demanded until the liquors are taken out of these warehouses for sale. But whenever they are taken out, the tax must be paid. The result of this system of storage is an enormous stock of liquors constantly in these warehouses unsold. So far so good. But now, what do we see? The new "reform" tariff, with its internal-revenue attachment, provides that the tax shall be increased from 90 cents to \$1.10 per gallon, but the additional 20 cents shall not apply to the liquors now stored and to be stored before the new act goes into effect, but shall apply only to the liquors made after the law goes into operation. This is manifestly for the purpose of giving the distillers, the whisky, rum, and gin makers, the chance to add the 20 cents a gallon to the price of their products as clear profit without paying it as a tax at all. In addition to this, the new bill extends the storage period to eight years, so as to give the whisky ring all the advantages of the market for this long term instead of the three years now provided, and thus relieve the distillers from the trouble of raising money to pay the tax and saving them interest on the whole amount. This job of legislation will put millions into the pockets of the whisky ring as clear profits.

But let us see how this proposed increase on distilled spirits will work. The whisky ring will remove from bond an immense supply of the stock on hand, increase the price the amount of the additional tax (20 cents per gallon), and the Government

will get nothing additional by way of tax. Not only the consumer of whisky, but those who use alcohol in the arts, will be compelled to contribute 20 cents per gallon to the most unscrupulous and desperate ring that has ever existed in this country. Now, let us go a step further. The bill proposes to extend the bonded period from three to eight years. What will be the result of such extension? The Government will be deprived for five years of its tax of 90 cents per gallon. Ninety cents, at 6 per cent, is 5.40 cents annually, and for five years it is 27 cents. So that every gallon of spirits left in bond for five additional years will pay the Government 20 cents additional tax, and at 6 per cent interest the whisky ring will make 27 cents, or 7 cents more than will be paid to the Government.

At 5 per cent the loss to the Government will be 2½ cents on every gallon, and at 4 per cent the Government will make a profit of just 2 cents per gallon. This is a matter of simple mathematics which I seriously commend to the consideration of the Senator from Indiana and his Democratic associates. I say that the pretended advance of the duty on distilled spirits is a humbug from beginning to end. It will not much benefit the revenues of the Government, it will largely increase the price of alcohol used in the arts, and it will enrich an already highly favored class of men, combined to control the market in distilled spirits. In addition to which it may be said that while the Government is keeping the whisky eight years in bonded warehouses it will probably double in value because of its added age.

#### WHY NOT A TAX ON BEER?

If additional revenue is needed why not put the tax on fermented liquors? The tax on beer is paid yearly, and there is no bonded period. Alcohol and spirits now pay 70 per cent tax, while beer pays about 25 per cent. The former is used to a large extent in manufactures, while the latter is all drunk. Let the tax on distilled spirits remain at 90 cents, and the tax on beer be increased from \$1 to \$2 per barrel. Such an arrangement would not be profitable to the whisky trust, but it would be sensible and just. Why this extreme tenderness and consideration for the brewing interest of the country which accumulates vast fortunes? The claim that beer is a food product and should not be further taxed is ridiculous in view of the proposed tax on sugar, used by every person in the country, rich and poor alike, and from the fact that inasmuch as only a small proportion of the sugar consumed by our people is produced in this country, it is entitled to free admission to our markets.

Beer is an article not carried in bond in such large quantities as to affect the interests of any trade by an increase of the internal tax from one to two dollars per barrel. The increased income would be immediately available; the retail price would not be affected in the least. There would be no one engaged in the arts and manufactures to suffer, as will be the case should spirits and alcohol be advanced in price. Aside from this very important consideration, the money market will not be disturbed, as there would be no demand for funds to take out goods under the present law, thereby deferring for an indefinite period the benefits of legislation. The limit the Government hopes to benefit ultimately from the increased tax on spirits is twenty millions per year, and really nothing for a long time. Beer increased \$1 a barrel would bring in a revenue of over thirty millions per year, the increase becoming immediately available. From this the Government could continue the present bounty on sugar, and have nearly twenty millions surplus.

Then why not tax beer? Will some one on the Democratic side kindly make answer?

#### THE INCOME TAX.

With his usual exuberance of language the Senator from Indiana gives his approval and blessing to the income tax proposition. He sees nothing in it but good, and even finds authority for it in the Good Book itself. But that, I will suggest to the Senator from Indiana, was a very different and much better income tax than the one now proposed.

In my former speech I pointed out that the proposed tax is inequitable, inquisitorial, and sectional, and will in time of peace subject the people to methods that were well nigh intolerable in time of war.

Since then the Senator from New York [Mr. HILL] and the Senator from New Jersey [Mr. SMITH] have discussed the subject with great ability, and have pointed out the overwhelming objections to this form of legislation. I will now content myself with calling attention to the utterances of certain public men and leading newspapers in opposition to this scheme.

Hon. J. C. HENDRIX, a Democratic Representative in Congress from New York, discussed this question in a speech in the House of Representatives with such remarkable keenness and ability that I can not refrain from quoting liberally from him. Among other things, Mr. HENDRIX said:

A volume could be written on the mysteries of this bill before we get within 40 miles of the plutocrat. If you make \$5,000 on the sale in 1894 of a

house purchased in 1892, you pay on that 2 per cent. If you lose \$5,000 on a house you bought in 1892—these real-estate transactions run from the year of our great victory—you pay 2 per cent of that also.

If you speculate as a business and lose \$5,000 in Wall street that is deducted from your taxable income. If you paid \$5,000 for a piece of real estate and the title proves bad—that is, if you bought it in 1892 and discovered your loss in 1894—you get no deduction. If there was a house on it and you had that burned you get a deduction, provided it was not insured. The law reads "losses actually sustained during the year arising from fire, shipwreck, or incurred in trade and not covered by insurance or otherwise." That "otherwise" is scattered through this bill like plums in a pudding.

If you own a building which does not pay because it has no elevator, and you put one in, the cost of that elevator is part of your income and you must pay 2 per cent on it. You can deduct the Medicine Lodge mortgage in some distant year when you have ascertained that it is worthless, but until so ascertained the tax runs on the interest upon it, and there are no drawbacks. The curios are not ended. From the aggregate income of all the members of any family one deduction of \$4,000 is made. What is the size of the family? The proposed law says it may be composed of one or both parents. It does not limit their ages—"one or more minor children"—it does not say whose children—"or husband and wife." Now, if there is not a problem for you!

Between them all, \$4,000 may be deducted. The grandparents may be living with their only son and his wife and their one or more minor children—all with \$1,000 incomes. Those \$4,000 of income is to be deducted? Does the exemption run to the "old folks at home?" The grandfather may never care to wander from his son's fireside. If he and his old wife should take a house next door they would save taxes on \$4,000, because they would be clearly within the statute. If they live with their only son and his wife and their one or more minor children, the taxable wealth of the country would probably be increased by \$3,000. If a husband and wife should each have a separate income of \$4,000 a year, they will have to be taxed, if they live together, on \$4,000. If they get a divorce, they are not taxed.

Four sisters, girls, of 17, 18, 19, and 20, say, jointly own a city house which yields \$15,000 a year income. They pay a tax on an income of \$12,000 because they live in sweet sisterly love with a big brother who is their guardian. They all marry in one season, and that taxable wealth is knocked into oblivion. A law that can shoot in as many directions as this one and hit something every time, is too dangerous to let loose in hard times on a suffering country.

If a poor farmer puts money into a little company and utilizes some water-fall near by for a factory, down comes the hand of a tax collector and makes his investment so unprofitable that it is better to keep his money idle, without the risk of business, in an old stocking. This law is an octopus. It has a tentacle for every man who has a dollar in any paying corporation in America. If a page here owns one block of Western Union Telegraph stock which pays him \$5 a year he must lose 2 per cent on that \$5. If I own a million dollars of Government bonds I do not have to lose 1 cent, not even on the accrued interest, on the premium, on the bond, or on that mystery of finance, the "premium on the coupon."

If I own \$100,000 worth of New York Central stock. I lose 2 per cent on \$4,000. If I go into a manufacturing enterprise that pays no dividend, but tries to build up a surplus for hard times, I get no return for my money and have to go to work. If my salary is \$4,000, I must account for the ratable share of the surplus of the factory, and that is taxed. So I am better off to lock my money up in governments or to put it in a savings bank, where it is under favor of State and national laws and is kept out of business. The bill should be entitled "An act to encourage idle capital."

It is a tax upon industry. There is a messenger boy in the bank of which I am president, who has put his savings into a corporate stock. He pays his 2 per cent income tax, although he has not over \$300 in the world and his salary is not over \$10 a week. His income is about \$15 a year from his investment, but it is taxed. A clerk who gets \$4,000 and saves nothing does not feel the tax at all. A stockholder lives on the proceeds of \$150,000 of Detroit City 4 per cent bonds and goes untaxed. The tax reaches the boy's \$15, but it does not touch the wealthy stockholder. Yet this bill is framed on the theory of each citizen's ability to pay! The widow gets insurance on her dead husband's policy. All dividends is coming to her are taxed 2 per cent, and she receives, say \$10,000, in one year. She must pay 2 per cent on \$6,000 of that. She invests the whole \$10,000 in some corporate stock, and her income, all that she has or ever expects, is \$600 a year. She loses 2 per cent tax on that by this bill. A rich man's widow puts \$100,000 into Brooklyn City 4's and doesn't pay a cent.

The President of the United States, with \$50,000 a year salary, pays nothing. It is claimed, and a member of Congress, who gets \$5,000 a year, and pays \$1,000 taxes on a fine house which he owns, escapes taxation. The member who rents a house for \$1,000 has to pay taxes on \$1,000, yet there is to be no inequality in this taxation! The Cabinet minister, with \$8,000 a year, may pay \$4,000 taxes on city lots, and not be taxed a dollar for the Government.

The law sends a prying, curious lot of officials about with power to invade homes and business houses, and to exercise all sorts of tyranny. It must be inquisitorial to the last degree. It punishes enterprise, hunts cooperation with a malicious mind, and seeks to discourage the strength that grows out of the union of savings in adventure, and drives capital into idleness and hiding. You can drive a coach and four through it, and yet it will take 2 cents out of one single dollar paid to a New England mill operative on her invested savings.

That is Democratic testimony from a man of large business experience, and as such is entitled to great consideration.

Hon. Roswell G. Horr, of Michigan, a sound thinker and writer on economic and financial questions, has this to say in an article published in the New York Tribune:

The income tax on the earnings of corporations, as it now stands in the Wilson bill, will compel national banks to pay an additional tax over and above that which they now pay as local taxation. The savings banks will be compelled to do the same thing. Indeed, the tax is universal and applies to the earnings of all corporations.

The President recommended such a tax in his message, but did not favor a tax on individual incomes. He no doubt conceived the notion that a tax on corporations could be more easily collected, and would not be so repugnant to our people as a tax on individual incomes. Such a tax on the earnings of corporations is, in fact, a tax on every stockholder of such corporations. Consequently the claim that the income tax will reach only about \$5,000 people in the United States is nonsense. The law as it now stands will affect several hundred thousand people who own stock in the numerous corporations. It is on that account that such a tax is unfair and unjust.

Many of the stockholders of these corporations are widows, children, and other persons who have not even \$1,000 of income a year. They suffer by such a tax, while the people who earn \$2,000, \$2,500, \$3,000, \$3,500 a year go scot-free. Such a tax is not perhaps as obnoxious to the people of the country as the direct tax on individual incomes, but it is by far the most unequal tax.

The savings banks will be affected. They will have to pay their own local

taxes, also this tax on their earnings, and will suffer by the tax being also collected on the dividends of many stocks which they hold as investments. These banks must also pay interest on their deposits.

There is no use trying to evade the conclusions. An income tax of this kind will have a tendency to cripple corporate institutions. The purpose seemed to be to tax all kinds of successful industry and to strike a direct blow at every person who is prosperous. I do not know that there was any special prejudice against the stockholders of national banks. The intention of the bill was to raise a large amount of money from persons and corporations that are doing well.

No one will deny the fact that the income tax is class legislation of the rankest kind. The exemption was placed at the high sum of \$4,000 in order not to reach any people except those who have large incomes. Such a tax is simply communism in an indirect way. In England the exemption is only \$500. A large exemption makes it a tax of the few for the benefit of the many.

The old rule that all property should be taxed equally is violated by such a law. Under this law more than one-half of the incomes of the United States are not taxed at all. The tax will be considered unjust by those who are required to pay it; and when taxes are so considered people always resort to schemes to avoid their collection. The premium thus offered for fraud and evasion leads to immorality.

The Washington Evening Star, in a very able editorial, says:

With a growing deficiency staring it in the face this Government, through those who are legislatively responsible for its present conduct, is searching for considerable additions to its income, and after more or less of thought the majority have come to the conclusion that a tax upon incomes will do much toward filling up the unsightly hole in the Treasury. The proposition is, however, extremely unpopular save with two classes—those Democrats who imagine they see in it the only relief for an embarrassed Administration and the Populists, who, as a rule, have no incomes large enough to be taxable. Even among loyal Democrats there is opposition to the tax; in fact, the more loyal the Democrat the less is the enthusiasm on this interesting topic. It is admitted by those who are convinced that tariff duties must be lowered that the deficit will have to be made up through the agency of internal taxation, but as soon as that point is reached there is instant division and divergence. It is more than difficult to understand the processes by which income-tax advocates can have satisfied themselves that they alone have reached the true solution of a most intricate problem, especially when history makes plain the antagonism with which Americans greeted an impost similar in general outline to that now proposed.

In an exhaustive review of income-tax legislation, published in the Annals of the American Academy, Prof. Frederic C. Howe of Johns Hopkins University says that "few taxes were more unpopular or odious to the people than the income tax. From its first imposition it was assailed as invading the sanctity of the most private affairs, as being inseparable from inquisitorial scrutiny into business relations, and an insufferable penetration into those affairs of the individual which were in a sense sacred, and which in the past had been exempted from the visits of the excise man. It was further alleged, with some truth, that a tax which offered such opportunities for evasion was a charge upon honesty and a premium upon false returns."

But there are other reasons why no such tax should be levied, and among these is that which shows sectional inequality and proves that the burden is on the class that deserves exemption—the successfully industrious and thrifty. Of course there is not so much disparity between the North and the South as there was during 1867 when one collection district in New York received more than twice as much income tax than was collected in all the States of Virginia, Texas, Tennessee, South Carolina, North Carolina, Mississippi, Louisiana, Alabama, Georgia, Arkansas, and Florida, but comparisons startlingly similar will surely develop if this extremely unpopular attachment to the Wilson bill becomes a law.

The New York Press, under the caption of "The Plunder and the Blunder Tax," dissects the income-tax proposition in these words:

The Wilson bill for the benefit of foreign manufacturers and the degradation of American labor is fittingly crowned with an income tax, intended to transfer to American and especially to Northern shoulders the burden heretofore borne by the foreigner. According to the estimate made by the advocates of the Wilson bill, the proposed income tax would yield \$50,000,000, by far the greater part of which would be exacted from the thrift and industry of New York, New England, Pennsylvania, Ohio, Illinois, and other Northern sections, and thereby removed from circulation and trade in those localities. A plain statement of the case is that the income tax would be a levy on the North to punish this section of the Union for having been loyal and prosperous; for having supported the principle of protection and taken advantage of its opportunities. The idea that an individual can be plundered without injuring the community in which he lives has been sufficiently expounded by the experience of the year that has passed.

No New York Congressman can be foolish enough to suppose that the removal, say, of \$5,000,000 from the bank accounts and pockets of New York citizens to the Federal Treasury by an income tax would not be an appreciable loss to the business interests, the merchants, the tradespeople, and working people of our city. The men who do not spend the larger share of their net incomes in the immediate vicinity of their homes are probably very few in number.

The income taxpayer may have to endure no serious inconvenience by curtailing expenditures for the household, for the church, for society and charity. But the church, the merchants, and tradespeople and the other beneficiaries of the expenditures thus diminished would also have to curtail. In the end the income tax would come out of the pockets of the wage-earner, or be paid at his expense. The New York Congressman, therefore, voting an income tax, would be voting, practically, to take a large amount of money from the current circulation, the business interests, and the wages earned in the city of New York. And the same statement applies to every place in the country that is a center of business energy.

There is no resemblance, and there can be no comparison, between a Federal income tax and the direct taxes levied for State and local purposes. The people of New York have paid many millions yearly in direct taxation, but the money goes directly into the channels of trade here in New York and supports thousands of resident families. Of the money paid in obedience to a Federal income tax but a small proportion would find its way back to local circulation. It would be virtually lost to the community from which it had been exacted, and it would be a loss appreciable by every resident, whether himself a contributor to the tax or not. Everybody knows the influence of a liberal circulation of money in promoting business and trade. The drain of an income tax on that circulation could not fail to have an unfortunate effect.

To the free traders whose desire is to buy foreign goods in preference to American goods, either without a tariff or with a fraudulent tariff that could be readily evaded, the income tax would be welcome. Most of them live where thrift and industry have no substantial foothold, and where honest labor has been considered degrading. It would gratify such men to see communities built up by protection desolated by free trade and robbed by

an income tax. But their wishes are not likely to be gratified. A large number of Democrats are said to be aroused to the suicidal folly of a proposition which is grossly antagonistic to the cherished American principle of the greatest individual liberty compatible with the common welfare and security.

Hundreds of other similar expressions can be found in the leading papers of the country—Democratic as well as Republican. The only papers which give this proposition unqualified support are those which advocate the doctrines of the Populist party. They seem to believe in distributing wealth by act of Congress, and hence roll the income-tax idea as a sweet morsel under their tongues. But time will not permit me to discuss this matter much further, and I will only add a quotation from an editorial from the Journal of Commerce, of New York, an exceedingly able publication, devoted largely to financial matters. It is the ablest discussion of the question that I have yet found. That nonpartisan paper says, under the appropriate heading of "Fiscal Tyranny:"

If the political desperadoes who attached the income tax to the tariff bill had any conception of the feeling aroused among citizens who comprehend its true significance, they would find strong reasons of party prudence for promptly reconsidering their rash proposals. For what are the facts as to this extraordinary innovation upon our customary methods of taxation? Let the following facts answer:

The income tax is a fulsome copy from imperial precedents. In European countries, where large armies are the custodians of the filched rights of the people, when all other resources of taxation have been exhausted this taxing by violence has been resorted to. In the case of nearly every government adopting it, it has been the last desperate resort either to support war or to pay its after penalties, and states once committed to the expedient rarely find it possible to throw it off. England committed to the tax during her wars at the beginning of this century, with the express understanding that it was to be but temporary, and to be consistent with that pretense she has since renewed it from year to year, no statesman daring to suggest its fixed perpetuation. However insincere the pretense, it is at least a standing confession of the illegitimacy of the tax; and no statesman would pretend to justify it on any other ground than that of fiscal expediency. In this country we reluctantly adopted the tax under the imperative necessities of the late war, but dropped it the moment those exigencies ceased, so distasteful was it to the self-respect of the individual citizen. In restoring the odious impost now, we should have no such excuse as then, nor even as much warrant as the European governments, whose fiscal straits are chronically perilous.

The tax is odiously inquisitorial. It starts with the demand that the citizen shall declare to corrupt and leaky officials the foremost secrets of his affairs, and swear to the exact amount of his income. Realizing how such inquisitions are calculated to evoke a just resentment, it next assumes good citizens to be dishonest, and puts in force the most insulting appliances of compulsory examination and search. By law of this boasted free country, therefore, every citizen who has been able to earn a competence is put in the category of thieves and swindlers, and is threatened with severest penalty if he hesitates to render absolute submission to these intolerable insults.

The tax violates the citizen's sacred right of privacy. In this aspect, it is a striking illustration of a certain British conception of governmental powers that is becoming too common in legislation. It is simply the coarse spirit of a vulgar bully that would demand access to a man's most cherished secrets as a means of extorting from him tribute which he is quite ready to pay in a legitimate way; and every Congressman who votes for this tax shows himself wanting in the first elements of decent manners, to say nothing of his lack of statesmanly appreciation of the most delicate of personal rights.

The execution of this tax involves a ruthless abuse of "the right of search." Under certain circumstances, a government may legitimately exercise the power of search or seizure over a man's house, his property, or his papers. Where a man is charged with crime, that authority may be properly exercised in the interests of justice and public order, but, even then, only upon a *prima facie* presumption of guilt established before a court by due process. But to create a tax which needs the exercise of this highly arbitrary form of power amounts to a wantonness of authority which nothing short of the last extremity of national danger could warrant. As a last resort of war finance, and especially if the loyalty of the people could not be trusted, it might be allowable. But to use such an instrument for the collection of taxes among a loyal and orderly people, ready to pay all reasonable revenue, is a shameless abuse of this search power; and all the more so because there are many other readily available means of raising revenue that would suggest no such brutal exercise of authority.

Surely the following language, from the Constitution of the United States, expresses a regard for the sacredness of the rights of privacy wholly incompatible with the flippant authorization of searches and seizures contained in this bill: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated." It is a poor sign of political tendencies when a majority of the legislators of this great Republic shows so little discrimination between a necessary and a wanton exercise of the severer powers of government.

The methods of enforcing this tax are copied from the Star Chamber—with this difference, however, that the English tyranny was enforced by judges, while in this case it is intrusted to the execution of politicians, who would be as liable to sell the secrets that come into their hands as to blackmail the victims of their authority. It is an incredible anomaly that methods of power that were abandoned by the Long Parliament should two hundred and fifty-three years later crop out again in the United States Congress.

The tax exposes the citizen to the faithless cupidity of leaky spies. The majority of Representatives who have voted for this tax consists largely of lawyers. Those gentlemen do not need to be told how much it is worth to know the secret of a man's business, his fortune, and his family prospects. Their experience has taught them how many varieties of harpies there are who are ready to turn such information to their own account and to the injury of the man whose secrets have been filched. The political experience that has brought these gentlemen to Washington has not left them ignorant that the class of men to whom the execution of this tax will be intrusted are, as a rule, not too virtuous to divulge an official secret for a consideration, and that there is "in the party" a class of official hucksters to whom they durst not refuse such secrets. All this, every member of Congress knows to be a certainty; and yet, with this knowledge of the abuse that is to be made of the secrets to be exacted from the citizen, they deliberately give their assent to the infamous wrong. We repeat that this income-tax scheme is a revelation of political turpitude in the National Legislature more startling than has appeared for many years. Can we wonder at the rottenness of local politics, when the filched leaders of party are found ready to thus prostitute the higher powers of the National Government?

The imposition of an income tax is an unjust form of class legislation. It is aimed at what is called the moneyed class, and carries the implication that they are the select few who should bear the national burthens. The notion is as shallow as it is demagogic. It conveys the false implication that the final incidence of taxes rests with the persons from whom they are collected; whereas the immediate payer always finds one means or another of shifting a large portion of what is collected from him upon other heads, and the burthen is finally distributed more or less equitably among the community at large. This is true indeed of every kind of taxation, and natural law, not the apings of conventional law, finally determines who shall pay the taxes. But in the case of this particular tax, one class is deluded by the flattering assumption that it is escaping the taxes, and the demagogic legislator is rewarded by the gratitude and hurrahs of his dupes.

The income tax owes its present advocacy very largely to a vicious sectional motive. Its Congressional supporters hail mainly from the Western and Southern States. Those sections are smitten with an insatiable jealousy toward the Eastern and Middle States. The latter sections can not be forgiven because their civilization happens to be older, more mature, better organized, and therefore more successful in the accumulation of wealth. The offense of the older States is that having grown out of the agricultural stage of development, they have become manufacturers, merchants, bankers, railroad builders, and the intermediaries for the exchange of our exports for imports. These services to the West are the crime of the East. The crime is to be atoned for by paying the Federal taxes; and the Western and Southern franchise is the authority by virtue of which the penalty is to be inflicted. But for this petty sectional envy, there would not have been ten men in the House of Representatives who would have stooped to demean themselves by thus conspiring against the liberties and immunities of American citizens.

This tax has a direct tendency to create disaffection towards the Government and to debase the public sense of honesty. A people respect their government in proportion as they are respected by the government. If citizens are dealt with on the assumption that they are as a mass dishonest and if on that suspicion they are beset by inquisitorial espionage and held under threat of forfeiture, they are apt to retort by treating the government as a robber and by evading its exactions by any and every means. This process of governing by force and of meeting the force by deceit and evasion is the device of fools and not of wise statesmen; and its tendency is to extinguish every sentiment of patriotism and to weaken private morals by debasing the morals of the public administration. Arbitrary government means death to national morals; and that is what might be expected from this monstrous proposal to rob the citizen of his most valued personal rights.

This great newspaper argues with striking ability that the income-tax proposition in this bill is unconstitutional, but, inasmuch as the United States Supreme Court, by a majority decision, affirmed the constitutionality of the income-tax law of 1873, that point may well be passed over without discussion. Very likely, however, if this bill passes, a test will be made of its constitutionality, and possibly a different conclusion may be reached by the Court. But, however that may be, the proposition to impose such a tax is contrary to both good business sense and good morals.

#### FREE WOOL.

When the Senator from Indiana got thoroughly warmed up to his subject nothing seemed to daunt him. Notwithstanding there are in the Senator's own State over 1,000,000 of sheep, the owners of which are to-day in close competition with the sheep-raisers of Australia and the Argentine Republic, he sees no reason why wool should not be put on the free list. The Senator's scheme seems to be to destroy American flocks by free wool, and then to destroy the American manufacture of woollen goods by putting the finished product on the free list. It is a grand scheme so far as the interests of England, Germany, France, Australia, and South America are concerned, but it means utter disaster to woolgrowing and wool manufacturing in this country.

The sheep industry in the United States is a very important one. There were in 1890 in all of the States 47,273,553 sheep, of a value of \$125,909,264, and the wool clip for that year aggregated 364,156,666 pounds. In New Hampshire there are 115,411 sheep, being a little less than our per capita proportion on the basis of population. This is a great industry, and deserves and should receive adequate protection. The Republican party has recognized that fact in all tariff laws passed since 1860, but the Democratic party at its first opportunity proposes to strike a blow at the interests of the farmers and utterly destroy this great and important industry.

We hear a great deal of talk about the decline of sheep husbandry in the United States. The wool clip in 1893 was 364,156,666 pounds, which was 31,139,261 pounds more than the clip for 1892, and 56,156,666 pounds more than for any other year in the history of the country. That surely does not look like retrogression in this great agricultural staple. Indeed, sheep husbandry, under adequate protection has twice made such rapid headway in the increase of flocks as to lead to the assurance that with the continuance of that protection we would soon produce the total amount of wool consumed by this country. During the last twelve years of the tariff law of 1867, the American clip increased 100 per cent, that increase being from 170,000,000 pounds in 1873 to over 340,000,000 pounds in 1884. If the duties had not been lowered at the end of that period, it is fair to assume that the same ratio of increase would have continued, in which case we would have produced in 1895 over 650,000,000 pounds, which, including the wool imported in the shape of manufactured goods, is the total amount of wool consumed by this country. A serious check

to the growth of the wool industry was given by the reduction of duties in 1883, but with the restoration of a portion of those duties by the McKinley law in 1890, such an impetus was given to the woolgrowing industry that the clip again increased at a rapid rate. The increase was from 310,000,000 pounds in 1891 to 360,000,000 in 1893, so that if the McKinley law had not been assailed, while the increase would have been slower than it was between 1873 and 1884 it is fair to assume that by the year 1900 we would be producing 650,000,000 pounds.

I find in a recent circular from Justice, Bateman & Co., wool merchants of New York, two interesting diagrams, which I will reproduce. The actual increases in the wool clip during the two periods already alluded to are illustrated by the solid black lines extending from left to right in the diagrams. The dotted lines which continue in the same direction indicate the time at which we would arrive at the production of our entire home consumption of wool.

Diagram showing that at the rate of increase from 1873 to 1884 under the protective influence of the tariff law of 1877, if continued at the same rate until 1885 the wool clip of the United States would then have reached 650,000,000 pounds, which, including the wool contained in imported goods, is all that is annually consumed by the American people at the present time.

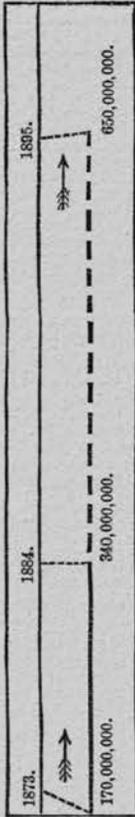


Diagram showing that at the rate of increase from 1891 to 1893 under the McKinley law, if continued at the same rate until 1900 the wool clip of the United States would then have reached 650,000,000 pounds, which, including the wool in imported goods, is all that is annually consumed by the American people at the present time.



It is undeniable that the number of sheep has declined materially in the United States during the past year. Why should it not be so when their very existence is threatened by the free-wool policy of the party now in power?

The Senator from Kansas [Mr. PEPPER] declared in his very able speech that if we have free wool we must have free woolens. I do not quarrel with that utterance. It is logical and just from the point of view of the farmer, and very likely the one will follow the other. When that day comes foreign countries will furnish us both our wool and our woolen goods, and when sheep husbandry and the manufacture of woolen goods are destroyed in the United States, England and Australia will fix the price of what they sell to us, and the cost of wool and woolen goods to the people of this country will be much greater than now. It is a grand scheme to destroy American capital and degrade American labor; worthy of the statesmanship and patriotism of the once great Democratic party!

#### THOMAS JEFFERSON AND THE DEMOCRATIC PARTY.

The Senator from Indiana closed his most remarkable speech by this outburst of patriotic fervor:

Sir, this is the birthday of Thomas Jefferson. One hundred and fifty-one years ago to-day he came into the world the greatest emancipator of thought, philosopher of liberty, and teacher of the natural rights of man ever known in human history. The blows he struck for freedom, justice, and equality in government are yet resounding throughout the earth, and they will never cease to be heard until the last shackle of privilege and tyranny is broken. Ten days before his soul took flight from his mountain home he wrote his own countrymen and to all the races of mankind. With this great dying message before us, and in its spirit, we take new courage and go on with our work. "All eyes are open, or opening," he said, "to the rights of man. The general spread of the light of science has already laid open to every view the

palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately by the grace of God." Hail, mighty message, and hail its speedy and certain fulfillment! All hail the counsels of Thomas Jefferson in this hour of caste based on wealth, of privilege granted by law, and of monopoly fastened on the slavery of labor!

The galleries applauded, and the Senator modestly received the congratulations of his fellow Democrats. But, Mr. President, what cruelty it is to drag Jefferson before the people of this generation as a patron saint of the Democracy. Why Jefferson never wrote a word or uttered a sentiment, so far as I can find, that can be tortured into support of the doctrines and the teachings of modern Democracy. The Senator from Iowa [Mr. ALLISON] quoted some of Jefferson's teachings on the question of direct taxation, and the Senator from California [Mr. PERKINS] also pointed out the fact that Jefferson was a strong protectionist. I want to call attention to some further lessons that have recently come to my knowledge from the writings of that great man. In 1817 Jefferson wrote:

The history of the last twenty years has been a significant lesson for us all to depend for necessities on ourselves alone—

And he expressed the hope that—

twenty years more will place the American hemisphere under a system of its own.

What would Jefferson think of modern "Jeffersonian Democrats," if he could come back to earth, who are trying to overturn an American system which has made this the greatest manufacturing nation on the earth.

Again Jefferson asks:

Shall we make our own comforts or go without them at the will of a foreign nation? My own idea—

He continued—

is that we should encourage home manufactures to the extent of our own consumption of everything of which we raise the raw material.

In 1816 Jefferson wrote a letter, from which the following is an extract:

Experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion will keep pace with me in purchasing nothing foreign where an equivalent domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not have a supply at home equal to our demands, and wrest that weapon of distress from the hand which has so long wantonly used it.

That is the true American (the true Republican) doctrine. Jefferson a Democrat? Why, Mr. President, one might as well expect the great apostle of agnosticism in this country to accept the teachings of Calvin as to expect that Thomas Jefferson if on earth would countenance the free-trade, income-tax teachings of the degenerate Democratic party of the present day.

#### THE SENATOR FROM TEXAS.

Following the Senator from Indiana came the Senator from Texas. His speech was brief, fiery, and eloquent. He announced his belief in ad valorem duties, and assured his Democratic associates that he proposed to vote for the bill, which must have been very comforting to them. But the Senator from Texas frankly confessed that the bill was not according to his taste.

The bill does not suit me—

Exclaimed the Senator.

I am between the devil and the deep sea, and when a question is presented to me whether I shall go to the devil and sustain the McKinley law, or go to sea, I am going to sea, with the hope that some fair wind or tide will bring me ashore again.

And so the Senator has gone to sea, threatened in his voyage by the sharks of protection and the devil fishes of free trade. Let us hope that he will come to shore safely, welcomed by the plaudits of the demoralized Democracy, who, dreading the result of their vote on this bill, will chant in his ear the solemn refrain:

You shall and you shan't,  
You will and you won't,  
You'll be damned if you do,  
And damned if you don't.

[Laughter.]

#### THE LABOR PROBLEM.

Mr. President, I desire to speak briefly on the labor problem in this country; for after all is said and done, it is the laboring classes who bear the brunt of unfortunate economic changes. A reduction of 10, 15, or 20 per cent in the rate of wages primarily means distress and suffering to the toiling multitude. But the evil does not stop here. A reduction of wages means a curtailment of the purchasing power of the wage-earner. If he receives less by way of compensation for his work he necessarily purchases less of the products of the farm and the mill, so that farmer, merchant, and manufacturer all share in the evil results.

It has been our boast that we consume, per capita, twice or three times as much as European nations, and Congressman REED has made the startling statement that as compared with England as a market our 70,000,000 of population are equal to

175,000,000, while taking the whole world outside of ourselves compared as a market our population is equal to 700,000,000, nearly one-half of the entire population of the globe. That is a startling and instructive fact, teaching the lesson that we should foster and protect the home market rather than to waste our energies in pursuing the delusive and disappointing "markets of the world," about which our Democratic friends talk so much.

Mr. President, the policy of the Republican party contemplates a high wage rate for the workmen of the country. No Republican sympathizes with the utterance of a certain distinguished Democratic Congressman when he declared: "If I were certain that wages were higher here I would seek to repeal those laws which make wages higher, and would let wages have their natural place all over the world." That is Democratic, not Republican doctrine. It is the doctrine of the cotton field of the South, not of the workshop and the mill of the North. Every workingman and working woman in the land should read and ponder that declaration, the force of which is not broken by the attempt to qualify it. Every intelligent man and woman in this country knows that wages are at least twice as high here as in England, and many times higher than in Asia.

That statement expresses the purpose of the Wilson bill with great clearness and force. In striking down the McKinley tariff law the Democratic party, under the lead of President Cleveland, proposes to "repeal those laws which make wages higher" in the United States. There can be no mistake about that. In urging the passage of this bill the Democrats are seeking to "let wages have their natural place all over the world," to break down the barrier which keeps out the products of European pauper and Asiatic coolie labor, to force the wage-earners of America to sell their labor in unrestricted competition with impoverished and ignorant Europeans and half-naked and half-savage Asiatics, who live as the beasts that perish. It is a startling programme, against which the laboring men of the country have risen in indignant protest.

The Chicago Inter Ocean recently pointed out the startling fact that a reduction of 20 per cent in the wages paid in the United States means a reduction of the purchasing power of the people by \$2,000,000,000 a year. The figures are beyond comprehension, but they are not beyond the sense of feeling. When \$2,000,000,000 is taken from the wages of the artisans and laborers of this country just that much is taken from the stores in which food, furniture, clothing, and fuel are sold, and from the trades that build houses or that carry goods. When that immense sum is taken out of the stores and offices of the country just that much less in value are the orders given to manufacturers, to lumbermen, to coal miners, and to shippers. When the wage list is lowered by 20 per cent times are hard—very hard.

The free traders tell us that when the Wilson bill becomes law things will mend and prosperity will return. Indeed they say that things have already begun to mend, but where or how they do not tell us. There is no sound reason for the belief that the passage of this bill will make times prosperous, and there is certainly no ground for belief that times will be as good under this bill as they were before the stability of the McKinley law was threatened by the election of a Democratic President and a Democratic Congress.

When the wage fund of this country is reduced by \$2,000,000,000 a year, affairs can not prosper. Twenty per cent is the sum stated in Dun's Review as the average reduction of wages in such mills and factories as have reopened, after a long season of forced closure, and a 20 per cent reduction all along the line is, as before stated, equal to \$2,000,000,000. The reopening of avenues to labor, even at a 20 per cent reduction of wages, may make conditions somewhat better than they now are, but they will leave them worse by the incomprehensible sum of \$2,000,000,000 a year than they were before the Democratic party fooled the workingman by promises of "an untaxed dinner pail."

#### A REMARKABLE PROPHECY.

No man had a keener prescience and a wider intellectual view than the late Secretary Blaine. Listen to his remarkable words of prophecy uttered before the last Presidential election:

I love my country and my countrymen. I am an American, and I rejoice every day of my life that I am. I enjoy the general prosperity of my country, and I know that the workmen of this land are the best paid, the best fed, and the best clothed of any laborers on the face of the earth. Many of them have homes of their own. They are surrounded by all the comforts, and many of the luxuries of life. I shudder, however, at the thought that the time must come when all this will be changed; when the general prosperity of the country will be destroyed; when the great body of workmen in this land, who are now so prosperous, will hear their wives and children cry for bread; that the day must come when the great factories and manufactories of this land will shut down, and where there is now life and activity, there will be the silence of the tomb.

And the reason why this must be is this: The great Southern wing of the Democratic party are determined to establish the doctrine of free trade in this land. They will be assisted by their Northern allies. The fight is now on. There is a great body of visionary but educated men who are employed day by day in writing free-trade essays and arguments in favor of that doctrine, which find their way into every newspaper in this land. The

great body of our people have never experienced themselves the sufferings which always result when the protective principles are laid aside. Poisoned and excited by the wild statements of these writers and the demagogic appeals of Democratic speakers, the result will be that in the very near future these forces which are now working will be strong enough to defeat at the polls the party advocating the doctrine of protection.

It must inevitably follow that uncertainty and doubt will ensue. The business men of the country, fearing the destruction of the principle of protection, will decline to engage in business, consequently mills will shut down, and the workmen will be thrown out of employment. The people will then see what they have never seen before, that they can not be prosperous and have work while this principle is threatened. In the midst of their suffering they will learn that the only way they can be prosperous and happy is to vote for the party that has built up the industries by which they have gained a livelihood; because they will then see clearly that when the manufactory is shut down there is no demand for the only thing which they have to sell, and that is their labor.

The fulfillment of that prophecy is threatened to-day, and it remains with the Senate of the United States to say whether or not it shall be fully consummated.

All through his speech the Senator from Indiana conveyed the idea that the Democratic party is the friend of the laboring man. So, too, the United States minister to Hawaii pretended to be the friend of the President of that unhappy country, while at the same time he was plotting to restore the monarchy. Professions are not enough to satisfy the workmen of this country—they want works as well as faith; practical demonstrations as well as theoretical assurances.

After vigorously denouncing the manufacturers, the men who risk their capital to give employment to the working classes, the Senator from Indiana spoke as follows:

The farmer, the mechanic, the wage-worker, and the manifold producers of every kind come not here; they have neither time nor money to spare from their busy, overworked lives; they can not visit the lobbies of Congress to argue their side of the case; their careworn, sunburnt faces have never been seen in the purlieus or in the hurried, heated, anxious haunts of unhalloved avarice; their hard, toil-worn hands are not grasped or felt in salutation as we struggle through waylaying crowds from committee room to the door of the Senate; the labor element, on which protected monopoly preys ravenously and unceasingly, is absent from the precincts of this Capitol, and well the millionaire beneficiaries of protection know that their victims on farm, field, and ranch, in workshop, mine, and furnace, on railroads, rivers, and in every toiling pursuit in which bread is honestly earned, can never confront them here and demand a division of time in discussion before the committee. The favorites of fortune, pets of vicious legislation; those to whom the Government has farmed out the power of oppression over others, take no heed of the rights, the protests, the sufferings, or the servitude of the mighty masses who constitute the nation's strength and glory.

Sir, I can not say whether the Senator from Indiana failed to see the delegations of laboring men which actually came to Washington, notwithstanding the committees of both Houses had notified them that they would not be heard. Evidently the Senator from New Jersey [Mr. MCPHERSON] saw one of those delegations, for he is on record as having told them that he knows more about the tariff than any other living man. I saw several such delegations, and in two instances they had a subscription list showing that the money was raised to defray the expenses by contributions from the operatives in sums of 25 and 50 cents.

Very likely the Senator from Indiana did not see them, as he was usually behind closed doors, conferring with an entirely different class of men. If I mistake not the Senator did see a delegation of working women, but they were received in the Marble Room, and there told that they could not be heard by the committee. No delegations of laboring men or from labor organizations in Washington. Why, Mr. President, if they had not been told by the Finance Committee to stay at home there would have been hundreds of such delegations here. Let the Senator examine the petitions and protests on file in the committee room from laboring men and women all over the country, if he wants to know what they think of this legislation, and in the interests of truth and impartial history I beg of the Senator to seek an early opportunity to correct his misstatements on this point.

#### NOT ALONE OPPOSED BY REPUBLICANS.

Mr. President, this bill is not alone opposed by Republicans, but is bitterly denounced by leading Democrats and Democratic newspapers in all parts of the country. Why, sir, words have been spoken against it in this Chamber by distinguished Democrats which ought to assure its defeat. Never before did a measure of this kind encounter the bitter hostility of a portion of the party proposing it that this bill has.

#### NEWSPAPER CRITICISM.

Let us glance at the criticisms of leading newspapers in various sections of the country which supported Mr. Cleveland.

From the day the bill was presented to the House to the present hour the New York Sun has thundered its anathemas against it, recently saying that the charge in the Democratic platform that the McKinley law was "the culminating atrocity of class legislation," should now be applied to the Wilson bill. That great newspaper truly says that it is a bill to make States Re-

publican, and then belabors its party in these words under the significant caption "Licked all along the line:"

The map of the late Democratic reverses reaches from Rhode Island to New Mexico and Utah. A very large part of the territory is Democratic soil taken possession of by the Republican conquerors. In the present condition of Democratic panic and skeddaddie, it is hard to point out any safe Democratic ground. Perhaps even Kentucky is Republican to-day. The Populists have been swallowed up in the West. The Democrats have been swallowed up everywhere, including Queens County. For the present the Republicans rule the roost.

What makes the country Republican? Not the hard times merely or principally, but the Democratic failure to relieve the hard times by carrying out the Democratic pledge of a constitutional tariff. This country might have endured patiently the days of disaster if they were to be followed by increased prosperity, but it is natural that the country should kick when the Democracy, having disturbed all branches of industry under the pretense of changing radically the system of Federal taxation, calmly retains the old protective system.

All this trouble for nothing. Why not keep the same tariff and let industry alone, if you were only going to pare and prune the old tariff and the old system? If the Democrats have only the Republican tariff with a Populist addition to offer, what's the use of voting the Democratic ticket? So a large number of Democrats voted the Republican ticket, or else refused to vote at all, for great was their disgust with the Democratic imbecility and double dealing at Washington.

There is no doubt that the majority of Democrats condemn the foreign policy of the Administration. Some of them would have taken the opportunity to vote the Republican ticket as a means of expressing their aversion to that policy.

Do these latest Democratic reverses come early enough to be a means of grace? We are afraid not. We are afraid that nothing can put courage and honesty into the cowards and traitors who in one year have brought the Democracy from sweeping victory to the verge of defeat as sweeping; and that defeat, dishonorable to the intelligence and the moral sense of the party. The great army of Democrats is broken and sullen, chafing at the incapability and traitorous chiefs. How shall it be reorganized? How shall ruinous defeat be averted?

We know of but one way, if there is any. Reorganize the Democratic conscience!

That, Mr. President, is an utterly hopeless task.

Under the title, "Is this the end?" Henry Watterson, the star-eyed apostle of Democracy, discourses in the Louisville Courier-Journal, and urges the representatives of his party in Congress to "have done with cowardice and lying." Listen to him:

It is safe to say that whatever act is finally passed will be infinitely more objectionable than was contemplated by the darkest forebodings of the friends of real reform, and yet, already, we hear it on every hand that, with this measure of Democratic stultification—this finished product of ignorance, cowardice, and corruption—this iniquitous offspring of the black-malling manufacturer and the political harlot—the whole question must go to the rear, making way for other and more urgent and important issues!

The New York Herald suggests that "It would be better for the country for Congress to adjourn, go home, and let the McKinley law stand." The Herald further says:

The curious compilation reported to the Senate by the Finance Committee seems to be satisfactory to nobody. It has been criticised adversely in all quarters. It is not only denounced by the Republicans, but fails to command even Democratic support.

The Cincinnati Enquirer calls the measure "The Clamor Tariff Bill," and beseeches the Senate to reconstruct the House bill, but on what lines does not advise. The Enquirer says that the House bill "is not a measure grounded on judgment, calmness, and deliberation," and I will venture to add that unfortunately the same criticism will apply to the bill reported by the Senate Committee.

The Brooklyn Eagle makes use of these words:

We would rather have the McKinley law without an income tax than the Wilson tariff bill with one.

The New York World does not like the bill, and comments upon it as follows:

The people of the country should thoughtfully consider what has been going on in the Senate during the last six weeks. A great party's name has been prostituted. Its promises have been treated with contempt. Its urging forward march of victory has been turned backward in a rout. The verdict of the American people as rendered at the polls has been reversed by thronging lobbyists and rapacious Senatorial agents of protected industries. The clock of reform has been set back by the sugared fingers of its pretended friends.

A Democratic voice comes from Ohio in behalf of sheep husbandry. Hear the Cleveland Plain Dealer:

The Plain Dealer has done its best to make the present tariff bill equitable and defensible. It started with the determination to have a bill passed that was in the line of historic Democracy: that is, a bill for revenue with incidental protection. Under that doctrine every industry would be treated alike. The Plain Dealer is in favor of a tariff on wool, just as it is in favor of a tariff on coal, iron or lead ores, or on steel rails and wool manufactures. It considers that injustice to one industry is injustice to all, and that it is a great mistake for the Democratic party to make an exception of wool in the tariff bill. The farmers of this country are a pretty intelligent set of men; they read the papers; they think for themselves, and the Democrats are making a great mistake if they think that the farmers are going to vote against what they believe to be for their own interest. It is for these reasons that we hope the Democrats in Congress will put wool onto the tariff list, and treat it fairly side by side with other great foundation industries.

The Philadelphia Record, a Cleveland independent newspaper, under the heading of "A paralyzed party," uses this language:

The interminable conflict over the tariff bill has disgusted the country and paralyzed the Democratic party, which, if it went to an election now, would secure but a corporal's guard of representatives in Congress. The spectacle of a party which came into power in 1892 with almost unexampled enthusiasm now in the slough of despond because of the selfishness, incapacity, and narrow-mindedness of its leaders in Congress is not flattering to

Republican government. The party press, which so vigorously championed tariff reform, now importune Congressmen to do anything rather than keep up the suspense.

The Chicago Times declares that:

The bill is a monstrosity, a libel upon Democracy, an insult to the intelligence of the nation. The best thing the real Democrats in the Senate can do is to vote with the Republicans against it.

The Springfield Republican is in the habit of liking pretty much everything that is labeled tariff reform, but it refuses to accept this bill, saying:

After more than four weeks of higgling over the tariff rates, the Democratic majority of the Senate Finance Committee has finally announced its bargain, by which supposedly all members of the party in the upper branch are ready to stand. It is not a good bargain for the country. It is not even a fair bargain. It comes near being a gross sectional steal.

The Providence Journal left the Republican party in 1884, and has been shouting itself hoarse for tariff reform ever since. But it fails to find the genuine article in the Wilson bill, of which it says:

The Democratic Senators in whose charge the Wilson bill was placed have used up more time in mulling over it and tinkering it than was spent in the entire debate in the House that preceded its passage by that body; and during that time, forgetful or rather wilfully ignoring every requirement of their party's platform and the commercial needs of the land, they have given ready ear to all sorts of appeals to timidity and demands of selfishness. The result of it would be the most outrageous violation of the meaning of words to call it a tariff-reform bill.

The last quotation I will give is from the Manchester Union, the leading Democratic newspaper of New Hampshire. It expresses itself in these words:

The majority of the Senate Finance Committee, after devoting more time to the Wilson bill than the House occupied in the discussion of that measure, has given the results of its labors to the public. The changes in the bill are numerous, and for the most part unsatisfactory and uncalled for. The Wilson bill goes to the Senate in much worse shape than it came from the House. The principle of free raw materials has been sacrificed to the clamor of local interests; duties have been still further reduced in lines which affect important industries, and it would seem, in short, that wherever the committee has touched the bill it has been to make a change for the worse rather than for the better. This has been done, too, in the hope of placating a few Democratic Senators who had threatened to withhold their support from the bill unless their own selfish demands should be complied with. It appears, indeed, to have come now to the question whether the whole United States shall be governed by four or five Southern Senators, who, not even representing the whole of the South—in fact but a small minority—have assumed to dictate what shall and what shall not become law.

Mr. President, that is an interesting collection of Democratic opinion on the bill now under consideration. It conclusively shows that the Democratic press of the country is opposed to the enactment of this law, and wants it defeated. The people are against it, the press is against it, and every sound economic argument demands that it shall not be allowed to pass the Senate. The duty of Republican Senators is plain, and the duty of Democratic Senators, especially those from Northern States, ought to be equally clear. Will they be equal to the occasion, or will they give their votes to the passage of this destructive and wicked measure?

#### CONCLUSION.

Sir, the country has had thirteen months of Democratic rule, and wherever the electors have spoken they have repudiated that party with a unanimity almost unparalleled in American history. The laboring masses of the industrial North have set their seal of condemnation on the Wilson bill. They have issued their mandate to Republican Senators to fight the measure unceasingly and unsparingly. The great North is united to-day as it has not been united since the flag was fired on at Sumter. Now, as in that supreme crisis, mechanic, farmer, merchant, and manufacturer are standing shoulder to shoulder in defense of the welfare and the progress of the nation. Factories are idle, homes comfortless, and wives and children suffering for the necessities of life.

The wage-earners of the North have decreed the death of the Wilson bill, and woe be to the Northern Senator who turns a deaf ear to their demands. When men stand face to face with the loss of employment, or with wages reduced to a point barely sufficient to give them food and shelter; when they have been compelled to eat the bread and wear the clothes of charity because of the proposed hostile legislation of a political party, they do not stop to ask what ticket they voted last year, but ally themselves with the party that stands for protection, good wages, and or happy and comfortable homes. In this contest I speak but for myself when I say that no effort will be too great, no sacrifice too severe for me to make to help defeat this bill. I believe that every consideration of patriotism, of justice, of respect for the popular will, and of regard for the nation's welfare, demands that it shall be opposed, resisted, and obstructed at every point.

The people demand this: That we shall defend their farms, their workshops, and their homes from the blight of this measure. For one, I am ready to do anything and everything in my power to beat back this assault upon the industries and the labor of the country, and I am hopeful that the Senate of the United States, mindful of its obligations to the people, will re-

fuse to enact into law this wicked and atrocious bill. The Senator from New Jersey [Mr. SMITH] closed his able speech by saying that unless the income-tax feature of the bill is stricken out "God save the Democratic party." I say that if the bill is passed, income tax or no income tax, then God save the industries and the labor of this great country. [Applause in the galleries.]

Mr. McMILLAN. Mr. President, the rapid and substantial growth of the State of Michigan in agriculture, mining, and manufactures has been coincident with the policy of protection. The people of that State very naturally and very justly are decidedly opposed to breaking down by legislation, as proposed in the Wilson bill, the policy under which their State has made such marked progress in everything which goes to make a commonwealth great and its citizens prosperous.

Michigan, when admitted into the Union in 1837, was twenty-sixth in population; in 1890 it ranked ninth; and the advance in material wealth, in educational facilities, and in charitable institutions has been even greater. From her mines have come riches almost beyond computation, and these treasures have been enjoyed as well by the people of other States, who furnished the capital to develop them or the labor to convert them to the uses of civilization. Her public-school system has been the model for the States which came after her.

In her great university last year 1,200 young men and women from other States and from fourteen foreign countries received instruction which cost the State over twice the amount of tuition fees. Her charitable and penal institutions have often been pioneers of their kind. All these establishments, with plants valued at nearly \$8,000,000 in the aggregate, have been built up and maintained by public taxation, and yet the State is free of debt.

To support them in the future, the State must continue to be prosperous, and her people must continue to have the opportunities for profitable employment. It is because the Wilson bill strikes at every one of the great products of our State that the large majority of the people of Michigan, without distinction of party, are opposed to that measure. This overwhelming sentiment for the maintenance of the protective policy is no new thing with the people of Michigan. From the day the State was admitted into the Union, the vote of the Michigan members of the House of Representatives has been given for protection, unanimsly in a majority of instances, and very nearly so in others. In the Fifty-first Congress no Michigan vote is recorded against the McKinley bill.

#### IRON ORE.

It was not until the stress and strain of war threw this country upon its own resources that Michigan began to give up the raw material of industrial progress. The mining region of the upper peninsula, thrust upon the unwilling State by Congress, for years was an inaccessible wilderness. It was not until 1844 that the Government surveyors accidentally discovered indications of rich deposits of iron ore, and twelve years elapsed before shipments began. So late as 1861 the three iron mines of the Lake Superior country sent out in the aggregate only 100 tons.

In 1892 these shipments reached the astounding total of 9,000,000 tons, 7,267,874 tons coming from the Michigan mines. Enormous as is this production, the capacity of the upper peninsula is many times greater than has yet been demonstrated. Mr. J. M. Longyear, one of the most experienced men connected with the development of the iron country, states that—

The greater part of the peninsula is still a wilderness, and there are many miles of iron ore indications yet untouched by miners or explorers. Many of these indications are fully as good as those first found on the older ranges.

The iron-ore business of the peninsula multiplied over seven times in the eighteen years between 1873 and 1890, and it is safe to say that it may be still multiplied seven times before the limit of the productive capacity has been reached. And when the time comes that new processes shall enable the working of the lean ores, Michigan will be able to supply billions of tons of ores now neglected by the miner.

Until the advent of the Wilson bill the mines of Michigan, taken as a whole, continued their production alike through times of prosperity and years of stagnation in general business; and notwithstanding the fact that thousands of workmen, embracing all nationalities, have been employed, no general strike and none of long duration has occurred. Industrious miners have been able to provide well for themselves and their families; they are well fed, well housed, and well clothed; they have good schools, and it is no rare thing for men who began life as common laborers in the mines to attain wealth and political and business influence.

#### THE EFFECTS OF THE WILSON BILL.

The effect on the iron regions made by the Wilson bill is well summed up in a letter addressed to the chairman of the Senate Committee on Finance, by Mr. R. P. Tutten, of Iron Mountain, Mich. He says:

We have five mines within the limits of this city capable of producing 1,550,000 tons of iron ore annually and employing about 3,500 men. For the

past nine months all these miners have been idle; but now (March 3) the Pewabic is employing 300 men—less than half its regular force—at a reduction of 50 per cent in wages. Three thousand persons in this city of less than 10,000 people have been dependent on charity during the past three months for their daily bread.

Briefly stated, this is the present condition of things. As to future prospects: bessemer ore has recently sold in Cleveland for \$2.75 per ton—50 cents cheaper than ever before known. The men who produce the ore are receiving from 70 cents to \$1 per day, and even at these very low wages only mines favored with exceptional facilities as to location, quality of ore, and easy conditions of mining can hope to do business. With iron ore on the free list it is extremely doubtful if half the mines of the Lake Superior district can resume work.

The question as to whether there shall be an adequate duty on iron ore is far from being a sentimental one in Michigan. Such a duty is the only barrier that stands between the miner and starvation. In a memorial addressed to the United States Senate by the citizens of Bessemer, Mich., regardless of party affiliations, (Senate Miscellaneous Document No. 8, Fifty-third Congress, second session) it is stated that during the year 1892 6,000 men were employed in iron mining in the single county of Gogebic. Their average monthly wage earning power was from \$350,000 to \$400,000. In addition 1,000 men found work in the lumber operations connected with the mines.

The threatened act on of Congress in regard to the tariff closed every mine in the Lake Superior country. The expenditures in Gogebic County for poor purposes increased from less than \$10,000 in 1892, to over \$25,000 in the first eight months of 1893, leaving out of the account the hard winter months. The poor fund was exhausted, the county treasury was emptied, poor orders anticipating the future were issued only to become valueless, because it was a problem whether there would ever be a future for the county.

In this extremity the people of Gogebic County drew up a statement as to the actual cost of a ton of iron ore. Starting with the value of iron ore in the ground at 35 cents a ton, it was found that the whole cost of a ton of ore delivered at a Lake Erie port was \$3.96. This does not include the cost of superintendence or interest on the capital invested. Yet under pressure to realize, ore has been selling at \$2.75 a ton in Cleveland!

#### PROTEST OF THE PEOPLE OF BESSEMER, MICHIGAN.

Is it any wonder that under the stress of such circumstances the citizens of Bessemer, on November 25, 1893, unanimously adopted a memorial to Congress, drafted by an equal number of Democrats and Republicans, asking "in the name of common humanity, in the name of our desolated homes, and suffering poor, that this nation be not committed to a policy that must prove destructive alike to its industries and to the prosperity of its people."

The intelligent, progressive Lake Superior miner, who has been receiving good wages and has been able to surround himself with opportunities for mental improvement, is to be called to compete with the underpaid and ignorant labor of Spain and Cuba.

The great Bilbao district in Spain is sensitive to the slightest increase in the demand for iron ore. Only so lately as 1835 the output of the Spanish mines was a million tons greater than that of the entire Lake Superior district, and in the nine years, from 1871 to 1885, inclusive, there was only one year when the Bilbao district did not show a greater output than did the Lake Superior region. It is true that in 1890 the product of our mines was double that of the Spanish; but under either free ore or a low tariff we may expect to see these figures reversed.

The Michigan ores, with a 75 cent tariff, have a small advantage over Cuban ores when laid down in Pittsburg. This after a water carriage of 1,200 miles, which is about the distance from Cuba to New York. The hard specular and magnetic ore from Cuba has already invaded the Pittsburg market, closing at least one Lake Superior mine.

For years the price of iron ore has been declining, profits have been getting less and less, the mines have required more and more expensive machinery. The pertinent question forced by the Wilson bill is as to what reduction of wages will be necessary to enable the Lake Superior mines to compete with foreign ore which, on a free-ore basis, with wages at the normal rates, will drive Lake Superior ore out of every market east of Cincinnati.

If the progress of this country in the manufacture of iron and steel had been prevented by duties on iron ore, then there might be some excuse for reducing or removing those duties; but when the policy of protection has been the means of making this country the greatest producer of iron and steel on the face of the globe, there is neither statesmanship nor common sense in making the destructive change contemplated in the Wilson bill.

#### COPPER.

Fostered by a protective tariff, the copper mines of Michigan have been developed to a point where this country has become a large exporter of that metal. It is worthy of record, how-

ever, that the great Calumet and Hecla mine, famous the world over not only for the vastness of its product, but also for the intelligence and prosperity of its employes, was not discovered until 1863; and that previous to this date copper mining depended on chance rather than on science. In time the iron mines of Lake Superior will unquestionably outgrow the necessity of protection; but that day has not yet dawned, and should the Wilson bill become a law such a consummation must long be postponed.

#### THE VESSEL INTEREST.

Another, and a mighty interest, is threatened by the abolition or the serious reduction of the duties on iron ore. The lake vessel interest now represents a capital of over \$69,000,000. The capital invested in iron-ore docks on Lakes Superior and Michigan is nearly \$11,000,000; and on Lake Erie there is upwards of \$12,000,000 more. The capital required for the rail transportation of iron ore alone from the mines to the shipping ports is \$32,000,000, and from the receiving ports to the mills and furnaces, \$26,000,000.

Since the Wilson bill first cast its shadow on the iron industry over \$200,000,000 of capital, including the money actually invested in mining plant, has been unproductive, and 17,000 men have been thrown out of work. Shipbuilding has virtually come to a standstill, and the loss to the vessel interests alone was upwards of \$1,600,000 last year.

The people of Michigan are opposed to any fiscal policy which will endanger appropriations for river and harbor improvements. The Peninsular State, with its 2,000 miles of coast line, includes within its boundaries the great water ways by which many of the staple products of this country reach their markets, and these water ways the State holds as a trustee for the nation. By improvements begun and carried beyond the point of success under State direction, freight rates between the East and the West are regulated and are being constantly cheapened.

The Portage and the St. Marys Canals; the locks at Sault Ste. Marie, surpassing in size any others in the world; the Hay Lake and the Twenty-Foot Channels the St. Clair Flats Canal, and the Lime Kiln Crossing, all are within the State of Michigan. Mr. William A. Livingstone, of Detroit, has shown that up to 1891 the total cost of all the river and harbor improvements on the Great Lakes was about \$24,000,000, and that the saving in freight rates by water carriage when compared with the rates that were charged by the railways amounted in 1890 to \$147,000,000, or over five times the entire cost of the lake improvements.

Two hundred and sixty freight trains a day would have been required to handle the freight carried by lake vessels during the season of navigation in 1891.

The policy of internal improvements has had its most signal success on the Great Lakes, where there has been provided a means of transportation costing in 1880 only one-ninth the cost of the same service by rail, and bringing the farmers of Minnesota in closer proximity to New York than is the farmer of Southern Ohio.

The manufactures of the east are carried 1,000 miles west at a less expense than the same goods can be shipped 250 miles north or south; and there has been called into being a steam tonnage that in 1890 was increased by 40 per cent more than was the steam tonnage of the entire seaboard. Great as these achievements are, and beneficial as they have been to both the producer and the consumer, the triumphs of the future must far exceed those of the past, provided we here and now repudiate the policy and defeat the bill which aims to produce not a surplus, but a deficit.

#### FREE LUMBER BENEFITS CANADA ONLY.

Doubtless the framers of the Wilson bill thought that by placing lumber on the free list they would benefit the farmer and the workingman. An examination of the prices of lumber as given in the report of the Senate Finance Committee shows that in spite of successive reductions in duties, and also in spite of free logs, the price of lumber has steadily advanced. In so far as Michigan is concerned, free lumber simply means that the Canadian logs which have been rafted across the lakes to be cut will hereafter be manufactured in Canada, with a corresponding benefit to Canadian labor and detriment to American labor.

The value of Canadian timber limits will be increased, and the price of the product will continue to be held up by means of combinations easily formed, because of the great capital required for lumbering operations. Michigan has made the record of having manufactured enough lumber in the single year 1881 to house comfortably a million people, or to load a train 2,470 miles in length; and the product for 1892 (3,794,256,754 feet) was but a little more than 100,000,000 feet below that of 1881. Two-thirds of the lumber now manufactured in the Saginaw Valley is cut from Canadian logs, and free lumber will result in the transfer of the mills to the Canadian side of Lake Huron.

Instead of cheapening lumber, therefore, the Wilson bill will simply lessen the demand for American labor, to the advan-

tage of our neighbors across the border. And just here it may be noted that free staves means simply that Ontario will hereafter be called on to supply to the sugar refiners of New York the barrels which have hitherto come from Michigan. Canada with her cheaper labor and shorter carriage will be able to undersell the Michigan stave manufacturers, whose business is conducted, as a rule, in in and towns, and whose timber comes from the farmers. Thus the lumber schedule so fair on its face, becomes simply another method for reducing the demand for labor without a corresponding diminution of prices.

#### FREE SALT.

Closely allied to the lumber interest is the salt industry. From the days when Great Britain held possession of the lake country salt was known to exist in Michigan; but it was not until a century later that the manufacture of that article was begun in the State. After ten years of discouragement and financial disaster in 1870 the manufacture of salt in the Saginaw Valley became a financial success. The State bent all her legislative energies to bring about this result, and the salt manufacturers voluntarily taxed themselves to cover the expenses of State inspection.

Michigan produces about one-half of all the salt manufactured in this country, and her salt works have a capacity equal to two-thirds of the American product. In order to obtain any profit the manufacture must be conducted in connection with the lumber mills, using for fuel the refuse from the logs, and of late years only the salt blocks operated under the most favorable conditions have been profitable.

The history of salt prices shows that since 1872, when duties were reduced to the present rate of 8 cents a hundred pounds in bulk and 12 cents a hundred pounds in packages, the importations have decreased by 50 per cent, and the price has dropped from \$1.46 a barrel to 53 cents, including the cost of the package, worth from 20 to 25 cents. With the transfer of the lumber mills to Canada the manufacture of salt will follow, for the salt deposits of Canada are as rich as those of the United States, and England, which now controls the trade on the Atlantic coast, will extend her markets inland, to the detriment of the producers and workers of New York and Michigan.

#### THE WOOL INDUSTRY.

Other Senators, and notably the Senator from Oregon [Mr. MITCHELL], have given exhaustive attention to the subject of the duty on wool, and I need only allude to it briefly. Michigan, in 1880, was the fourth State in the Union in the production of wool, being surpassed by Ohio, California, and Texas. Since the census was taken I believe that Montana has come in ahead of our State. The Michigan farmer comes into competition with the Australian sheep-raiser, who uses Government lands fenced by the Government; whose sheep require no herding, and whose only cost of production is the labor of shearing and marketing.

More than one-half the wool now consumed in this country is imported either in the form of wool or woollen goods. The increase in the world's production of wool between 1860 and 1885, both years inclusive, was over 100 per cent; and it has been the experience of the Australian producer that in 1837 his product brought scarcely more than was paid for half the quantity in 1872.

The increase in the production of foreign wools, and the comparative difference in transportation in favor of the foreign producer who reaches his markets by water, have placed the American farmer at a disadvantage, even with a rate of duty that is seemingly high. To admit wool free could only result in such a decline in the American production as would practically ruin wool-raising as an industry; and with the decrease in the number of sheep would come a corresponding decrease in the demand for pasturage, hay, and oats, thus increasing the present depression in agricultural pursuits.

#### AN UNDERSTANDING WITH THE CANADIAN ADMINISTRATION.

A comparison between the Wilson bill as it comes from the House and the new Canadian tariff shows how close an understanding must have existed between the framers of the two measures. In each bill lumber, buckwheat, rye and rye flour, and corn are put on the free list when imported from any country which admits these articles free of duty.

Canada offers to place apples, beans, peas, potatoes, hay, vegetables, and barley on her free list, wherever any other countries do the same; and the Wilson bill places apples and peas on the free list absolutely. Eggs and salt are made free in both countries, and the United States offers Canada free oats, oatmeal, wheat, and wheat flour in exchange for like favors. Ores of metals are on both free lists, and so is wool.

It is interesting to note that the party in this country which is offering these concessions to Canada is the party which has denounced the policy of protection as unconstitutional and which

is now theoretically engaged in making a tariff for revenue only. On the other hand, the party in Canada which is meeting the American free trader half way is avowedly the party of high protection and is still engaged in building up what is known in Canada as the national policy, the one object of which is to make that country independent of the United States.

The Canadians have made no mistake. They admit free of duties only those commodities in the production of which they have so much the advantage of us as to prevent us from entering their markets. They secure from us unlimited markets for their surplus products. For these favors they give no concessions in their tariff on manufactured articles, but still maintain their duties at the prohibitive point, and they even go so far as to place a bounty of \$2 a ton on pig iron.

For the past fifteen years Canada has been pursuing the policy of shutting the American farmer and manufacturer out of her markets. How successful she was is told by her minister of finance in his speech on presenting the new tariff measure. In 1878, says Mr. Foster, the people of the United States found in Canada a market for agricultural products and animals and their produce to the value of over \$16,000,000; in 1893 the entire imports into Canada of such products amounted to less than \$3,000,000.

Again, in 1877 Canada imported, mainly from this country, \$13,555,079 worth of flour and grain, including pease. In 1893 these importations had been cut down to \$1,339,429. Only so recently as 1889-'90 the Canadians took from us \$1,734,225 worth of bacon, hams and shoulders; last year the amount so imported was but \$452,312 in value.

Not only has Canada shut our farmers out of her markets; she has also appeared as our competitor in the markets of Europe. More than this, she has entered our own markets, and in spite of the duties, has firmly established her trade in competition with the American farmer in the markets of the United States.

In 1893 Canada exported horses valued at \$1,461,000, of which amount the value of those sent to this country was \$1,123,000; of \$146,000 worth of swine exported we took \$133,000 worth; of \$1,247,000 worth of sheep our share was \$1,088,000; of \$336,000 worth of wood for wood pulp we took all but \$15,000 worth; out of a total of \$9,640,000 worth of planks and boards exported \$8,313,000 in value came to the United States; Canada sent us \$554,000 worth of staves and sent \$47,000 to the rest of the world; and we took \$734,000 worth of shingles, or within \$15,000 worth of the entire export.

From Canada we bought last year \$324,000 worth of eggs; \$52,000 worth of poultry; \$246,000 worth of wheat; \$151,000 worth of oatmeal; \$854,000 worth of hay; \$78,000 worth of clover and grass seed; \$259,000 worth of potatoes; \$422,000 worth of pease, and \$228,000 worth of wool. The American farmer is now suffering from oversupply of his products in the markets of the world; and yet the Wilson bill proposes entirely to break down the barriers which have to some extent preserved to our own people their home markets.

#### CANADIAN CHEAP LAND AND LABOR.

The Canadian farmer has a double advantage over his neighbor across the border. First, his land is worth much less than is the land of his competitor; and, secondly, he pays his labor at least 35 per cent less than American labor is paid. Mr. Joseph Nimmo, jr., in answer to questions propounded by the Ways and Means Committee of the House, has discussed very carefully the question of the comparative costs of production in this country and in the Dominion; and the information on which he based his conclusions, gathered from abundant sources, was well sifted.

He reached this result: In order to allow the New York farmer to compete successfully with the Ontario farmer, the average rate of duty on Canadian farm products would have to amount at least to 44 per cent, of which 12 per cent represents difference in the value of lands, and 32 per cent represents the excess labor costs in New York. The figures for Michigan would be about the same; certainly there would not be a smaller discrepancy.

How cheering, therefore, is the message which the Wilson bill brings to the Michigan farmer, who is asked to give his Canadian competitor free access to the markets of Detroit, Chicago, New York, Boston, and Philadelphia, or at best to allow a considerable reduction of the now inadequate duties.

Those persons who have not given careful attention to the location of Canada with relation to this country, fail to appreciate the importance of the competition on the part of the Dominion. The natural course of Canadian trade is southward.

The maritime provinces are cut off from the remainder of the Dominion by the State of Maine, which extends 100 miles north of Quebec. New England, with a population about equal to that of all Canada, could easily find a market for all the products of the maritime provinces, such as lumber, coal, gypsum, grindstones, and fish, and in the light of experience it is safe to say

that should the Wilson bill become a law the imports from those provinces will be more than doubled.

Toronto is only 450 miles from New York City, but by Canadian lines it is over a thousand miles from Halifax, the only Canadian port that is open all the year. The distance from St. Paul and Minneapolis to Boston and Portland, Me., by way of the Canadian roads is about the same as to New York, Baltimore, and Philadelphia. Even now the grain, wool, and other products of Michigan find their way by rail to Eastern markets across the Province of Ontario, and the roads which bring the goods of the East to our merchants traverse Canadian territory.

The wheat lands of Manitoba, separated from Ontario by a thousand miles of inhospitable country, find a natural outlet at St. Paul and Minneapolis; and British Columbia is naturally tributary to Portland, Oregon, and to San Francisco. To give these Canadian provinces a free or practically free and convenient market for their products, while obtaining nothing in return, is not statesmanship, to say the least.

#### AN ATTEMPT TO REVIVE THE DISCARDED RECIPROCITY TREATY.

We are not left to guesswork, nor yet to the figures of Treasury experts, to find how the Wilson bill would affect the trade relations between this country and Canada. The Wilson bill is a virtual attempt to obtain by coordinate legislation in the two countries, the revival of the provisions of the reciprocity treaty of 1854. In so far as the pending measure deals with Canada, it is open to all the objections which led to the abrogation of that treaty.

More than this, the settled and avowed policy of Canada now being to build up her own manufactures by shutting out those of other nations, there is at this time no such excuse for opening our markets to Canada's natural products as there was in 1854, when that country imposed but nominal duties on manufactures. The results of the reciprocity treaty, however, should be sufficient warning against any endeavor to revive it.

The leading feature of the treaty negotiated by Secretary Marcy and Lord Elgin was, that the natural products of the United States and Canada should be admitted to each country, respectively, free of duty. At the time the treaty took effect (September 11, 1854) Canadian duties on manufactured articles varied from 5 to 12½ per cent. Within three years Canada had placed duties of from 62½ to 100 per cent on our leading manufactures.

The effect of these increases was to cut down our exports to that country from over \$20,000,000 in 1856 to less than \$13,000,000 in 1863. Of the \$239,000,000 worth of Canadian products which entered the United States during the continuance of the treaty, 94 per cent came in free, while but 58 per cent of the American products sold to Canada crossed the border without paying heavy tribute.

During the twelve years, while the treaty was in force, the entire sales of the people of this country to our Canadian neighbors—free and dutiable goods, domestic products, and foreign products re-exported to Canada—aggregated less by \$26,000,000 than the free goods which the Canadians were enabled by the treaty to sell to the United States.

In the ten years from 1851 to 1861 Canada nearly doubled both the amount and the value of her improved land; her wheat crop increased 78 per cent, and her oat crop 91 per cent; her timber advanced more than 50 per cent in value, and her exports of lumber were more than doubled.

Unquestionably the treaty was a decided benefit to Canada, and had that country shown the least disposition to extend the reciprocity provisions of the treaty to manufactures in addition to natural products, that treaty would before this have brought about the entire abolition of duties between the two countries, to the mutual advantage of both.

As it was, the Chicago Board of Trade called for a more free and liberal treaty; the Milwaukee Chamber of Commerce passed resolutions in favor of actual reciprocity, instead of the kind brought about by the then existing treaty; the Detroit Board of Trade, finding that American manufactures were practically shut out of Canada, while Canadian wheat competed on equal terms with that of Michigan in the markets of New England, favored either a broader treaty or none at all; Oswego declared in favor of a customs union. Canada, however, gave no heed to these requests, and on March 17, 1867, the treaty was terminated at the instance of this Government. Since that time the trade relations between the two countries have been most unsatisfactory.

#### BENEFITS OF POLITICAL UNION.

The question asked a few days ago by the Senator from Delaware [Mr. GRAY] is a pertinent one. How, he inquired, would commercial union benefit the farmers of the United States? His question is itself an argument against the Wilson bill, since it involves the admission that the Wilson bill does harm the Ameri-

can farmer by reason of allowing the Canadian products to come into this country free of duty.

Political union would give to the State of Michigan at least one-third more territory in which to sell manufactures, and this building up of manufactures would in itself create a greater market for agricultural produce. The city of Detroit stretches for 8 miles along the river, and 4 miles from the center of the city land is worth \$3,000 an acre for manufacturing purposes, while Canadian land across the three-quarters of a mile of water is worth less than \$300 an acre. Political union would change all this, building up on both sides of the strait the commercial facilities which proximity to navigable water brings about.

It is absurd that a stream which forms the highway of a commerce equal in tonnage to that entering the ports of London and Liverpool combined should form a commercial barrier between the United States and Canada greater than the Rocky Mountains ever formed between the Pacific coast and the remainder of the country. The manufactures of Detroit, representing a capital of over \$45,000,000, and paying annual wages in excess of \$18,000,000, are shut out of a territory to which nature has furnished the easiest possible access; but to the products of Canada the doors are to be opened!

It is too much the custom in this country to belittle the resources and capabilities of our vigorous and enterprising neighbor on the north. Canada is nearly as large as all of Europe, and contains more than one half the fresh waters of the globe, with thousands of miles of coast lines. Her wheat area for the highest grades of grain is nearly four times as large as that of the United States. Her inexhaustible fisheries, her wealth of timber, the coal of Nova Scotia, and the immense deposits of iron ore in Ontario and Quebec, all await only the free markets of this country for their development.

Those markets the Wilson bill proposes to open; and none are more surprised at the offer than are the Unionists of Canada. Mr. Elgin Meyers, Q. C., of Toronto, in an address delivered before the Michigan Club, on May 24, 1893, said:

Reform politicians are now telling the people of Canada that there is, with the present Cleveland Administration, a chance of destroying the tariff wall that separates Canada from the United States. Well—

He continues—

if you are willing to give Canadians all the benefits of the American continent without their assuming any of its responsibilities, it will be another indication that you are a great-hearted people; and no one would rejoice if prosperity should follow more than the Unionists of Canada; but it would postpone union for some time.

In the short and sharp political battle that was fought in Canada in 1890, the Tories took their stand for reciprocity with the United States, limited to the natural products of both countries. The Liberals were beaten only by a narrow majority on the issue that the custom-houses along the border from the Atlantic to the Pacific be abolished, and that a uniform tariff be made for both countries.

It is political, not commercial, union that promises the greatest advantage to both countries; for the American lives only under his own flag, and until it leads the way across the border, Canada, with all her undeveloped wealth, has no charms for him. But political union would dot Canada with American cities, enlarging our markets and augmenting the opportunities for employment.

#### THE ULTIMATE DESTINY OF CANADA.

On two occasions the best portion of Canada was almost in the grasp of the United States. In 1779 the Congress sent to our minister to France an ultimatum that the new boundaries of this country should be run so as to bring the present Province of Ontario within our limits. Again, in 1812, nothing but astounding cowardice on the part of Gen. Hull prevented the conquest of that country, whose inhabitants were not unwilling to become American citizens. Some day the failures of diplomacy and the burdens of war will be retrieved.

No American can doubt that the ultimate destiny of Canada is to become a part of the United States. That day will be a welcome one to the people of Michigan, who are now hemmed in on the east by a territory with which there are no fair exchanges. To the people of the Dominion, also, a union with the United States would be advantageous in the highest degree. They would awake to find themselves wealthy and prosperous beyond all present possibilities.

To the dreamers of a great northern empire, the lovers of political power for its own sake, to the Tory party of Canada, annexation means annihilation. To them in their extremity the Wilson bill comes—as it comes to every foreign nation—bringing joy in the prospect of larger markets and greater profits, while to our own people its portion is smaller wages and restricted activities.

Our civilization has reached the point at which that man may be counted happy who is sure of steady employment and adequate pay. The exceptionally strong will make their own way

to the front; but society estimates its distance from the brute creation by the measure of its success in overcoming the law of the survival of the fittest. It may be a question as to how far this Government or any government should go in legislating to furnish work for its citizens; but there should be no question that to close up the avenues of employment already created is vicious legislation.

Thirty years of hard labor has made Michigan the leader among the States in the production of iron ore, lumber, and salt; for ten years her yield per acre of wheat, oats, corn, barley, buckwheat, and hay has been unsurpassed; in the production of wool she stands fourth, and in vessel tonnage she is surpassed only by New York State, with her combined ocean and lake traffic. Each and every one of these industries—with others equally important although perhaps less conspicuous—is threatened by the Wilson bill. As the result of a popular wave that has already receded the people of Michigan are to be left stranded amid the wreck of their industries. Is it strange then that from every part of the State, and from Democrats as well as Republicans, comes the demand to defeat the Wilson bill.

Mr. QUAY. Mr. President, I have agreed, with the consent of the Senate, to yield the floor to the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH addressed the Senate. After having spoken thirty-five minutes,

Mr. QUAY (at 5 o'clock p. m.). Mr. President—

Mr. DOLPH. I will be through on this point in a moment.

Mr. QUAY. Does the Senator from Oregon desire to conclude it this evening?

Mr. DOLPH. I should like to finish my statement of the census figures.

Mr. CULLOM. It is 5 o'clock.

Mr. DOLPH. Very well; I will yield at this time and retain the floor for to-morrow.

[Mr. DOLPH's speech will be published entire after it shall have been concluded.]

#### AMENDMENT OF THE RULES.

Mr. GRAY. I desire to give notice of a motion to amend the rules of the Senate.

The VICE-PRESIDENT. The notice will be read.

The Secretary read as follows:

I hereby give notice that I shall move to amend the standing rules of the Senate, by adding as an additional paragraph to Rule XIX the following: "4. No Senator shall read a speech, nor shall he read from any book or paper except it may be to quote an authority or illustrate a point or argument which he is making, without unanimous consent."

The VICE-PRESIDENT. The proposed amendment of the rules will be referred to the Committee on Rules.

#### HOUSE BILL REFERRED.

The bill (H. R. 6055) to authorize the construction of a bridge over the Monongahela River in the city of Pittsburg, was read twice by its title, and referred to the Committee on Commerce.

#### EXECUTIVE SESSION.

Mr. HARRIS. 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 fourteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 21, 1894, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 20, 1894.*

#### PROMOTIONS IN THE ARMY.

##### *Cavalry arm.*

First Lieut. James Lockett, adjutant Fourth Cavalry, to be captain, April 14, 1894, vice Wood, Fourth Cavalry, deceased.

Second Lieut. Thomas H. Slavens, Fourth Cavalry, to be first lieutenant, April 15, 1894, vice Hodgson, Sixth Cavalry, appointed assistant quartermaster.

To rank from February 27, 1890:

##### *To be brigadier-general by brevet.*

Maj. Edwin C. Mason, Twenty-first Infantry, brevet colonel United States Army (now colonel Third Infantry), for gallant and meritorious service in action against Indians in the Lava Beds, California, April 17, 1873, and for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Lieut. Col. William B. Royal, Third Cavalry, brevet colonel United States Army (now colonel retired), for gallant service in action against Indians on Rosebud Creek, Montana, on June 17, 1876.

Capt. Guy V. Henry, Third Cavalry, brevet colonel United States Army (now lieutenant-colonel Seventh Cavalry), for gallant and meritorious service in action against Indians on Rosebud Creek, Montana, June 17, 1876, where he was severely wounded.

Maj. Andrew W. Evans, Third Cavalry, brevet colonel United States Army (now lieutenant-colonel retired), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882.

Maj. John Green, First Cavalry, brevet lieutenant-colonel United States Army (now lieutenant-colonel retired), for gallant service in action against Indians in the Lava Beds, California, January 17, 1873, and for conspicuous gallantry in the several actions during the Modoc war.

Maj. Lewis Merrill, Seventh Cavalry, brevet colonel United States Army (now lieutenant-colonel retired) for gallant service in action against Indians at Canon Creek, Montana, September 13, 1877.

Capt. Frederick W. Benteen, Seventh Cavalry, brevet colonel United States Army (now major retired), for gallant service in action against Indians on the Little Big Horn, Montana, June 25 and 26, 1876, and in action against Indians at Canon Creek, Montana, September 13, 1877.

*To be colonel by brevet.*

Maj. Charles E. Compton, Sixth Cavalry, brevet lieutenant-colonel United States Army (now colonel Fourth Cavalry), for distinguished service in leading a cavalry battalion in a gallant and successful charge in action against Indians on the Red River, Texas, August 30, 1874.

Capt. Anson Mills, Third Cavalry, brevet lieutenant-colonel United States Army (now colonel Third Cavalry), for gallant service in action against Indians at Slim Buttes, Dakota, September 9, 1876.

Maj. John Green, First Cavalry, brevet lieutenant-colonel United States Army (now lieutenant colonel retired), for gallant service in action against Indians at Mount Turnbull, Arizona, April 30, 1869.

Capt. Marcus P. Miller, Fourth Artillery, brevet lieutenant-colonel United States Army (now major Fifth Artillery), for gallant and meritorious service in action against Indians in the Lava Beds, California, April 17, 1873, and for special gallantry and military ability in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. George M. Randall, Twenty-third Infantry, brevet major United States Army (now major Fourth Infantry), for gallant service in action against Indians near Pinal, Ariz., March 8, 1874, and for distinguished services during the campaign against Indians in Arizona in 1874.

*To be lieutenant-colonel by brevet.*

Maj. George M. Sternberg, surgeon (now brigadier-general, Surgeon-General), for gallant service in the performance of his professional duty under fire, in action against Indians, at the Clearwater, Idaho, July 12, 1877.

Capt. David S. Gordon, Second Cavalry, brevet major, United States Army (now colonel Sixth Cavalry), for gallant service in action against Indians at Miner's Delight, Wyoming, May 4, 1870.

Capt. George M. Brayton, Eighth Infantry, brevet major, United States Army (now colonel retired), for gallant service in actions against Indians in Arizona, June 25, 1875, July 4, 1875, January 10, 1877, January 21, 1877, and January 30, 1877.

Capt. James S. Casey, Fifth Infantry, brevet major, United States Army (now lieutenant colonel First Infantry), for conspicuous gallantry in leading his command in a successful charge against a superior number of Indians, strongly posted, at Wolf Mountain, Montana, January 8, 1877.

Capt. Richard Comba, Seventh Infantry, brevet major, United States Army (now lieutenant colonel Twelfth Infantry), for gallant service in actions against Indians at the Big Hole, Montana, August 9, 1877.

Capt. John M. Bacon, Ninth Cavalry, brevet major United States Army (now lieutenant-colonel First Cavalry), for gallant service in the actions against Indians on the Rio Pecos, Texas, June 7, 1869, and near the headwaters of the Salt Fork of the Brazos River, Texas, October 23 and 29, 1869.

Capt. Curwen B. McLellan, Sixth Cavalry, brevet major, United States Army (now lieutenant-colonel retired), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880, and in action against Indians near Red River, Indian Territory, August 30, 1874.

Capt. George M. Randall, Twenty-third Infantry, brevet major, United States Army (now major Fourth Infantry), for gallant service in actions against Indians at Turret Mountain, Arizona, March 27, 1873, and at Diamond Butte, Arizona, April 22, 1873.

Capt. John A. Kress, Ordnance Department, brevet major

United States Army (now major Ordnance Department), for gallant service in action against Indians on the Columbia River, Oregon, July 8, 1878.

Capt. Adna R. Chaffee, Sixth Cavalry, brevet major United States Army (now major Ninth Cavalry), for gallant service in leading a cavalry charge over rough and precipitous bluffs held by Indians on the Red River, Texas, August 30, 1874, and for gallant service in action against Indians at the Big Dry Wash, Arizona, July 17, 1882.

Capt. James Jackson, First Cavalry, brevet major United States Army (now major Second Cavalry), for gallant and meritorious service in action against Indians during the Modoc war, especially in the action on Lost River, Oregon, November 29, 1872, and for gallant service in action against Indians at the Clearwater, Idaho, July 12, 1877.

Capt. Wirt Davis, Fourth Cavalry, brevet major United States Army (now major Fifth Cavalry) for gallant service in action against Indians on the North Fork of Red River, Texas, September 29, 1872, and in action against Indians in the Big Horn Mountains, Montana, November 25, 1876.

First Lieut. John B. Babcock, Fifth Cavalry, brevet major United States Army (now major and assistant adjutant-general), for gallant service in actions against Indians at Tonto Creek, Arizona, June 16, 1873, and at Four Peaks, Arizona, January 16, 1874.

Maj. Alfred E. Latimer, Fourth Cavalry (now major retired), for gallant service in action against Indians on the North Fork of Red River, Texas, September 29, 1872.

Capt. Tullius C. Tupper, Sixth Cavalry, brevet major, United States Army (now major retired), for gallant service in successfully leading a cavalry charge against Indians in the action on Red River, Texas, August 30, 1874, and for gallant service in action against Indians at the Las Animas Mountains, New Mexico, April 28, 1882.

Capt. Wyllys Lyman, Fifth Infantry, brevet major, United States Army (now major retired), for gallant service in the actions against Indians on the Upper Washita River, Texas, September 9, 10, and 11, 1874.

Capt. James M. Bell, Seventh Cavalry, brevet major, United States Army, for gallant service in action against Indians at Canon Creek, Montana, September 13, 1877.

First Lieut. Allan H. Jackson, Seventh Infantry, brevet major, United States Army (now captain, Seventh Infantry), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

First Lieut. Charles C. Cresson, First Cavalry, brevet major, United States Army (now first lieutenant, retired), for gallant and meritorious service in action against Indians at the Lava Beds, California, April 17, 1873, and for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

*To be major by brevet.*

Capt. Henry C. Hasbrouck, Fourth Artillery (now major Fourth Artillery), for gallant service in action against Indians at Sorass Lake, California, May 10, 1873.

Capt. Simon Snyder, Fifth Infantry (now colonel Nineteenth Infantry), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877.

Capt. Evan Miles, Twenty-first Infantry (now lieutenant-colonel Twentieth Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and against Indians at the Umatilla Agency, Oregon, July 13, 1878.

Capt. Edmond Butler, Fifth Infantry (now lieutenant-colonel, retired), for conspicuous gallantry in leading his command in a successful charge against a superior number of Indians, strongly posted, at Wolf Mountain, Montana, January 8, 1877.

Capt. Henry McElderry, assistant surgeon (now major, surgeon), for gallant service in action against Indians at the Lava Beds, California, January 17, 1873, and for meritorious services in action against Indians near the Double Mountain Fork of the Brazos River, Texas, May 7, 1869.

Capt. Thomas McGregor, First Cavalry (now major Second Cavalry), for gallant service in action against Indians at the Santa Maria Mountains, Arizona, May 6, 1873.

Capt. Henry Carroll, Ninth Cavalry (now major First Cavalry), for gallant service in action against Indians on the Main Fork of the Brazos River, Texas, September 16, 1869, and against Indians in the San Andreas Mountains, New Mexico, April 7, 1880, where he was severely wounded.

Capt. William A. Rafferty, Sixth Cavalry (now major Second Cavalry), for gallant service in actions against Indians on the Little Wichita River, Texas, October 5, 1870, and in the Hatchet Mountains, New Mexico, April 28, 1882.

Capt. Emil Adam, Fifth Cavalry (now major, retired), for gallant service in action against Indians at Muchos Canons, Arizona, September 25, 1872.

Capt. Myles Moylan, Seventh Cavalry (now major, retired), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877, where he was severely wounded.

Capt. Camillo C. Carr, First Cavalry (now major Eighth Cavalry), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

Capt. Ezra P. Ewers, Fifth Infantry (now major Ninth Infantry), for gallant service in action against Indians under Crazy Horse on the Tongue River, Montana, January 8, 1877.

Capt. James N. Wheelan, Second Cavalry (now major Eighth Cavalry), for gallant service in action against Indians on the Rosebud, Montana, May 7, 1877.

Capt. Adam Kramer, Sixth Cavalry (now major Sixth Cavalry), for gallant service in actions against Indians at Ash Creek, Arizona, May 6, 1880, and at Big Dry Wash, Arizona, July 17, 1882.

Capt. Robert H. Montgomery, Fifth Cavalry (now major, retired), for gallant service in action against Indians at Muchos Canons, Arizona, September 25, 1872, and in a scout made by him through Tonto Basin, Arizona, during the months of November and December, 1874.

Capt. Charles W. Miner, Twenty-second Infantry, for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. Frank D. Baldwin, Fifth Infantry (now captain Fifth Infantry), for a gallant and successful attack on Sitting Bull's camp of Indians on Big Dry River, Montana, December 18, 1876, and for conspicuous gallantry in action against Indians at Wolf Mountain, Montana, January 8, 1877.

First Lieut. John G. Bourke, Third Cavalry (now captain Third Cavalry) for gallantry in an attack on Indians on Powder River, Montana, March 17, 1876, and in action against Indians on Rosebud Creek, Montana, June 17, 1876.

First Lieut. John L. Bullis, Twenty-fourth Infantry (now captain Twenty-fourth Infantry), for gallant service in action against Indians near Saragossa, Mex., July 30, 1876, and in action against Indians in the Burro Mountains, Mexico, May 3, 1881.

Capt. James M. J. Sanno, Seventh Infantry, for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

Capt. Alexander B. MacGowan, Twelfth Infantry, for gallant service against Indians in their attack on Fort Apache, Ariz., September 1, 1881.

Capt. Charles Porter, Eighth Infantry, for gallant service in actions against Indians in Arizona, August 15, 1876, October 4, 1876, and January 7, 1878, and in action against Indians in Arizona, April 3, 1878.

Capt. Mott Hooton, Twenty-second Infantry, for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Capt. Constant Williams, Seventh Infantry, for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877, where he was twice wounded.

Capt. Stephen P. Jocelyn, Twenty-first Infantry, for conspicuous gallantry in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Henry J. Nowlan, Seventh Cavalry, for gallant service in action against Indians at Canon Creek, Montana, September 13, 1877.

Capt. Edward S. Godfrey, Seventh Cavalry, for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877, where he was wounded.

Capt. Charles A. Coolidge, Seventh Infantry, for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877, where he was three times wounded.

First Lieut. Mason Carter, Fifth Infantry, brevet captain, United States Army (now captain Fifth Infantry), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877.

Capt. Charles A. P. Hatfield, Fourth Cavalry, for gallant service in action against Indians in the attack on Geronimo's camp, in the Santa Cruz Mountains, in Mexico, May 16, 1886.

First Lieut. Henry Romeyn, Fifth Infantry, brevet captain, United States Army (now captain Fifth Infantry), for gallant service in action against Indians at their village in Bear Paw Mountain, Montana, September 30, 1877, where he was severely wounded.

Capt. Stephen G. Whipple, First Cavalry (now captain retired), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Alfred B. Taylor, Fifth Cavalry (now captain retired), for gallant service in action against Indians at the Caves, Arizona, December 28, 1872.

Capt. Robert Pollock, Twenty-first Infantry (now captain retired), for marked bravery and gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Charles Bendire, First Cavalry (now captain retired), for gallant service in action against the Indians at Canyon Creek, Montana, September 13, 1877.

Capt. Eugene A. Bancroft, Fourth Artillery (now captain retired), for gallant service in actions against Indians at Clearwater, Idaho, July 11 and 12, 1877, where he was severely wounded.

Capt. Randolph Norwood, Second Cavalry (now captain retired), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877, and for gallantry in action against Indians on the Rosebud, Montana, May 7, 1877.

Capt. Lemuel A. Abbott, Sixth Cavalry (now captain, retired), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882.

Second Lieut. Edmund R. P. Shurly, Twenty-seventh Infantry, brevet captain, United States Army (now first lieutenant, retired), for gallant service in the successful defense of a Government supply train against a large force of Indians, near Goose Creek, Dakota, November 4, 1867, where he was severely wounded.

Capt. Arthur Morris, Fourth Artillery (since deceased), for gallant service in actions against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Patrick Cusack, Ninth Cavalry, brevet captain, United States Army (since deceased), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

*To be captain by brevet.*

First Lieut. Charles P. Eagan, Twelfth Infantry (now major, commissary of subsistence), for gallant service in action against Indians in the Lava Beds, California, April 17, 1873, where he was wounded.

First Lieut. Charles F. Humphrey, Fourth Artillery (now major, quartermaster), for gallant service in action against Indians at the Clearwater, Idaho, July 11, 1877.

First Lieut. Charles A. Woodruff, Seventh Infantry (now major, commissary of subsistence), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877, where he was three times wounded.

First Lieut. Frank D. Baldwin, Fifth Infantry (now captain Fifth Infantry), for gallant service in actions against Indians on the Salt Fork of the Red River, Texas, August 30, 1874, and on McLellan's Creek, Texas, November 8, 1874.

First Lieut. William Conway, Twenty-second Infantry (now captain, Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. William A. Thompson, Fourth Cavalry (now captain Fourth Cavalry), for gallant service in actions against Indians in the cañon near Red River, Texas, September 27 and 28, 1874, and at Las Lagunas Quatro, Texas, November 5, 1874.

First Lieut. Joshua W. Jacobs, Seventh Infantry (now captain and assistant quartermaster), for gallant and meritorious services in reconnaissance and action against Indians at the Big Hole, Montana, August 8 and 9, 1877.

Second Lieut. John G. Bourke, Third Cavalry (now captain, Third Cavalry), for gallant service in action against Indians at the Caves, Arizona, December 28, 1872, and in the campaign against Indians in Arizona, April, 1873.

First Lieut. Hiram H. Ketchum, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians near the mouth of the Big Horn River, Montana, August 11, 1873.

First Lieut. Abram E. Wood, Fourth Cavalry (since deceased), for gallant service in actions against Indians at Sand Creek, Kans., September 21, 1878, and at Punished Women's Fork, Kans., September 27, 1878.

First Lieut. Eugene D. Dimmick, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in action against Indians in the Black Range Mountains, New Mexico, September 23, 1879.

First Lieut. Earl D. Thomas, Fifth Cavalry (now captain, Fifth Cavalry), for gallant service in action against Indians at the Caves, Arizona, December 28, 1872, and for distinguished services in the campaign against Indians in Arizona, April, 1874.

First Lieut. Martin B. Hughes, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

First Lieut. Henry W. Sprole, Eighth Cavalry (now captain Eighth Cavalry), for gallant service in the pursuit of Indians on the Washita River, Texas, October 14 and 15, 1874, and in the action against Indians on Muster Creek, Texas, November 29, 1874.

First Lieut. William C. Manning, Twenty-third Infantry (now captain Twenty-third Infantry), for gallant service in action against Indians at Mazatzal Mountains, Arizona, December 13, 1872.

First Lieut. John L. Bullis, Twenty-fourth Infantry (now captain Twenty-fourth Infantry), for gallant service in actions against Indians at Remolina, Mexico, May 18, 1873, and on the Pecos River, Texas, April 26, 1875.

First Lieut. Walter S. Schuyler, Fifth Cavalry (now captain Fifth Cavalry), for gallantry in action against Indians in the Big Horn Mountains, Montana, November 25, 1876.

First Lieut. Benjamin C. Lockwood, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. William F. Stewart, Fourth Artillery (now captain Fourth Artillery), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Peter Boehm, Fourth Cavalry (now captain retired), for gallant service in action against Indians on the Brazos River, Texas, October 28 and 29, 1869; for special gallantry in action on the same river, October 10, 1871, and for gallant conduct in action against Indians on the Red River, Texas, September 29, 1872.

First Lieut. John Lafferty, Eighth Cavalry (now captain retired), for gallant service in actions against Indians in the Black Slate Mountains, Nevada, February 15, 1867, and in the Chiricahua Pass, Arizona, October 20, 1869, where he was severely wounded.

First Lieut. Robert McDonald, Fifth Infantry (now captain retired), for conspicuous gallantry in leading his command in a successful charge against Indians, strongly posted, at Wolf Mountain, Montana, January 8, 1877.

First Lieut. James H. Spencer, Thirtieth Infantry (now captain retired), for gallant service in action against Indians near Fort Fred Steele, Wyo., March 22, 1869.

First Lieut. Byron Dawson, Ninth Cavalry (now captain retired), for gallant service in the actions against Indians on the Rio Pecos, Texas, June 7, 1869, and on the Brazos River, Texas, October 28 and 29, 1869.

First Lieut. Charles King, Fifth Cavalry (now captain retired), for gallant and distinguished service in action against Indians near Diamond Butte, Arizona, May 21, 1874.

First Lieut. Max Wesendorff, First Cavalry (now captain retired), for gallant service in action against Indians at Squaw Peak, Arizona, September 30, 1872.

First Lieut. Gilbert E. Overton, Sixth Cavalry (now captain retired), for gallant service in leading a cavalry charge in the action against Indians on McLellan's Creek, Texas, November 8, 1874.

First Lieut. Henry M. Benson, Seventh Infantry (now captain retired), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877, where he was severely wounded.

First Lieut. John Conline, Ninth Cavalry (now captain retired), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

First Lieut. Oskaloosa M. Smith, Twenty-second Infantry (now captain and commissary of subsistence), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. Peter Leary, jr., Fourth Artillery (now captain Fourth Artillery), for gallant and meritorious service in actions against Indians in the Lava Beds, California, April 15 and 16, 1873.

First Lieut. Abiel L. Smith, Fourth Cavalry (now captain and commissary of subsistence), for gallant service in the campaign against Geronimo's band of Indians in Sonora, Mexico, from July to September, 1886.

First Lieut. Sydney W. Taylor, Fourth Artillery (now captain Fourth Artillery), for gallant and meritorious conduct in actions against Indians during the Modoc War of 1873.

First Lieut. James W. Watson, Tenth Cavalry, for gallant service in action against Apache Indians, near Salt River, Arizona, March 7, 1890.

First Lieut. Granville Lewis, Fifth Infantry (now first lieutenant, retired), for gallant service in action against Indians on the Upper Washita River, Texas, September 9, 1874, where he was severely wounded.

First Lieut. George Albee, Forty-first Infantry (now first lieutenant, retired), for gallant service in the actions against Indians on the Brazos River, Texas, September 16, 1869, and October 28 and 29, 1869.

First Lieut. Robert H. Fletcher, Twenty-first Infantry (now first lieutenant, retired), for gallant service in actions against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and at Canon Creek, Montana, September 13, 1877.

Second Lieut. Hayden De Lany, Ninth Infantry, brevet first lieutenant, United States Army (since deceased), for gallant

service in action against Indians in the Big Horn Mountains, Montana, November 25, 1876.

First Lieut. John W. Wilkinson, Seventh Cavalry (since deceased), for gallant service in action against Indians at Canyon Creek, Montana, September 13, 1877.

*To be first lieutenant by brevet.*

Second Lieut. Charles Morton, Third Cavalry (now captain Third Cavalry), for gallant service in action against Indians in the Tonto country, Arizona, June 5, 1871.

Second Lieut. Earl D. Thomas, Fifth Cavalry (now captain Fifth Cavalry), for gallant service in action against Indians near Fort McPherson, Nebraska, June 8, 1870.

Second Lieut. Frazier A. Boutelle, First Cavalry (now captain First Cavalry), for gallantry in action against Indians at Lost River, Oregon, November 29, 1872, and for conspicuous gallantry and meritorious conduct during the whole Modoc War.

Second Lieut. Walter S. Schuyler, Fifth Cavalry (now captain Fifth Cavalry), for gallant service in actions against Indians, at Muchos Canyons, Arizona, September 25, 1872; on Lost River, Arizona, June 26, 1873; at Salt River, Arizona, April 28, 1874, and in the Red Rock country, Arizona, May 14, 1874.

Second Lieut. Frank West, Sixth Cavalry (now captain Sixth Cavalry), for gallant service in actions against Indians on the Washita River, Texas, September 9, 10, and 11, 1874.

Second Lieut. Peter S. Bomus, First Cavalry (now captain First Cavalry), for gallant service in action against Indians at the Mazatzal Mountains, Arizona, December 13, 1872.

Second Lieut. Francis Michler, Fifth Cavalry (now captain Fifth Cavalry), for gallant service in actions against Indians at Muchos Canyons, Arizona, September 25, 1872, and at the head of Tonto Creek, Arizona, January 22, 1873.

Second Lieut. John T. Van Orsdale, Seventh Infantry (now captain Seventh Infantry), for gallant service in action against Indians at Big Hole, Montana, August 9, 1877.

Second Lieut. Edward J. McClermand, Second Cavalry (now captain Second Cavalry), for gallantry in the pursuit of Indians and in action against them in the Bear Paw Mountains, Montana, September 30, 1877.

Second Lieut. William H. Miller, First Cavalry (now captain and assistant quartermaster), for gallant service in action against Indians at the Lava Beds, California, April 17, 1873, and for gallant and meritorious conduct during the Modoc war.

Second Lieut. Charles A. Williams, Twenty-first Infantry (now captain Twenty-first Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11, 1877, where he was severely wounded.

Second Lieut. Henry H. Wright, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in actions against Indians in Florida Mountains, New Mexico, January 24, 1877; in the Sacramento Mountains, New Mexico, July 29, 1878, and in the Miembres Mountains, New Mexico, May 29, 1879.

Second Lieut. John F. Guilfoyle, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in actions against Indians at White Sands, New Mexico, July 19, 1881; in the San Andreas Mountains, New Mexico, July 25, 1881, and at Monica Springs, New Mexico, August 3, 1881.

Second Lieut. Thomas M. Woodruff, Fifth Infantry (now captain Fifth Infantry), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877.

Second Lieut. Charles H. Heyl, Twenty-third Infantry (now captain Twenty-third Infantry), for gallant service in action against Indians on the south side of the Verde River, Arizona, May 24, 1874, and for gallantry in action against Indians near Grace Creek, Nebraska, April 28, 1876.

Second Lieut. William H. Kell, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Second Lieut. Ezra B. Fuller, Seventh Cavalry (now captain Seventh Cavalry), for gallant service in action against Indians at Cannon Creek, Montana, September 13, 1877.

Second Lieut. Hobart K. Bailey, Fifth Infantry (now captain Fifth Infantry), for gallant service in action against Indians on McLellan's Creek, Texas, November 8, 1874.

Second Lieut. Charles W. Taylor, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

Second Lieut. Francis E. Eltonhead, Twenty-first Infantry (now captain Twenty-first Infantry), for distinguished service and conspicuous gallantry in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Second Lieut. Alfred C. Sharpe, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Second Lieut. Frederick W. Sibley, Second Cavalry (now captain Second Cavalry), for gallant service in action against Indians on the Little Big Horn River, Montana, July 7, 1876.

Second Lieut. Alfred M. Fuller, Second Cavalry (now captain Second Cavalry), for gallant service in action against Indians on the Rosebud, Montana, May 7, 1877, where he was wounded.

Second Lieut. Edward E. Hardin, Seventh Infantry (now first lieutenant Seventh Infantry), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

Second Lieut. James D. Nickerson, Seventeenth Infantry (now first lieutenant Seventeenth Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Second Lieut. Herbert J. Slocum, Seventh Cavalry (now first lieutenant Seventh Cavalry), for gallant service in action against Indians at Canyon Creek, Montana, September 13, 1877.

Second Lieut. Augustus P. Blockson, Sixth Cavalry (now first lieutenant Sixth Cavalry), for gallant service in action against Indians at Ash Creek, Arizona, May 7, 1880.

Second Lieut. George L. Converse, jr., Third Cavalry (now first lieutenant Third Cavalry), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882, where he was severely wounded.

Second Lieut. Stephen C. Mills, Twelfth Infantry (now first lieutenant Twelfth Infantry), for gallant service in actions against Indians in the San Andreas Mountains, New Mexico, April 7, 1880, and in the Las Animas Mountains, New Mexico, April 28, 1882.

Second Lieut. George H. Morgan, Third Cavalry (now first lieutenant Third Cavalry), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882, where he was severely wounded.

Second Lieut. William C. Brown, First Cavalry (now first lieutenant First Cavalry), for gallant service in action against Indians at Big Creek, Idaho, August 19, 1879, and in the reconnoissances of August 17 and September 25, 1879.

Second Lieut. Louis H. Orleman, Tenth Cavalry (now first lieutenant retired), for gallant service in actions against Indians at Beaver Creek, Kansas, October 18, 1868, and at the Wichita Agency, Ind. T., August 22, 1874.

Second Lieut. Robert G. Carter, Fourth Cavalry (now first lieutenant retired), for specially gallant conduct in action against Indians on the Brazos River, Texas, October 10, 1871.

Second Lieut. Charles Braden, Seventh Cavalry (now first lieutenant retired), for gallant and meritorious services in action against Indians on the Big Horn River, Montana, August 11, 1873, where he was severely wounded.

Second Lieut. Robert H. Young, Fourth Infantry (now first lieutenant retired) for gallant service in action against Indians near Fort Fred Steele, Wyo., March 22, 1869.

Second Lieut. Bainbridge Reynolds, Third Cavalry (now out of service), for gallant service in action against Indians at the Rosebud, Montana, June 17, 1876.

Second Lieut. Edward W. Casey, Twenty-second Infantry (since deceased), for gallant service in action against Indians on Muddy Creek, Montana, May 7, 1877.

Second Lieut. Francis Woodbridge, Seventh Infantry (since deceased), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

Second Lieut. Edward S. Farrow, Twenty-first Infantry (now out of service), for gallant service in actions against Indians at Big Creek, Idaho, August 19, 1879, and at Big Meadows, Idaho, October 8, 1879.

Second Lieut. Powhatan H. Clarke, Tenth Cavalry (since deceased), for gallant service in actions against Indians near Salt River, Ariz., March 7, 1890, and in the Penito Mountains, Mexico, May 3, 1886.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 17, 1894.*

##### PROMOTION IN THE ARMY.

###### Cavalry arm.

Second Lieut. P. D. Lochridge, Second Cavalry, to be first lieutenant.

##### SURVEYOR OF CUSTOMS.

M. A. Frawley, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

##### COLLECTOR OF CUSTOMS.

Emil Olund, of Minnesota, to be collector of customs for the district of Duluth, in the State of Minnesota.

##### SUPERVISING INSPECTOR OF STEAM VESSELS.

James O'Neal, of Illinois, to be supervising inspector of steam vessels for the Fourth district.

#### POSTMASTERS.

George H. Moody, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio.

Oscar N. Marihugh, to be postmaster at Middleport, in the county of Meigs and State of Ohio.

William T. Haviland, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio.

John L. Davis, to be postmaster at Shawnee, in the county of Perry and State of Ohio.

C. L. Russell, to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio.

Ulrich B. Newman, to be postmaster at Greenfield, in the county of Highland and State of Ohio.

John W. Morrow, to be postmaster at Ada, in the county of Hardin and State of Ohio.

Benjamin F. Wintersteen, to be postmaster at Akron, in the county of Plymouth and State of Iowa.

George R. Howard, to be postmaster at Neola, in the county of Pottawattamie and State of Iowa.

James Trotter, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio.

Edward C. Holt, to be postmaster at Anamosa, in the county of Jones and State of Iowa.

William W. Smith, to be postmaster at Leipsig, in the county of Putnam and State of Ohio.

George T. Roof, to be postmaster at Corning, in the county of Perry and State of Ohio.

John H. Thomas, to be postmaster at Marion, in the county of Marion and State of Ohio.

John W. Alsop, to be postmaster at Galion, in the county of Crawford and State of Ohio.

Charles H. Scott, to be postmaster at Farmington, in the county of Van Buren and State of Iowa.

John Lynch, to be postmaster at Liberty, in the county of Union and State of Indiana.

John M. Higgs, to be postmaster at Connersville, in the county of Fayette and State of Indiana.

G. Frew Pollock, to be postmaster at Cardington, in the county of Morrow and State of Ohio.

Thomas J. Francisco, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

John I. Hoover, to be postmaster at Wabash, in the county of Wabash and State of Indiana.

Henry Rosser, to be postmaster at Marietta, in the county of Washington and State of Ohio.

William E. Burch, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia.

Edward Finn, to be postmaster at West Winsted, in the county of Litchfield and State of Connecticut.

Pratt K. Mapel, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio.

Albert G. Ahlefeld, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

Alvah Raymond, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

Gardner W. Pearson, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts.

Patrick H. Murphy, to be postmaster at Ashland, in the county of Ashland and State of Ohio.

Mulford M. Scudder, to be postmaster at Westfield, in the county of Union and State of New Jersey.

John E. Yates, to be postmaster at Gallatin, in the county of Daviess and State of Missouri.

*Executive nomination confirmed by the Senate April 20, 1894.*

#### POSTMASTER.

Isaac B. Williams, to be postmaster at Paris, in the county of Henry and State of Tennessee.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, April 20, 1894.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

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

SAMUEL COFFMAN, DECEASED, VS. THE UNITED STATES.

The SPEAKER laid before the House a copy of the findings of the Court of Claims in the case of Samuel Coffman, deceased, vs. The United States; which was referred to the Committee on War Claims and ordered to be printed.

STEEL BRIDGE ACROSS THE ST. LOUIS RIVER.

The SPEAKER laid before the House the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis

River, between the States of Wisconsin and Minnesota, with Senate amendments.

Mr. HAUGEN. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were read and agreed to.

#### SENATE BILLS REFERRED.

The SPEAKER laid before the House the bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France; which was referred to the Committee on Naval Affairs; and

Senate joint resolution (S. R. 74) for the proper enrollment of Thomas R. Proctor in the Navy of the United States; which was referred to the Committee on Naval Affairs.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. MERCER obtained leave of absence for Friday evening session.

#### ORDER OF BUSINESS.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration—

Mr. BURROWS. Before that is done, the gentleman will yield to me a moment.

The day before yesterday I called the attention of the House to what I conceived to be a violation of the rules of the House and its uniform practice on the part of the gentleman from Alabama [Mr. WHEELER]. It was then laid over, on account of his absence. I was hoping yesterday that he would so explain the matter to the House that it would be satisfactory and no further action would be necessary. I notice the gentleman is in his seat this morning, and possibly he can give such explanation as will be satisfactory to the House and will require no further action.

Mr. WHEELER of Alabama. Mr. Speaker, there is no member of this House who has a higher appreciation than myself for the importance of observing and exacting the strictest compliance with every rule of this body and every rule of parliamentary law. During a momentary absence from my seat on Wednesday morning I learn that the gentleman from Michigan [Mr. BURROWS] seized an opportunity to criticize what he chose to term an infraction of the rules of the House, and it was not until his attention was publicly called to the fact that I was not in my seat that the gentleman announced he would delay proceedings until my arrival. I was in my seat during a great part of the day, of which fact the gentleman was well aware, but he failed to renew the attack.

I again hoped he would bring the matter up yesterday morning. I was in my seat ready for it, and the gentleman did not do so.

I will begin by saying that it comes with very bad grace from a gentleman who for six weeks has been leading a revolution—

Mr. REED. A successful one.

Mr. WHEELER of Alabama (continuing). Yes, a revolution against the rules of this House, with his hands, I might say, if it were parliamentary, red with the blood of murdered parliamentary rules and parliamentary procedure. [Laughter and applause.] I am not surprised that the gentleman is unable to deny that the course pursued by him and his colleagues was revolutionary.

It ill becomes the gentleman from Michigan [Mr. BURROWS] to criticize any member of this House for an infraction of its rules. Most certainly it does not become him when the infraction complained of could by no possibility harm anyone. For more than a month the gentleman from Michigan has been guilty of flagrant, uncalled-for, and, were it not of doubtful parliamentary propriety, I might use the strongest possible language to characterize his violations of the rules of the House, repeating, as he has, these violations many times for many weeks.

The gentleman from Maine [Mr. REED], I see by the RECORD, also arose to criticize my absence from my seat during a single moment of the sittings of this body. It does not come with good grace from him and his brother from Michigan, who have been leading in this destruction—I might say assassination—of parliamentary hours and days during the last six weeks or two months, men who knew that the country was demanding legislation—legislation necessary to relieve the millions of suffering people.

These gentlemen have been the leaders of the most uncalled-for and revolutionary transgression of rules that has ever been committed by members of Congress since the organization of our Government, and this has been done with a full knowledge that the people are suffering and pleading to Congress for relief. Elected to enact legislation essential to the welfare of the people, they have done everything in their power to stop legislation.

In reply to the people's appeal for action, they insult and mock them by doing all they can to prevent action; they could not ac-

complish this purpose lawfully, they have therefore endeavored to thwart the wishes and deny the appeals of the people in an unlawful manner, and now, with possibly a hundred violations of the rules staring them in the face, they have the effrontery to stand up in this House to criticize a member who, from the beginning of this session, has been constant, faithful, and earnest in discharging every duty imposed upon him and in executing every trust confided to his hands. The gentleman from Michigan and his colleague, Mr. REED, are the last members of this House who should have risen to criticize fellow-members and talk about infraction of the rules.

Where I have transgressed a rule once, these gentlemen have committed the offense a hundred times. I am a firm believer in the propriety of complying with the rules of the House, but I should like to ask the gentlemen why they do not call attention to the violation of rules which are constantly under their observation? It is a violation of the rules for members to smoke on the floor of the House; yet on yesterday several Republicans were smoking in the immediate presence of the gentleman from Michigan and the gentleman from Maine, and they made no attempt to correct it, and that offense is now being committed and has been repeated nearly every day of the session. This distinguished gentleman, Mr. REED, in violation of rules, loitered around the clerks while they were calling the roll a few days ago, and yet the gentleman from Michigan seemed to rather approve his action.

The revolutionary violation of the rules of the House led by these gentlemen has stopped legislation for many weeks, and cost the Government more than \$1,000,000 in cash, and cost the people many millions. So far was the revolution carried, that when a day was set apart for solemn eulogies upon the life and character of Senator Gibson, our late very distinguished colleague, Mr. REED and Mr. BURROWS, unawed by the solemnity of the occasion, filibustered and compelled the day to be lost, and the solemn ceremonies did not take place.

These are the men who come here to criticize a member who, I may say, possibly more than anyone else, has regarded and observed the rules of this body. The infraction which the gentleman referred to was simply extending remarks in the RECORD, a practice which has been in vogue ever since both of those gentlemen have been members of this House. It is true that where members desire to extend their remarks to any considerable extent permission is asked and almost universally granted. Now, Mr. Speaker, I want to repeat, I am in favor of the closest observance of every rule of this House. The House has been altogether too lenient in the matter of enforcing rules, and we have too frequently allowed them to be infringed.

I am delighted to see this newly awakened anxiety upon this important subject by the gentlemen from Maine and Michigan, and to show to the House my sincerity in this matter, I desire to say that if I have infringed any rule, even in the slightest degree, I stand here ready to accept any censure that this House may regard proper. The remarks which I extended were written immediately after the discussion which took place on that day. I left the Hall and went to my room and wrote out the remarks which I regarded as proper to be made upon the question of adopting the rule. I will admit that I ought to have come here and ascertained that permission had been granted, or asked it myself. I will further say that it was my intention when I left the Hall to write out my remarks, to come here toward the close of the session and ask permission to extend them. I commenced upon them, and wrote the ideas which were in my mind, and which I intended to utter in this House if proper time had been given us for the discussion, and, as is usually the case, the ideas expressed on the floor, when elaborated occupied more space, and to these I added quotations from the Constitutional Convention, the Revised Statutes, the decision of the Supreme Court, and Hamilton's remarks in the New York convention, all of which took up the space as stated by the gentleman from Michigan, and upon which he bases his complaint. I think I am justified in the statement that it has been a universal custom for members to illustrate their remarks by appropriate extracts and citations, which are not read upon the floor, but are incorporated in the speech to substantiate what it contains.

Now, Mr. Speaker, I do not know that I should say anything further upon this subject. I admit that I extended the remarks a little more than I intended. [Laughter.] But, Mr. Speaker, it has been a rule in this House to allow this courtesy to members ever since there has been a Congress, and I do not think there is a member of this body who has not availed himself of this privilege of revision.

Mr. WALKER. Mr. Speaker, there is so much confusion we can not hear. I want to hear what the gentleman from Alabama admitted.

Mr. WHEELER of Alabama. And it was simply in compliance with this rule that that which is complained of occurred.

Now, to illustrate the extent to which it has been carried, I saw some correspondence a few years ago, by some of the oldest citizens of Washington, to the effect that the great speech delivered by Daniel Webster in the Hayne debate was retained from the Globe thirty days, and when it appeared it was entirely different from the speech as delivered in the Senate.

No one will question but that all members have availed themselves of the privilege of revising their remarks, striking out all expressions that may be objected to, any expressions which in heat of debate might reflect upon a member; and I want to say here that during my career in this House I have never on a single occasion uttered one word that was not of the kindest character in referring to any member in this body. I have not been one of those who stand here to criticize my fellow-members. I have not been one of those who stand here and impede legislation or prevent my fellow-members from obtaining consideration of measures they think important. I have tried to stand here as an American citizen, sent here by an honest, brave, honorable, and intelligent constituency, to do my duty to my people, to my God, and to my country [applause], and to uphold the banner and the principles of the party of which I am proud to be a member. [Applause.]

Now, Mr. Speaker, I ask unanimous consent that the remarks which appeared in the RECORD may stand, and that I may have permission to print them the same as if permission had been given before the RECORD was published.

Mr. BURROWS. Do I understand the gentleman to ask unanimous consent to extend his remarks of this morning?

Mr. WHEELER of Alabama. No, sir; I did not. I simply asked unanimous consent that the remarks—

Mr. BURROWS. I want to say a word.

Mr. WHEELER of Alabama. That the remarks which appeared in the RECORD may stand the same as if permission had been granted before the publication.

Mr. BURROWS. The gentleman from Alabama suggested that I called this matter up in his absence, with a view of taking advantage of that fact. If I intended to secure an advantage over the gentleman from Alabama I would certainly always wait for his presence. [Laughter on the Republican side.] I waited yesterday, hoping that he would call the attention of the House to the matter; and, as he did not do that, I felt constrained to direct the attention of the House to it this morning, that the House may take such action as it sees fit.

Now, in this case it seems to me that there is no question about the violation of the rule, a most flagrant violation, because it will be observed on page 4663 of the daily RECORD that the gentleman from Mississippi [Mr. CATCHINGS], having the matter in charge, asked unanimous consent that gentlemen making remarks upon the subject might be permitted to extend them in the RECORD, whereupon the gentleman from Maine [Mr. REED] objected to such request. Then, immediately afterwards, the gentleman from Alabama [Mr. WHEELER] secured, through the courtesy of the gentleman from Mississippi [Mr. CATCHINGS], one minute to address the House; and it would appear that in the one minute he got into the RECORD over four columns, at the close of which he puts the Speaker in the attitude of saying, "The time of the gentleman from Alabama has expired." [Laughter.]

Mr. JOHNSON of Indiana. I trust the gentleman from Michigan does not consider rapidity of utterance a sufficient ground for criticism on a member of this House. [Laughter.]

Mr. BURROWS. Now, Mr. Speaker, the report of what the gentleman from Alabama did say in that minute I hold in my hand, and I ask the Clerk to read it, so that the House may judge whether he has extended his privilege beyond what is permitted by the rule.

The Clerk read as follows:

Mr. WHEELER of Alabama. Mr. Speaker, I am always ready and willing to do what my party decides, but I regard this as a question which ought to have more deliberation than is given in this debate. The Constitution particularly states that upon the demand of one-fifth the yeas and nays shall be recorded. On the vote upon a bill which is vetoed the Constitution especially states, again, that the yeas shall be recorded, and that the yeas shall be recorded; and I ask this House to consider if this rule complies with and provides for all the exigencies that might arise on a vote of that character; and I think, Mr. Speaker, we ought at first give a full opportunity to test the effect of enforcing the law we now have—

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. CATCHINGS. I hope the gentleman from Maine will now take his fifteen minutes.

Mr. BURROWS. That is what the gentleman from Alabama did say, and the House knows what he has inserted in the RECORD. Now, I do not think I shall make any motion in regard to the matter. The House having the facts before them, if they desire to have this established as a precedent, we on this side have no objection; but then, of course, it will be understood that every member of the House may print whatever he sees fit to

print, even in the face of a refusal of the House to grant the privilege of extending his remarks. I was in hopes that the gentleman from Alabama while he had the floor would also explain how it happened that on a previous occasion, where he had five minutes for the discussion of the Post-Office bill in Committee of the Whole and obtained leave to extend his remarks, he printed twelve columns of the Canadian tariff. [Laughter.] I think some action should be taken about that also; but, so far as the minority are concerned, we have nothing further to suggest.

I think the remarks which the gentleman inserted in the RECORD on the question of the adoption of the new rule ought to be stricken out, and those just read from the Clerk's desk inserted in its stead in the permanent RECORD. I repeat, it is for the majority to determine the question; but, if that is not done, of course the case will be drawn into precedent, and hereafter every member will feel at liberty to print what he pleases, even in the face of a refusal of the House to grant permission.

Mr. DOCKERY. Mr. Speaker, following the usual practice, I move a reference of the whole matter to the Committee on Printing with the right to report at any time.

The SPEAKER. The gentleman from Missouri moves that this matter be referred to the Committee on Printing with the right to report at any time.

Mr. WALKER. Mr. Speaker, I have had a little experience with the Committee on Printing [laughter], and I would suggest, in furtherance of what has been said, that no greater favor could be done to the gentleman from Alabama than to refer this matter to that committee, and I certainly hope that reference will be made.

Mr. BURROWS. I suppose, Mr. Speaker, it ought to be understood, and perhaps it should be embraced in the motion of the gentleman from Missouri, that the extended remarks of the gentleman from Alabama should not go into the permanent RECORD until the committee shall have reported upon this matter.

The SPEAKER. The Chair would understand that as a matter of course, because the action taken would not be effective if, in the mean time, the extended remarks went into the permanent RECORD.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understood the motion of the gentleman from Missouri to be that the "whole matter" should be referred to the Committee on Printing. I do not understand—and if I am mistaken I wish to be corrected—I do not understand that the reference of "the whole matter," to use the language of the gentleman from Missouri, would include the other remarks referred to by the gentleman from Michigan, in connection with which he says the gentleman from Alabama printed a portion of the Canadian tariff.

The SPEAKER. The Chair understood the gentleman from Michigan to merely refer to that in debate.

Mr. BURROWS. That was all. I simply expressed my regret that the gentleman from Alabama, when he had the floor, had not explained that matter also.

The SPEAKER. As the Chair understood the gentleman from Michigan, there was this difference, that in that case the gentleman from Alabama had a leave to print.

Mr. RICHARDSON of Tennessee. That is what I understand, and that is why I raise this question.

Mr. BURROWS. Perhaps, Mr. Speaker, that matter had better go to the committee also, because I am informed that the gentleman from Alabama used the privilege of extending his remarks under the five-minute rule, and then subsequently printed independently of that ten or twelve pages of the Canadian tariff, prefacing it with some remarks.

Mr. RICHARDSON of Tennessee. In any view of the case I suggest to the gentleman from Michigan that the reference of that matter would be futile, because that extended speech has already gone into the permanent RECORD, and therefore the committee could not make any effective recommendation in relation to it.

Mr. WHEELER of Alabama. I will explain that matter. The speech to which the gentleman from Michigan refers was all sent to the Printer at once, but he sent me word that he could not get it all set up that night, and therefore he was compelled to defer printing a portion, and insert it in the RECORD of the following day.

Mr. BURROWS. But there are two speeches printed under that leave, are there not?

Mr. WHEELER of Alabama. No, sir. That is what I have just explained. I sent the whole of that speech to the Printer the day it was delivered, and the reason it appeared in the RECORD in two parts and on different days was that the Printer was unable to get it all set up the first night.

Before printing the new Canadian tariff I consulted with several of the older members of the House, all of whom concurred

that it contained valuable information which ought to go in the RECORD for the use of the members. To show the extravagant exaggeration of the gentleman from Michigan [Mr. BURROWS], I call attention to his statement that this tariff occupied ten or twelve pages, when in fact it contained but six pages and a few lines over.

Mr. RICHARDSON of Tennessee. I now understand the gentleman from Michigan does not ask to have referred to the committee the matter in reference to the extension of the remarks of the gentleman from Alabama on the post-office bill.

Mr. DOCKERY. That is not included in my motion.

Mr. RICHARDSON of Tennessee. I understand that is not included in the gentleman's motion. Now, I ask unanimous consent that the House make an additional order; that the speech now in question be withheld from the permanent RECORD until this matter is settled.

Mr. STOCKDALE. As I understand, the motion in regard to this matter comes from the gentleman from Missouri [Mr. DOCKERY], not the gentleman from Michigan.

The SPEAKER. The Chair will state the motion of the gentleman from Missouri. It is that there be referred to the Committee on Printing, with leave to report at any time, the question as to the right of the gentleman from Alabama to have inserted in the RECORD of April 18 certain remarks that there appear.

Mr. BLAND. Mr. Speaker, I hardly see the necessity of referring a matter like this. There is certainly nothing objectionable in what the gentleman from Alabama has published. I know that it has sometimes happened that members under leave to print have attacked other members of the House, or have taken advantage of the privilege in a covert way to speak in a manner which was not becoming a member. But here is simply a legitimate matter of debate.

No doubt the gentleman from Alabama has technically violated the rule of the House in printing this matter in the RECORD without leave. But I can see no objection to the request of the gentleman from Alabama that his remarks be permitted to remain in the RECORD, the proceeding, of course, not to be regarded as a precedent hereafter. The gentleman admits that he went beyond the rule in printing these remarks; but he did so with the expectation, when he wrote out the remarks, of getting the leave of the House; and (through inadvertence probably) the remarks were printed without leave having been obtained.

I renew, therefore, the request for unanimous consent that the gentleman's remarks remain in the RECORD. There is nothing in them derogatory to any gentleman in the House; and let it be understood that what is done in this case is not to be taken as a precedent.

Mr. DOCKERY. Without desiring to interfere with the request of my colleague [Mr. BLAND] for unanimous consent, I ask the previous question on my motion.

The SPEAKER. The Chair will submit the request. The gentleman from Missouri [Mr. BLAND] asks unanimous consent that the remarks of the gentleman from Alabama, which have been referred to, be permitted to remain in the RECORD. Is there objection?

Mr. BURROWS. Well, Mr. Speaker, I think perhaps—

Mr. BLAND. I think that the action which I now request is due to the gentleman from Alabama and myself and a few others who voted against the new rule the other day.

Mr. BURROWS. Perhaps the gentleman from Missouri [Mr. BLAND] did not understand that just before the delivery of the brief remarks of the gentleman from Alabama on this floor the request for unanimous consent to extend remarks in the RECORD had been denied by the House not only to the gentleman himself, but to others.

Mr. BLAND. I understand that very well. But the gentleman from Alabama has admitted that he violated the rule; and I think the matter might now be settled by unanimous consent in the way I have suggested.

Mr. BURROWS. I think it had better go to the committee for examination. After such examination, if the House should by unanimous consent desire to let the remarks stand, that can be done.

The SPEAKER. Objection is made to the request of the gentleman from Missouri [Mr. BLAND]. The gentleman from Missouri [Mr. DOCKERY] demands the previous question on his motion.

The previous question was ordered.

Mr. WHEELER of Alabama. I ask unanimous consent that the Public Printer be authorized to omit these remarks from the permanent RECORD.

The SPEAKER. The gentleman from Alabama asks that the Public Printer be directed to withdraw the remarks in question from the permanent RECORD. Is there objection?

Mr. REED. It seems to me that this question ought to be settled. I do not think it ought to be decided hastily. The RECORD has been made for a long time the wastebasket of the House of Representatives—I do not mean to say that this has been inappropriate, but I think we had better know exactly what we are doing. As I understand, the object of this request is to avoid a decision on this point; but it seems to me the House ought to decide it one way or the other.

Mr. DOCKERY. It does seem to me that the gentleman from Maine ought not to deny to the gentleman from Alabama the privilege of withdrawing from the RECORD the remarks objected to. The gentleman from Alabama has stated frankly that they were out of order, and he desires to withdraw them.

Mr. REED. Well, I am not inclined to press such a matter.

Mr. RICHARDSON of Tennessee. The gentleman from Alabama admits that he was in error and asks leave to withdraw the remarks.

Mr. REED. I would like the opportunity to say that under this system of extending remarks in the RECORD and printing remarks not delivered, a good many statements appear—sometimes in regard to myself—which apparently are not denied, although they have not the slightest foundation in fact or in the average human imagination. In fact they were never delivered in anybody's presence and I thought I would take an opportunity to say so. I think the gentleman from Alabama himself indulged in about an hour's printing of that character in a fifteen minutes' speech that I took particular pains to give him an opportunity, to make. Instead, however, of availing himself of the opportunity, he did not say anything about the subject I have referred to, but printed a good deal that had reference to it. But I suppose it is true always that lies—no, I will say incorrect statements—will eventually correct themselves.

Mr. WHEELER of Alabama. I think the gentleman from Maine is mistaken in his assertion. I recollect the occasion to which he refers very well. I took particular pains to make my statement upon the floor of the House, and the gentleman will recollect that I was not confined to fifteen minutes, but that my time was extended after the expiration of that time for half an hour longer. It was an exceedingly interesting subject, a land-forfeiture bill. I spoke of the gentleman from Maine [Mr. REED] as a field marshal commanding an army. The speech ought to be read by every member in the House. [Laughter.]

Mr. REED. I notice that it was not only an interesting subject to the gentleman, but has continued to be such.

The SPEAKER. The Chair understands the gentleman from Alabama to ask now that these remarks be omitted from the permanent RECORD.

Mr. BURROWS. As I understand the request of the gentleman, it is to have expunged from the permanent RECORD the remarks.

Mr. WHEELER of Alabama. I did not say "expunged" from the RECORD.

Mr. BURROWS. Well, omitted.

Mr. WHEELER of Alabama (continuing). I ask that the Public Printer be permitted to omit them from the permanent RECORD.

Mr. BURROWS. And you desire to insert in the RECORD what you did say, as read from the desk this morning?

Mr. WHEELER of Alabama. No, sir. I will seek to get them into the RECORD on another occasion, in a way that I hope will be entirely satisfactory to the gentleman from Michigan.

Mr. BURROWS. But you desire to have what you did say on that occasion put into the RECORD, so as to make the correction complete?

Mr. WHEELER of Alabama. No; what I want is that the Public Printer be instructed to withhold all of my remarks on that occasion, making the usual statement that they are withheld for revision. [Cries of "No!" "No!" on the Republican side.]

Mr. BURROWS. I do not understand the gentleman's suggestion.

Mr. WHEELER of Alabama. What I mean is that the gentleman from Michigan can not insert in the RECORD my speech. I am the man to determine that for myself in my own time, and not the gentleman from Michigan.

Mr. BURROWS. But I supposed the gentleman from Alabama desired to omit from the permanent RECORD what he did not deliver on the floor and have inserted in the RECORD what he actually did say. In that event everything would be regular; the yielding of one minute by the gentleman from Mississippi, the time occupied by the gentleman from Alabama [Mr. WHEELER], and the announcement by the Speaker that the time of the gentleman from Alabama had expired.

Mr. WHEELER of Alabama. No; I want all of my remarks omitted or else all of them put in and allowed to stay there. I made a proper and logical speech against the rule, which you

championed, and you do not want it in the RECORD, and you know it. [Laughter and applause on the Republican side.]

The SPEAKER. The Chair will submit the request of the gentleman from Alabama.

Mr. STORER. I demand the regular order.

The SPEAKER. The regular order being demanded, the question is on the motion of the gentleman from Missouri—

Mr. McRAE. Mr. Speaker—

The SPEAKER. For what purpose did the gentleman rise?

Mr. McRAE. To make a motion in connection with the pending matter.

The SPEAKER. But the previous question has been ordered.

Mr. McRAE. I desire to ask, then, if the previous question is voted down, if a motion would not be in order—

The SPEAKER. But the previous question has been ordered, and the pending question is on the resolution of the gentleman from Missouri.

Mr. McRAE. Then I move to reconsider the vote by which the previous question was ordered. I make this motion with a view to allowing the House to vote on the question as to whether the gentleman from Alabama shall not have permission to withdraw the remarks in question. He certainly ought to have the right to do so. I move to reconsider the vote ordering the previous question.

The SPEAKER. That motion is in order.

The question was submitted, and the vote ordering the previous question was reconsidered.

Mr. BURROWS. Now, Mr. Speaker, I desire to say a word.

The SPEAKER. The gentleman Arkansas has the floor to submit a motion.

Mr. McRAE. I move that the gentleman from Alabama be allowed to withdraw all of the remarks in question printed in the RECORD on the 18th instant.

Mr. REED. But the question now is on ordering the previous question.

Mr. DOCKERY. I withdraw the demand for the previous question.

Mr. REED. There has been a decision, however, on that question.

Mr. DOCKERY. I desire to withdraw the demand for the previous question in view of the fact of the refusal of gentlemen on the other side to allow the gentleman from Alabama to withdraw his remarks from the RECORD.

Mr. REED. And the question now is on the demand for the previous question.

The SPEAKER. But that motion was reconsidered.

Mr. REED. But even so, there has been a decision, so the motion can not be withdrawn at this time.

Mr. WELLS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WELLS. I rise to make a motion relative to this matter.

The SPEAKER. A motion is not now in order. What is the point of the gentleman from Maine [Mr. REED] in regard to the withdrawal?

Mr. REED. The point which I make, if the Chair please, is that a motion which has once been voted upon by the House has been decided by the House; and the fact that the House voted to reconsider can not give a member the right to withdraw it. The Chair has already decided in a previous case that where a vote had been taken—a vote which was not final and determinative—that the motion could not be withdrawn, and that decision is, I think, in accordance with the precedents and with sound judgment. The House has once decided the question whether it will have the previous question ordered or not, and has decided to order it. That was thereupon reconsidered, and now the question is upon a motion which is in possession of the House. It seems to me it must be so.

The SPEAKER. But if the House reconsiders the vote by which the previous question is ordered, it is an undoing of that decision by the House.

Mr. REED. No; it is not an undoing of that decision, it is a reexamination of that decision. The decision still remains, unless the House votes it down. No; I am not correct about that, but it is a reexamination of the same decision. I think it will be found that wherever the House has proceeded to a division, that is regarded as a decision within the meaning of the rule. There is always danger, in interpreting these rules, of giving the meaning of a particular word a too sharp comprehension, and I think that the Chair has already decided the matter in the case of the proposition of the gentleman from Illinois [Mr. SPRINGER] to withdraw the motion for the previous question on the discharge of the order directed to the Sergeant-at-Arms. I think the Chair decided that and held to the decision; and surely, when there has been an actual vote on this, even if it has been reconsidered, the reconsideration does not seem to me to

change the fact that the House had to come to a decision upon it. It is now in the possession of the House, and not in the possession of the member. The House may conclude to ratify its decision.

Mr. McRAE. Mr. Speaker, the gentleman who makes a motion usually has the right to control it until a decision is made. The motion has not passed beyond the control of the gentleman who made it, any more than it was beyond his control when he first made it, and it has been the unbroken custom of the House to allow the member making them to withdraw such motions when he so desires. I do not think there can be any question about it. The gentleman from Missouri who made the motion has the right to withdraw it, and has said that he does withdraw it.

Mr. REED. I do not think a precedent for this can be found anywhere.

Mr. BURROWS. Mr. Speaker, if the Chair has any doubt about it whatever, I have a decision directly in point.

The SPEAKER. The Chair will be glad to hear the decision.

Mr. SPRINGER. Let us have order. I should like to hear this debate.

The SPEAKER. The House will please be in order.

Mr. BURROWS. I claim that after a vote has been taken upon a proposition it is a decision within the meaning of the rule, and that the matter having been stated to the House is beyond the control of the mover, and in the possession of the House. I refer now to the CONGRESSIONAL RECORD, Forty-sixth Congress, second session, page 1808: This debate arose upon a proposition to withdraw a motion. I read from the RECORD:

Mr. TOWNSEND of Illinois. I withdraw the motion to reconsider.

Mr. ROBINSON. And I renew it.

The SPEAKER. The point now arises whether the motion to reconsider has passed into the possession of the House.

Mr. REED. If the gentleman from Massachusetts [Mr. Robinson] can not renew it, that would seem to indicate that the gentleman from Illinois [Mr. Townsend] has no right to withdraw it.

Mr. TOWNSEND of Illinois. I desire to read the rule on that point.

The SPEAKER. The Chair will hear it.

Mr. TOWNSEND of Illinois. It is clause 2 of Rule XVI, and is as follows:

"When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment."

Mr. GARFIELD. A decision has been had; the House has decided not to lay the motion to reconsider on the table.

The SPEAKER. The Chair would consider that the vote of the House against laying on the table the motion to reconsider is a procedure on the part of the House to consider the motion to reconsider, and in a vital sense is a proceeding upon that subject. Therefore, if objection be made to the withdrawal, the Chair would rule that the motion to reconsider is in possession of the House. A decision by the Chair to the contrary would be unusual and unjust to the House, because a majority of the House by a yeas-and-nays vote have indicated a purpose to proceed with the motion to reconsider to its conclusion.

Mr. WILBER. I object to its being withdrawn.

Mr. TOWNSEND of Illinois. Does the Speaker decide that I have no right to withdraw the motion to reconsider?

The SPEAKER. The Chair decides that the vote of the House upon laying on the table the motion to reconsider was a proceeding and decision upon the subject which is vital to the subject itself. The Chair decides that the motion to reconsider is in the possession of the House. The House has proceeded to consider it, and the Chair has not now the power to take from the majority of the House the opportunity to carry out its wish in that respect.

After some further debate the Speaker again said:

The Chair rules this: That, the motion having been voted upon and the opinion of the House having been expressed upon the issue involved in the proposition, it is now in the possession of the House, and not in the power of the gentleman from Illinois to withdraw such motion.

Speaker Randall decided that.

The SPEAKER. Does the gentleman regard that as an authority in this case?

Mr. BURROWS. I think so.

The SPEAKER. The gentleman should bear in mind what this case is. The gentleman from Missouri [Mr. DOCKERY] demands the previous question upon a pending resolution and the previous question is ordered. Afterwards a motion is made to reconsider the vote by which the previous question was ordered. That motion prevails; so that the demand for the previous question stands before the House unvoted upon, undetermined. Now, does the gentleman hold that it is not within the power of the gentleman demanding the previous question to withdraw that demand?

Mr. BURROWS. I think it is not. I think the proper construction of the rule is, that when any member makes a motion it is within his power to withdraw that motion at any time before he allows it to be submitted to the House, but that when the Chair submits it to the House for action, either on the demand for the previous question or on any other motion and the House once votes upon it, then, according to the precedents and according to the spirit of the rule, that is a decision of the House upon the question. The motion has passed beyond the control of the mover. Certainly a motion can not be controlled by the mover one minute, be in possession of the House the next min-

ute, and then, subsequently, be taken from the possession of the House and put back under the control of the mover. In the case I have referred to a member said to Mr. Townshend, "Withdraw your motion to reconsider." Mr. Townshend declined to do so, but allowed it to go to a vote. Then the Speaker, Mr. Randall, said, "The gentleman has lost his only opportunity to control his own motion." If the Chair will look at the case he will see that that is a correct statement.

The SPEAKER. But the gentleman does not seem to appreciate the suggestion made by the Chair, that a decision by the House is some determination, as expressed by a vote. A mover of a proposition may withdraw his motion at any time until there has been a decision by the House. Now, in this case the House decided to order the previous question and then reconsidered its own action. Having done that, can it be said, in any proper sense, that the House has made a decision of that question, when in fact the House has reconsidered the action by which it did make a decision? What is the effect of that reconsideration if it is not absolutely to set aside or undo the decision that the House had previously made?

Mr. BURROWS. That is perhaps true; but I believe the authorities will bear out the statement, and I think a proper interpretation of the rule would be, that if the mover of a proposition allows it to go to a vote, although the House may subsequently reconsider its action, the motion, notwithstanding that, has passed beyond the control of the mover. For instance, suppose I, as the mover of a proposition, demand the previous question, and the previous question is ordered. When I demand the previous question, and the Speaker states the question to the House, it is then in possession of the House and has passed beyond my control. Then, suppose a motion is made to reconsider the vote by which the previous question was ordered. That is this case. Now, does the Chair hold that if that action is reconsidered the House thereby loses control of the proposition in such a way that the mover may withdraw it? I think that is not the rule. I think that, having once passed into possession of the House, the proposition remains there to be acted upon. If the House does not desire to order the previous question it can vote it down, it can lay the motion on the table, it can postpone it, it can do anything with it, in order, that it pleases; but the mover of the proposition having allowed it to go to a vote, either upon the previous question or upon any other motion, loses control of it and it passes into the possession of the House.

Mr. CATCHINGS. Mr. Speaker, this is precisely the situation which confronted the Committee on Rules a few days since when it was desired that the first report made by that committee should be withdrawn. I then understood my friend from Michigan [Mr. BURROWS] to assent to the proposition that the Committee on Rules had the right to direct me to withdraw that report, and the committee did direct me to do that, and I did withdraw it. The question, I say, was precisely the same as the question here. The motion to order the previous question was pending; the question was whether the House would order the previous question or not, and it was decided by us in the Committee on Rules, in consultation with the gentleman from Michigan, that in that situation the committee had the right to direct me to withdraw the report, and I did withdraw it, and the House assented to that action.

Mr. RICHARDSON of Tennessee. The language of the rule is that a motion may be withdrawn at any time before a decision is had upon it or before it is amended. Now, the only question in this case is, has there been any decision upon the demand for the previous question, or has it been amended? Of course it has not been amended. The next question then, is, Has there been any decision upon it? There was a decision, the previous question was ordered, but a motion was made to reconsider that action, and it was reconsidered, and therefore the question stands now before the House without any decision having been had upon it, or the same as if there had been no decision upon it; so that it is in the power of the mover to withdraw it. It seems to me the proposition is as clear as any proposition can be made.

The SPEAKER. The Chair will read the rule on this subject:

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

The Chair desires to call the attention of the House to the distinction between the rule of this body in relation to the withdrawal of a proposition and the rule ordinarily prevailing under what is known as "general parliamentary law." Under general parliamentary law, when a motion is in possession of the House it is beyond the control of the mover. Under general parliamentary law as well as under the rule of this House a proposition is in the possession of the House when it has been stated by the Chair. But under the rule of this House a withdrawal may

be made under certain circumstances even after the motion is in the possession of the House.

The rule of the House provides that though a motion be in possession of the House (having been stated by the Chair), it may be withdrawn at any time before a decision or an amendment. To this extent the rule of the House is a change or alteration of what is known as general parliamentary law.

Now, here is a resolution pending on which the previous question was demanded and ordered. If the case stood just there that would be such a decision by the House as in the judgment of the Chair would prevent the mover from withdrawing the proposition; because the previous question is a decision that the House will proceed to vote upon the question. The House made that decision, but immediately reconsidered it—nullified or destroyed its action; so that in no sense can that action be called a decision by the House.

The Chair will state further, that so far as his observation extends—and he recollects repeated instances—it has been the uniform practice, when there has been a reconsideration of the order for the previous question, to allow the motion to be withdrawn. The Chair has known this to be done very often.

It seems to the Chair that no inconvenience to the business of the House can arise from permitting such a practice. On the other hand, very great inconvenience might arise from holding that after the House has reconsidered the vote upon a proposition it is still to be assumed that there has been a decision by the House. The Chair therefore thinks the gentleman from Missouri can withdraw the demand for the previous question.

Mr. DOCKERY. I do withdraw it, and also withdraw my motion to refer.

Mr. MCRAE. I offer the resolution which I send to the desk.

The SPEAKER. The gentleman from Missouri withdraws his motion; and the gentleman from Arkansas submits a motion which the Clerk will read:

The Clerk read as follows:

*Resolved*, That the gentleman from Alabama [Mr. WHEELER] be permitted to withdraw from the permanent edition of the RECORD his remarks printed in the proceedings of Monday last in reference to the adoption of the amendment to the rules which was then pending.

Mr. REED. I move to amend by adding the words "and printing the speech actually delivered."

Mr. MCRAE. I believe I have the floor. I demand the previous question on my resolution.

The SPEAKER. The gentleman from Arkansas demands the previous question.

Mr. REED. Does that allow a vote on my amendment?

The SPEAKER. It does not, as the gentleman from Maine had not the floor.

Mr. REED. I do not contend that it does. I would simply like an opportunity to state the case to the House.

Mr. MCRAE. We have had the case stated. We all understand it. The gentleman from Alabama has confessed that he violated the rule, and is willing to withdraw from the RECORD all that there is in it. It seems to me this is a privilege which ought to be allowed any gentleman who makes such a request, and it is certainly all that can be accomplished by reference.

Mr. REED. Mr. Speaker, I want the position on this side understood; it is very simple. The only thing which ought to be done is the right thing, and that is to substitute for the speech which was not delivered, the speech that was delivered. Surely we do not want to set an example of mutilating our RECORD by excluding a speech that was delivered, simply because we take out a speech that was not delivered. This matter seems to me so plain that I think the gentleman from Arkansas, if he will consider a moment, will admit my amendment, which expresses the correct idea about this question. Otherwise we shall establish the precedent that a gentleman may keep a speech out of the RECORD simply by putting in something that was not delivered, and then dropping that, while not reinstating the other. Either the RECORD is one of the proceedings of the House or it is not. I know that in many ways we wander from the real matter—

Mr. MCRAE. Will the gentleman from Maine be kind enough to state how much more time he desires?

Mr. REED. Only a minute.

Mr. MCRAE. I yield to the gentleman.

Mr. REED. I really think we ought to have the RECORD, in all cases like this, conform to the actual facts. If not, then I think we ought to advertise on the face of the RECORD itself that it does not contain our proceedings; and that is pretty nearly the fact.

Mr. MCRAE. If the gentleman from Michigan desires to be heard—

Mr. BURROWS. I only want a moment.

Mr. MCRAE. I yield to the gentleman.

Mr. BURROWS. I understand the gentleman from Alabama

is perfectly content to have inserted in the RECORD, in place of what he asked permission to withdraw from it, the remarks that he actually made. I so understand from a conference with him.

Mr. MCRAE. I did not so understand. I understood exactly the reverse. I want to do whatever the gentleman from Alabama wishes to do in connection with the matter.

Mr. WHEELER of Alabama. I did think, Mr. Speaker, the gentleman from Michigan ought not to insist on inserting a speech of mine in the RECORD that I had no opportunity to see and correct. But, as I said before, I have at all times in all my service here been anxious not only to comply with the rules of the House, but have also always endeavored to comply so far as possible with the views of my fellow-members on this floor. In that anxiety—seeing that some gentlemen on the other side desired to have the remarks I made incorporated in the RECORD—I will not interpose any objection.

Mr. BURROWS. That is what I understood.

Mr. WHEELER of Alabama. And now I renew my request—Mr. MCRAE. Before that, if the gentleman from Alabama has no objection to the insertion of what has been read from the desk in the RECORD, then I am willing to accept the amendment proposed by the gentleman from Maine as a part of my motion.

Mr. REED. Let the Clerk report the amendment to the amendment now, so that we can see that it is in the right form. The Clerk read as follows:

Add to the pending amendment:  
"And print the speech actually delivered."

Mr. REED. That is correct.

Mr. WHEELER of Alabama. Now, I want first, Mr. Speaker, to ask unanimous consent to have permission to withdraw the printed speech from the RECORD, and I think the House ought to grant me that consent rather than submit the matter to the House in the shape of a motion. I also ask, in order to gratify the gentleman from Michigan [Mr. BURROWS], to have inserted in the RECORD in place of the withdrawn remarks the speech which it is contended was delivered on the floor of the House and which has been read from the desk.

Mr. BURROWS. That is right.

The SPEAKER. The gentleman from Alabama now asks unanimous consent that the speech which has been printed in the RECORD may be omitted from the permanent RECORD, and in lieu thereof that there be inserted the remarks which were taken down by the reporter on the occasion in question. Is there objection?

There was no objection.

Mr. MCRAE. Now, I withdraw the motion I have made.

The SPEAKER. The resolution of the gentleman from Arkansas is withdrawn.

Mr. WHEELER of Alabama. Now, Mr. Speaker, I ask unanimous consent that I may be permitted to print that speech in the RECORD—the speech that has just been withdrawn. As gentlemen are aware I might have read it this morning in my own time and procured its insertion in the RECORD in that way, or I could have had it read from the Clerk's desk. But I never trifle with the House. I have never sought to obtain advantages by sharp practice or indirection. I have never attempted to do indirectly that which I could not accomplish by direct, unquestioned, and straightforward methods. I have never obtained the floor in my own right, and then because it was in my power to do so proceeded to exercise that power in an unusual or unexpected manner, as has sometimes been done, in violation of parliamentary courtesy.

And with that record of nearly fourteen years of service on this floor I now ask unanimous consent that that speech, which appeared in the proceedings of the 18th instant, I may now be permitted to print in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that he have the privilege of inserting in the RECORD the remarks which have been withdrawn from the RECORD of the 18th instant?

There was no objection. [Applause.]

#### ORDER OF BUSINESS.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5802) to increase the pension of Pickens T. Reynolds, of Hall County, Ga.

The SPEAKER. The bill will be read, subject to objection. The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. BUNN. I want to enter an objection—

The SPEAKER. Objection is made.

Mr. TATE. Will the gentleman not allow the report to be read?

Mr. BUNN. I want to say just this in connection with the

subject: The House of Representatives established a rule making Friday a day for the consideration of private business. It has never, in the six months since that rule was established, devoted a day to the consideration of the Private Calendar.

Mr. TATE. But we passed on this bill under a rule of the House in Committee of the Whole.

Mr. BUNN (continuing). We have never had a day, and I am instructed by the Committee on Claims to demand it. I give notice now that I shall demand the regular order on this day for the purpose of proceeding with the business under the rule and for no other purpose.

I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

#### CALL OF COMMITTEES.

The committees were called for reports; when reports were submitted, ordered to be printed, and referred as follows:

#### PUBLIC BUILDING, FORT WORTH, TEX.

By Mr. ABBOTT, from the Committee on Public Buildings and Grounds, the bill (H. R. 1950) to authorize the construction of an additional story to the public building in Fort Worth, Tex.—to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have been directed by the Committee on the District of Columbia to submit a report on the bill H. R. 6725. It is now in my committee room, and I ask unanimous consent to file it with the Clerk during the day.

The SPEAKER. Without objection, the gentleman's request will be granted.

There was no objection.

Mr. HEARD. I desire to make the same request in regard to a bill which I have been authorized by the committee to report, but which I have not had an opportunity to prepare. Next Monday is District day, and I should like to have permission to file the bill with the Clerk during the day.

The SPEAKER. Without objection, that request will also be allowed.

There was no objection.

#### CHAPTER 40, LAWS OF SECOND SESSION FORTY-SEVENTH CONGRESS.

Subsequently Mr. RICHARDSON of Tennessee, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 6725) to modify an act approved January 30, 1883, being chapter 40 of the laws of the second session of the Forty-seventh Congress; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals;" in which the concurrence of the House was requested.

#### ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain; when the Speaker signed the same.

#### ORDER OF BUSINESS.

Mr. BUNN. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the bills upon the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the Private Calendar, with Mr. HATCH in the chair.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

#### DYNAMITE CRUISER VESUVIUS.

The Clerk read as follows:

A bill (H. R. 222) to remit the penalties on the dynamite gun-cruiser Vesuvius.

Mr. TALBOTT of Maryland. Mr. Chairman, I reported that bill from the Committee on Naval Affairs. I ask unanimous

consent that it be laid aside without prejudice to-day, to retain its place on the Calendar.

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] asks unanimous consent that this bill be laid aside without prejudice, to retain its place on the Calendar. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

F. Y. RAMSEY.

The Clerk read as follows:

A bill (H. R. 509) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to F. Y. Ramsey, son and heir at law of the late Joseph Ramsey, late collector of customs and superintendent of lights, district of Plymouth, N. C., the sum of \$430.42, balance due said Joseph Ramsey as per records of the Treasury, according to final settlement therein recorded April 30, 1861, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor.

Mr. BUNN. Mr. Chairman, when this bill was under consideration on a former occasion the question was asked of the chairman of the Committee on Appropriations whether this amount had been paid by the Confederate government. I withdrew the bill at that time for the purpose of getting the information. I desire the Clerk to read a letter from the Treasury Department in answer to my inquiry.

Mr. DINGLEY. Mr. Chairman, I rise to a question of order. We can not hear the gentleman, and this is an important matter.

The CHAIRMAN. The Chair requests members to be in order, so that gentlemen can hear. The Clerk will read the letter, as requested by the gentleman from North Carolina [Mr. BUNN].

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., October 13, 1893.

SIR: I have the honor to acknowledge the receipt, by reference, of your letter of the 5th instant, addressed to the Adjutant-General, inclosing the report of the Committee on Claims, relative to the balance claimed to be due the estate of Joseph Ramsey, deceased, formerly collector of customs and superintendent of lights in the district of Plymouth, N. C., and in which you inquire whether this account was settled by the Confederate government.

In reply, you are informed that an examination has been made of the files and records of the Confederate treasury, now on file in this Department, and it appears, from the record of the Confederate first auditor's certificates of settlement of accounts, that a "final account under the old bond" was settled September 2, 1862, with Joseph Ramsey, collector and disbursing agent from May 10, 1861, the date of North Carolina's act of secession, to August 31, 1861, the date of the new bond.

On the same day a settlement under the new bond was made, commencing September 1, 1861, and ending December 31, 1861. The only settlements with Joseph Ramsey, as superintendent of lights, found of record are as follows:

October 23, 1861, for the quarter ending September 30, 1861, under the bond of August 31, 1861.

July 29, 1862, for the quarter ending December 31, 1861.

April 4, 1864, from January 1 to September 30, 1862.

Thus it will be seen that there is no evidence found in the records of the first auditor of the Confederacy of the settlement of the balance referred to above.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

Hon. BENJAMIN H. BUNN,  
*Chairman Committee on Claims, House of Representatives.*

Mr. BUNN. Mr. Chairman, it will be seen from that letter that the amount standing to the credit of Mr. Ramsey has not been paid. That is a sufficient answer to the question that was presented by the chairman of the Committee on Appropriations when the bill was up before. This bill merely provides that a balance which is standing to the credit of Mr. Ramsey be paid to his heirs-at-law. I do not know of any possible reason why the bill should not pass. I want to say that the same bill passed the House of Representatives in the Fifty-first Congress unanimously, and was lost because of want of consideration in the Senate. If there is any member on the floor who desires information, I will be glad to give it to him.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. BUNN. Certainly.

Mr. KILGORE. I understand that the purpose of this bill is to provide for the payment of a claim against the Federal Government for carrying the mail before the war?

Mr. BUNN. The gentleman is mistaken.

Mr. KILGORE. Then I should like to know what it is for?

Mr. BUNN. The bill provides for the payment to the heirs of Mr. Ramsey of \$430 due to him, the balance standing to his credit as collector of the port at Plymouth, N. C., on the 30th day of April, 1861.

Mr. KILGORE. Is there any proof that this claim was not paid by the Confederate government?

Mr. BUNN. Mr. Speaker, I am utterly astonished at the ques-

tion. The letter from the Secretary of the Treasury, which has just been read, states that it has not been paid. Where was the gentleman sitting when the letter was read?

Mr. KILGORE. The Confederate government paid a great many of these claims.

Mr. BUNN. But this is from the archives of the Confederate government in answer to that very question propounded heretofore, and the archives of the Confederate government show that it was not paid by that government. It stands to Mr. Ramsey's credit on the books of this Government, and the books of the Confederate government show that it was not paid.

Mr. DOLLIVER. On what account is this balance?

Mr. BUNN. It is a balance of one of his accounts for wages and money paid out for light, fuel, and so forth. The books of the Federal Government show this amount standing to his credit.

Mr. DOLLIVER. Is the gentleman prepared to state whether this is one of many such claims, or is it an exception?

Mr. BUNN. I will state as chairman of the Committee on Claims that there are very few of these balances remaining unpaid.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. BUNN. I reserve the balance of my time.

Mr. DINGLEY. Mr. Chairman, while the amount involved in this bill is comparatively small, a little less than \$500, yet there may be a principle lying back of it which may possibly open the door to a very large class of claims, and therefore I would like to get some information as to the facts. This is a claim of a collector of customs at Plymouth, N. C., a custodian of funds under the General Government, for a balance alleged to be due to him for his salary for the quarter ending April, 1861, about which time North Carolina voted to secede from the Union. The claim extends back, therefore, about thirty-three years. As I understand, and I desire to be corrected if I am mistaken, this claim was not settled at that time because this officer under the Federal Government went into the rebellion, or at least transferred his allegiance to the Confederacy, abandoning his duties as a Federal official and becoming a Confederate official, and now, after having thus abandoned his duties as a Federal officer, he, or rather his heir, comes back at the end of thirty-three years and asks for a settlement of this balance.

Mr. DOLLIVER. If the gentleman from Maine will permit a suggestion, I do not understand that his statement of the facts agrees with the statement of the chairman of the committee [Mr. BUNN].

Mr. DINGLEY. Well, I want to be informed as to the facts.

Mr. BUNN. This old man died very soon after the time this claim arose, died at an advanced age, and never went into the Confederate army at all. This claimant was a very young man, and, of course, did not enter the Confederate army. I did not know that that had anything to do with the case or I should have stated it before.

Mr. DINGLEY. Then how did it happen that the accounts of this official, if he still continued loyal to the Government, were not settled at the time?

Mr. BUNN. I can not answer that except by saying that he was inside of the Confederate lines, and, as the gentleman well knows, it made no difference how loyal a man was when he was inside the territory of a seceded State. In the meantime this man died, never having taken any part in the rebellion, and, as I have said, this young man, the claimant, was too young to take any part.

Mr. DINGLEY. Did this official ever present this claim for the balance of his salary to the Federal Government?

Mr. BUNN. It was presented the day the balance was struck. The balance was struck by the Department, not by him. They balanced it up, and this is the balance that they found due him.

Mr. DINGLEY. Do you know why it was not paid?

Mr. BUNN. I do not. The officials say it is still there unpaid. I want to say, further, that so far as the lapse of time is concerned this young man was an infant, with nobody to look after his rights, and so the claim slept for years; but it has been pending in Congress since he attained his majority, a period of about ten years.

Mr. DINGLEY. Do I understand the gentleman to say that there is no considerable number of cases that could be affected by this precedent?

Mr. BUNN. Very few have been presented to the committee so far. I want to say further to the gentleman that not a single case of this kind has been presented so far that has not been paid. The committee in the Fifty-first Congress reported favorably on at least two-thirds of the bills presented similar to this, and the money was paid.

Mr. DINGLEY. There is no question, then, in this case that

this claimant's father abandoned his duty as a Federal official and entered into the Confederate service as an official of similar character?

Mr. BUNN. Not at all. On the contrary it appears that there is even a larger amount due to him, but it was not included in the balance to his credit because of the fact that before the next quarter ended the State of North Carolina had seceded. The difference, however, is not large—only about \$10.25, I believe.

Mr. DINGLEY. Mr. Chairman, I do not know exactly what the facts in this case may be. I simply desire to call the attention of the committee to this matter, before we establish a precedent that may trouble us in the future with reference to the payment of salaries claimed to be due to officials who left the Federal service in 1861, and, in many cases, went into the service of the Confederate government in a similar capacity. It appears here—and I understand that in that respect this case is differentiated from others—that the Confederate government did not pay this official for the particular period set forth here.

Mr. BUNN. That is so.

Mr. DINGLEY. The presumption is that he continued to discharge these duties under the Confederate government after North Carolina seceded and became a Confederate official.

Mr. BUNN. I do not know about that. I know that he died soon after this claim arose.

Mr. AITKEN. Do you know what became of the Federal property that was in his possession at that time?

Mr. BUNN. I do not.

Mr. AITKEN. How much Government money did he have in his possession?

Mr. HERMANN. I will say to the gentleman that the report of the Secretary of the Treasury shows that the amount in this official's hands was all charged up against him, and this covers only the balance found to be due him.

Mr. DINGLEY. Did he account for all the Government property in his hands?

Mr. BUNN. Yes, sir; every dollar, and this is the balance found to be due him.

Mr. DINGLEY. In that case, Mr. Chairman, in view of the peculiar circumstances, I do not know that I have any objection to offer to the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### RELIEF OF RALEIGH, N. C.

The next bill on the Private Calendar was a bill (H. R. 19) for the relief of the city of Raleigh, N. C.

Mr. BUNN. Mr. Chairman, I desire to ask that that bill be passed over informally. There are several bills pending before our committee involving the same question that is involved here, and since passing upon this bill the committee has authorized me, as chairman, to prepare a general bill embracing them all in one. For that reason, I asked that this be passed over informally.

There was no objection, and it was so ordered.

#### BENJAMIN ALFORD.

The next business on the Private Calendar was a bill (H. R. 522) for the relief of Benjamin Alford.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Benjamin Alford the sum of \$79.20, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, and made immediately available therefor.

The report (by Mr. BUNN) was read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 522) for the relief of Benjamin Alford, report it back to the House with a recommendation that it do pass.

Your committee find the facts to be as follows: The claimant is the owner of a grain distillery in Johnston County, N. C., and that \$28.70 was reported against him for the month of February, 1893, on package No. 10, 43 gallons, and \$40.50 for March, 1893, on package No. 15, 45 gallons, making a total of \$79.20.

On the 15th day of March, 1893, the said distillery was broken open and the packages Nos. 10 and 15, were stolen therefrom.

The aggregate of these two sums, viz, \$79.20, was paid under protest by the claimant, he having made application for release, which was refused by the Department upon the ground that the Department had no right to allow a credit for the same, inasmuch as there was no proof of the actual destruction of the contents of the packages Nos. 10 and 15.

The evidence shows to the satisfaction of your committee that these two packages were traced to the possession of one A. P. Hatcher, who was arrested and indicted for stealing said packages.

The contents of these packages were changed into other packages, which had paid no taxes, and were seized by the Government officers and sold for taxes, and the taxes upon the same are also paid from the proceeds of said sales, so that the Government has received the taxes twice. The claimant has lost his whisky and then is forced to pay the taxes which were assessed against him in February and March.

The passage of this bill is recommended by C. A. Cooke, attorney for the eastern district of North Carolina; also by the collector of customs for the fourth North Carolina district, in which district this distillery is situated, and by the collector of internal revenue.

Your committee has not reported the evidence because of its great volume, but for the information of all who desire to examine it they have caused it to be filed in the files room of the House of Representatives.

Mr. KILGORE. Mr. Chairman—

The CHAIRMAN. The gentleman from North Carolina [Mr. BUNN] is entitled to the floor.

Mr. KILGORE. I want to ask him a question, and I will ask him to yield to me, or else I want to take the floor in my own right.

The CHAIRMAN. The Chair can not recognize the gentleman from Texas until the gentleman from North Carolina yields the floor.

Mr. KILGORE. Then I will wait until he gets through with his hour, and then I will ask recognition. [Laughter.]

Mr. BUNN. Mr. Chairman, I shall be very much pleased to answer any question the gentleman desires to ask.

Mr. KILGORE. I understand from the report of the committee that the proof of the destruction of two of the packages lost was not sufficient to warrant the Department making the allowance to this collector. Now, can this House afford to act on less legal proof than would be sufficient to satisfy the Department?

Mr. BUNN. I think I can answer that question to the satisfaction of the gentleman—I am sure I can to the satisfaction of the House.

Mr. KILGORE. I am the man that wants to be satisfied. [Laughter.]

Mr. BUNN. Well, I have some doubts as to satisfying the gentleman from Texas, but as to satisfying the House I have none. [Laughter.] The law does not allow the Department, under the circumstances stated in this case, to make the allowance. I hold in my hand a letter from the Commissioner showing that he has no authority under existing law to make such an allowance. The law allows these taxes to be remitted upon proof of the actual destruction of the spirits, but in this case they were not destroyed. That is the point. After these packages were listed for taxation and when the books show that they were in the distillery, the distillery was robbed. They were taken away and these identical packages were found not destroyed, but the goods were removed and put in other packages, and those other packages were seized by the Government and that identical whisky and brandy was stored by the Government and the tax again covered into the Treasury.

Mr. KILGORE. Suppose this property had been stolen and never had been recovered, that collector would have been liable.

Mr. BUNN. Undoubtedly; and the money would have been paid, and this bill would not be here.

Mr. KILGORE. Then the whole question depends upon the fact that the people who recovered this whisky were able to determine—I suppose by the taste—that some of the whisky taken from that collector had been mingled with other whisky. I understand the gentleman to say that it had been mingled with other goods.

Mr. BUNN. I did not say that. I said it had been put with other packages.

A MEMBER. How did they identify it?

Mr. BUNN. I do not know. But it was identified to the satisfaction of the district attorney, the collector, and of the jury who tried the man for stealing it and sent him to the penitentiary.

Mr. KILGORE. Do you know anything about the packages that were stolen?

Mr. BUNN. They are fully described in this mass of testimony. I did not have it printed, because the sum involved was only \$79, and it would have cost perhaps twice as much to print the evidence.

Mr. KILGORE. If I had the money, I would rather pay the bill myself than waste so much time upon it.

Mr. STOCKDALE (to Mr. KILGORE). Why not borrow the money?

Mr. BUNN. I have some doubt about the sincerity of declarations of this kind; they come too often from the gentleman.

Mr. KILGORE. The trouble is I have not the money.

Mr. WASHINGTON. Then why not let the Government pay this claim, if you can not?

Mr. MOSES. In whose charge was this whisky?

Mr. BUNN. It was in charge of this man Alford. His house was broken into and his property stolen. The revenue officers there took the matter in hand and with the assistance of this man, these identical packages were found at the house of a man who was arrested and convicted. The letter of the district attorney, Mr. C. A. Cook, of North Carolina, and the letter of the collector of internal revenue are among the papers in the case, as is also a letter from the Department stating that this is a case in which under the law the Department can not grant relief. I have in my hand the letter of the Acting Commissioner, Mr. Wilson, recommending the passage of this bill.

Mr. DINGLEY. Will the gentleman send to the desk to be read the communication from the Commissioner of Internal Revenue?

Mr. BUNN. With very great pleasure. Before the letter is read let me say that the committee based their report upon these circumstances: Here was this whisky in the original packages, on which this man had paid tax. It was seized in the possession of another man, an illicit distiller, and it was taxed a second time. This claimant lost his property, for which he asks no return from the Government; he simply asks that the taxes which were assessed upon him be refunded. The Government loses nothing to which it is entitled, because these taxes were paid twice on the same packages of goods. The Acting Commissioner of Internal Revenue states that the Department has not authority to grant relief because the whisky was not destroyed. Section 3221 of the Revised Statutes, authorizing the refund of taxes in certain cases, does not apply to a case like this, where the goods were not destroyed.

Mr. KILGORE. About what time did this transaction take place?

Mr. BUNN. During last year. I do not remember the exact time. I think it was in the spring of 1893—less than a year ago. I ask the Clerk to read in my time the letter which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,  
Washington, D. C., August 23, 1893.

Sir: In reply to your verbal inquiry relative to the claim of Mr. Benjamin Alford, for the abatement of \$79.20 stamp tax on spirits, I have to say that the assessment claimed was based upon spirits alleged to have been stolen from the distillery bonded warehouse of Mr. Alford. If any relief were given in a case of this kind, it would be by the honorable Secretary of the Treasury, under the provisions of section 3221, Revised Statutes.

That section provides that relief may be afforded "on proof of the actual destruction (of distilled spirits) by accidental fire or other casualty. \* \* \* while the same remained \* \* \* in any distillery warehouse," etc.

The spirits in question were stolen from the warehouse—removed for consumption or sale—and it is not alleged or pretended that they were destroyed, even after they were taken from the warehouse.

The claim has been rejected and the collector advised accordingly. The assessment appears to be a proper one, and should be paid unless Congress should see fit to afford relief.

Respectfully, yours,

G. W. WILSON,  
Acting Commissioner.

Hon. B. H. BUNN,  
House of Representatives, Washington, D. C.

Mr. BUNN. I now yield to my friend from Tennessee [Mr. COX] as much time as he may want.

Mr. DINGLEY. One moment, before the gentleman from Tennessee proceeds. I do not understand that the letter just read embraces any recommendation of the Commissioner for the passage of such a bill as this. He simply states what the facts were.

Mr. BUNN. But he says this is a proper case for relief.

Mr. DINGLEY. Does he say that Congress ought to grant relief?

Mr. COX. There can be no question about the merits of this case when gentlemen understand it. This whisky was made in a perfectly lawful way, and the tax was assessed upon it and paid. Then the whisky was stolen and carried away. Afterwards it was found and seized, was sold, and the tax collected again. In other words, this whisky was made to pay double tax; and this man lost his whisky besides. The claim involves the tremendous sum of \$79.

Mr. BUNN. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

J. M. BILLINGS.

The next business on the Private Calendar was the bill (H. R. 995) for the relief of J. M. Billings.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$850 is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, to pay the claims of J. M. Billings, of Santa Clara, Santa Clara County, State of California, for money, money orders, and stamps, and other property stolen from the post-office while he was postmaster in the town of Santa Clara, Santa Clara County, State of California, on the night of September 11, 1877.

The Treasurer of the United States is hereby authorized to draw his warrant in favor of J. M. Billings in said sum, and is hereby directed to pay the same upon the passage of this act.

Mr. BUNN. The report in this case was made by the gentleman from California [Mr. LOUD]. I yield to him such time as he may desire.

Mr. LOUD. Mr. Billings, for whose relief this bill has been reported, was postmaster of the town of Santa Clara, Cal. The evidence which is on file and which is cited in the report shows conclusively that the post-office from which this Government property was stolen was a perfectly secure brick building; and that it contained a good safe. The affidavits of several citizens of the town go to show that robbers who at the time infested that vicinity, cut through the roof of the building, went down

into the post-office, robbed the safe, and then made their escape through the back door. These affidavits of some of the best citizens of Santa Clara County who are personally well known to me, leave no doubt that every proper care was exercised by this postmaster, and that he suffered loss by robbery to the amount stated in the bill.

Mr. DOLLIVER. How much?

Mr. LOUD. Eight hundred and fifty dollars.

Mr. BYNUM. Why has not the Post-Office Department allowed this claim?

Mr. LOUD. This case occurred before the passage of the law allowing the Department to settle claims of this kind. This case has been before Congress a number of years.

I will state that among the papers here there is also an affidavit of the postmistress, the assistant of Mr. Billings, who certifies to the amount of Government property that was in the post-office at the time. Here are the items: Money order funds, \$320; post-office funds, \$290, together with stamps amounting to \$245.

Mr. DOLLIVER. How is the amount of the loss computed—from the books of the Department?

Mr. LOUD. It could not be computed from the books of the Department. It is computed from the books and accounts of the postmaster and from the affidavits in the case. The books of the Department could not show what the loss was.

Mr. DOLLIVER. Is the evidence conclusive that the amount stated was actually stolen?

Mr. LOUD. Conclusive evidence is furnished in the affidavits of this man himself and also of the postmistress who was his assistant—now Mrs. Gertrude Starr. Mr. Billings is well known as a reputable citizen; and there is no doubt in the mind of any one acquainted with the circumstances that there was stolen at that time property amounting to \$900 or \$1,000. The postmistress says the amount was about \$900. She does not know the exact amount, although she ran the office herself. Mr. Billings makes the amount \$855. The bill names \$850.

Mr. DOLLIVER. How old is this claim?

Mr. LOUD. The robbery occurred in 1876. The claim has been before Congress for ten years, but it has never been reached before.

Mr. KILGORE. I would like to put a few interrogatories to the gentleman. This, I understand, is a case of loss at a post-office through theft?

Mr. LOUD. Yes, sir.

Mr. KILGORE. There is now on the statute book a law authorizing the Post-Office Department to make allowance to postmasters sustaining losses of this kind where the officer has not been guilty of negligence, the amount being limited to \$2,000 in any one case.

Mr. LOUD. But that law does not cover this case; it was not enacted until 1881.

Mr. KILGORE. That was after this claim accrued?

Mr. LOUD. Yes, sir. This allowance can not be made under any rule of the Department or any existing statute.

Mr. KILGORE. The law does not permit the Department to make any allowance of this kind if the postmaster or his employé's have been guilty of negligence.

Mr. LOUD. No; but when there has been no negligence an allowance can be made to the amount of \$2,000.

Mr. KILGORE. The rule established by that law ought to apply to this case. If this postmaster or his deputies were guilty of any negligence, this allowance ought not to be made.

Mr. LOUD. This case is so fully presented in the affidavits of parties who were acquainted with the circumstances as they occurred at the time that their evidence is much better than any that could be obtained upon an investigation which might take place now, some seventeen years after the occurrence.

Mr. KILGORE. But there is one other point. That law does not apply to the case of theft.

Mr. LOUD. Oh, yes.

Mr. KILGORE. The law, as I understand, does not name theft as one of the cases in which relief shall be given by the Department.

Mr. LOUD. The gentleman is mistaken.

Mr. KILGORE. It specifies, I believe, burglary or fire.

Mr. LOUD. This was burglary.

Mr. KILGORE. If this was a case of burglary, there could not have been negligence on the part of the postmaster.

Mr. DOLLIVER. That is this case.

Mr. KILGORE. No; this is theft.

Mr. NORTHWAY. No; it is a case of burglary. The robbers broke into the house, and then broke into the safe.

Mr. KILGORE. I understood the gentleman from California to say it was a case of theft.

Mr. LOUD. I assented to the gentleman's question, not supposing he would make such a distinction as this. I move that

the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

EDWARD HURLEY.

The next business on the Calendar was the bill (H. R. 903) for relief of Edward Hurley.

Mr. BUNN. I ask that this bill be informally passed over, for the same reason that the other case was passed over a few minutes ago. It is a bill of the same character.

There being no objection, the bill was passed over informally, not to lose its place on the Calendar.

PENNSYLVANIA WAR DAMAGES.

The next business on the Calendar was the bill (H. R. 286) to authorize the payment of damages sustained by citizens of the State of Pennsylvania from Union and Confederate troops during the late war, as adjudicated and liquidated by the State of Pennsylvania under the provisions of an act of the General Assembly of the said State of Pennsylvania, approved the 22d day of May, A. D. 1871.

Mr. STONE of Kentucky. Mr. Chairman, the gentleman from Pennsylvania [Mr. BELTZHOVER], chairman of the Committee on War Claims, who reported this bill, is absent, sick, and I wish to ask unanimous consent of the House that it be passed over informally for the present, not to lose its place on the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky, that this bill be passed over informally?

There was no objection.

HIRAM JOHNSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 724) for the relief of Hiram Johnson and others.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, \$659.86.  
 To Stephen M. Johnson, \$659.86.  
 To D. J. Franklin, \$130.48.  
 To Josiah Franklin, \$156.60.  
 To Nat Buckley, \$251.20.  
 To John Tull, \$313.49.  
 To Elias Bray, \$391.92.  
 To Dr. G. Johnson, \$155.60.  
 To Harrison Trice, \$261.20.  
 To Jeremiah Crook, sr., \$622.41.  
 To Willis Arnold, \$5,213.89.  
 To Arch McCorkle, \$391.92.  
 To G. L. Ross, \$1,306.91.  
 To S. L. Ross, \$1,306.91.  
 To John M. Hart, \$522.41.  
 To William A. Brummer, \$801.60.  
 To John D. Smith, \$251.20.  
 To A. B. Crook, \$261.20.  
 To Daniel McCollum, \$261.20.  
 To Jeff Jones, \$130.48.  
 To Thomas McGill, \$156.61.  
 To James Ledbetter, \$156.61.  
 To William Ozier, \$522.41.  
 To Elijah Bond, \$261.20.  
 To John L. Cawthon, \$522.41.  
 To William Hall, \$522.41.  
 To Carroll Beaver, \$522.41.  
 To John West, \$659.86.  
 To James Clifford, \$261.20.  
 To O. F. Hendrix, \$784.04.  
 To Frank Cawthon, \$313.49.  
 To James Cawthon, \$130.49.  
 To S. E. Grider, \$130.49.  
 To Silas Grider, \$130.49.  
 To John Robinson, \$240.34.  
 To Hugh McKnight, \$300.25.  
 To John G. Smith, \$79.96.  
 To Caleb McKnight, \$300.25.  
 To James Thomas, \$300.25.  
 To William P. Walker, \$120.06.  
 To A. S. Rogers, \$341.55.  
 To Tyson G. Maness, \$561.02.  
 To William H. Bond, \$120.06.  
 To F. M. Ballard, \$240.04.  
 To Stephen Massengill, \$130.06.  
 To William Swink, \$440.80.  
 To Keton M. Jones, \$361.15. In all \$22,371.23.

Mr. ENLOE. Mr. Chairman—

Mr. HULL. Mr. Chairman, is there a report accompanying this bill?

The CHAIRMAN. The Chair is informed that there is a report.

Mr. HULL. I think we should have the report read.

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. ENLOE. Mr. Chairman, inasmuch as this bill carries an appropriation of about \$22,000, I think the report of the committee had better be read, as it will afford an explanation to the House of the character of the bill.

The report (by Mr. ENLOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 724) for the relief of Hiram Johnson and others, reports as follows:

This claim was presented in the Fifty-second Congress and was favorably reported upon by the Committee on War Claims, to whom it was referred. After a careful investigation of the facts involved, your committee adopt the report of the committee of the Fifty-second Congress, a copy thereof being hereto attached and made a part of this report, and recommend that the bill do pass.

[House Report No. 19, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1219) for the relief of Hiram Johnson and others, submit the following report:

The facts of this claim are fully set forth in a report made by this committee to the House in the first session of the Fifty-first Congress, hereto annexed and made a part of this report.

Your committee therefore adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 14, Fifty-first Congress, first session.]

The facts out of which this claim for relief arises and the reasons of the committee for recommending the passage of the bill will be found stated in the report of the Committee on War Claims, submitted to the second session of the Forty-sixth Congress by Gen. Bragg, of Wisconsin, who was then chairman of said committee, which report is as follows:

[House Report No. 1345, Forty-sixth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of Hiram Johnson and others for relief, submit the following report:

The facts out of which this claim for relief arises will be found stated in House Report of the Committee on Military Affairs, No. 184, second session, Forty-fourth Congress, and in reports from the Secretary of War, with correspondence attached, on file with the papers in the case, and are in substance as follows:

On the 25th day of November, 1862, a party of rebels made a raid upon a small force of Union troops stationed at Henderson, in the State of Tennessee, on the Mobile and Ohio Railroad. The raiding party captured the Union troops, with their arms and camp equipage, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water tank belonging to the railway corporation.

Thereupon, on the 21 day of December following, the commandment of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment by way of reprisal upon rebel sympathizers in and about Henderson.

The board so appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States.....	\$1,900.00
Arms and camp equipage belonging to the United States.....	3,180.00
Total belonging to the United States.....	5,080.00
Cotton belonging to private persons.....	18,171.33
Railway property.....	3,500.00
Grand total.....	26,751.33

Upon this report being made, Col. Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson, which action was approved at the headquarters of the district of Jackson, in the Department of Tennessee, Brig. Gen. Sullivan commanding, on the 12th day of December, 1862; and an order bearing date on that day was issued from said last-named headquarters directing the collection of the tax.

Col. Haynie proceeded in the execution of the order, and collected of the said assessment the sum of \$23,325.16, leaving a deficit of \$3,426.20 not collected, by reason of the absence of the persons against whom the same was assessed. And thereafter, but at what precise date does not appear, Col. W. W. Sanford, Forty-eighth Illinois Volunteer Infantry, commanding post at Bethel, made an additional and supplemental assessment for \$4,326.20, to make up such deficit; and of this amount there was collected \$4,026.20, making the total amount collected to repair losses and damages sustained by said raid \$27,351.36; all of which sum was paid by the persons now asking relief by this petition.

The right of the military commandant, in time of war, to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside of his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions, by making the friends of those who commit the damage bear the brunt of the injury suffered.

At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of Gen. Grant, then commanding the troops in that department. But it appears from the papers filed that Gen. Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines, like the one at Henderson, only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the provost marshal-general; and it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by Gen. M. C. Meigs, which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by Gen. Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, viz:

For cotton burned belonging to the United States.....	\$1,900
Arms and camp equipage belonging to the United States.....	3,180
	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a

proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense.

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance of \$22,371.26 taken from the petitioners under a misconstruction of the order of the commanding general, as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort, within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution when the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected \$23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, \$4,033, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them (\$22,371.26) in excess of the requirements of Gen. Grant are valid, and that the Government ought in right refund the same; and report herewith a bill, redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them, respectively, and recommend its passage.

Your committee adopt the said report as their own, and report herewith a substitute for the bill and recommend its passage.

Mr. ENLOE. Mr. Chairman, the report just read sets forth fully and clearly the origin of this claim. It has been reported I think now some seven times in the House in seven different Congresses favorably from the Committee on War Claims, and has once passed this House. It has been reported four times favorably in the Senate and twice passed that body. I hope the House will allow it to be laid aside with a favorable recommendation. I make that motion.

Mr. KILGORE. I do not understand the motion that the gentleman from Tennessee has submitted.

The CHAIRMAN. That the bill be laid aside to be reported to the House with favorable recommendation.

Mr. KILGORE. Oh, no. I think we ought to agree on some time for the discussion of this bill. Suppose we say we will take a vote some time about half past 4 o'clock to-day. A very important question is involved in it.

Mr. ENLOE. Is the gentleman from Texas serious in his statement?

Mr. KILGORE. I am.

Mr. ENLOE. How much time does the gentleman want?

Mr. KILGORE. An hour.

Mr. ENLOE. I will reserve my time.

The CHAIRMAN. Does the gentleman from Texas desire to occupy the floor?

Mr. KILGORE. I think that there ought to be some explanation of this bill. It has been before Congress, the gentleman from Tennessee says, seven or eight different times. It has passed this body once or twice, I believe, and passed the Senate once or twice, as he tells us. Now, I think that is a positive disadvantage to it in this Congress; and I would not be willing to see this bill laid aside with favorable recommendation without the House having an opportunity to fully discuss and understand the questions involved and how it first arose, and what rights these people would have over and above other people in the South who lost all of their property by the war. These are all important questions, and I think ought to be discussed.

Mr. TAYLOR of Indiana. What is the amount involved?

Mr. KILGORE. It carries about \$20,000, I understand.

Mr. NORTHWAY. Something over \$22,000.

Mr. KILGORE. I reserve the balance of my time.

The CHAIRMAN. The question is, Shall the bill be laid aside, with a favorable recommendation?

Mr. BURROWS. Mr. Chairman, I think we ought to have some further explanation of the matter before voting upon it. This is a claim, I suppose, of loyal citizens?

Mr. ENLOE. No, sir. That is not the nature of the claim. The gentleman from Michigan probably knows the character of the claim, which has been pending here, I suspect, ever since he has been a member of this body.

Mr. BURROWS. Were they disloyal people these claimants?

Mr. ENLOE. That is a question that is not raised in connection with it.

Mr. BURROWS. And do you think that question should not be considered?

Mr. ENLOE. It has nothing to do with the question.

Mr. BURROWS. And that it makes no difference whether they were loyal or disloyal?

Mr. ENLOE. Not at all.

The nature of the case I will state to the gentleman is just this. There was a Federal post at the town of Henderson, in the State of Tennessee, occupied by a detachment of troops from Illinois. Col. Haynie, the colonel of the regiment, was stationed at Bethel, Tenn. A detachment of Confederate troops under the command of my colleague from Tennessee [Mr. COX], crossed the river and went to Henderson and attacked the post and captured it, and during the fight, or immediately following it, burnt the depot. In the destruction of the depot building they destroyed some Government property and some cotton that belonged to private parties.

Col. Haynie appointed a board to estimate the losses and ordered an assessment to be levied upon the people of the community to the amount of the value of all the property destroyed of the United States for losses sustained by the destruction, including railroad, Government, and individual property. In the execution of that order these persons, whose names are mentioned in the bill, were assessed for various sums of money, amounting in the aggregate to \$26,757.36. Gen. Sullivan, the superior of Col. Haynie, was stationed at Jackson, Tenn.

Mr. NORTHWAY. You mean the Federal general, Sullivan?

Mr. ENLOE. Yes, sir. Col. Haynie, after ascertaining the losses and levying the assessment called on Gen. Sullivan to issue an order "directing the collection and disbursement of amount assessed." Gen. Sullivan ordered it to be paid over to Col. J. D. Webster, superintendent of United States military railroads at Jackson, Tenn. Gen. Grant ordered that the hands be paid over to Col. William S. Hillyer, the provost-marshal-general at Memphis, Tenn. It finally was placed in the hands of the quartermaster, Col. C. A. Reynolds, who turned it over to the Treasury.

These facts, Mr. Chairman, are all matters of record. They show that the money, after reimbursing the Government for its losses, instead of being paid back to the parties from whom it was taken, was paid into the Treasury of the United States, and has been there all this time, and is there to-day. All this bill proposes to do is to take the excess of the money and return it to these people in the same proportion in which they paid it into the Treasury.

A question was raised, and I want to deal fairly with the House upon the subject—a question was raised by the claimants who had cotton destroyed by the fire, for damage resulting from it. They claim that they should be paid out of that fund, and the Forty-third Congress paid two of the claimants over \$9,000 of it. The question was first referred to Gen. Grant, and Gen. Grant stated that the levy was not made for the purpose of reimbursing cotton speculators for any losses they might have sustained. Gen. Sullivan stated that it was levied in the nature of an indemnity, and as a notice to the people of that section of the State that in the event of similar raids a like course would be adopted; that it would operate as a notice to the Confederate forces who might attempt such raids in the future not to come in, because these people would be made to suffer the consequences of it.

The main purpose was for the reimbursement of the Government and for indemnity, as was stated at that time. Gen. Sullivan gave notice to those assessed that after reimbursing the Government the balance of this fund should be held as an indemnity against future raids or incursions from guerrillas or regular Confederate troops; but it was his intention to return the balance to those assessed in case no further disturbances occurred in that vicinity. There were no further raids, and according to Gen. Sullivan's intentions when he made the levy, the money should have been refunded, but unfortunately for the claimants Gen. Sullivan was ordered elsewhere, and he left the funds in other hands, to find their way into the Treasury, which, like the sea, never gives up what it has swallowed except to a storm.

Some of these cotton claimants came here and asked the Government to pay them out of this fund. They applied to the Quartermaster-General, Gen. Meigs, and he held that the fund was not collected for that purpose, and refused to pay them. Then two of the claimants came to Congress, as I before stated, and asked Congress to pass a bill appropriating money to pay them for cotton that was burned at Henderson in that fire, and there was a bill passed through Congress paying two of these men over \$9,000. It was insisted that this ought to come out of that particular fund, but the construction placed by Gen. Grant upon the order issued by the commanding officer and the construction placed upon it by Gen. Sullivan and by the Quartermaster-General shows that no part of this money belonged to anybody or could equitably or legally belong to anybody except the persons who paid it into this fund.

Mr. AITKEN. Does this bill contain the names of those who were assessed?

Mr. ENLOE. Yes.

Mr. AITKEN. How did you get the list?

Mr. ENLOE. From the military order making the assessment; which is of record in the War Department. The only question that ever confused the case was the question as to whether or not the private citizens who were cotton speculators in that country at that time were entitled, as a matter of equity, to be paid out of this fund, rather than the people who had paid it into the Treasury.

That question was ably discussed in a report submitted to the Senate in the Forty-eighth Congress, by the Hon. Howell E. Jackson, who was then a member of the Senate from Tennessee, and who is now an associate justice of the Supreme Court. Judge Jackson held that, as a matter of equity and as a matter of law, the balance of this fund ought to be paid to these people.

The view of the question taken by the committees of this House in several different Congresses is presented in the able report on this bill, which was written by Gen. Bragg of Wisconsin, the famous commander of the "Iron Brigade," when he was chairman of the Committee on War Claims in the Forty-sixth Congress. That report has been readopted in the Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses. The claim is just, and I hope the committee will lay it aside with a favorable recommendation. I reserve the remainder of my time.

Mr. BURROWS. Mr. Chairman, this claim has been before Congress for several years, but has never passed both Houses in the same Congress, and has always heretofore met with very serious opposition. My only purpose is to call the attention of the committee to the character of the claim. Of course, the majority have the power to pass it, if they so desire; but I want the facts laid before the committee and before the country.

First, the amount carried by this bill aggregates something over \$22,000. The first party named in the bill is H. Johnson, \$659.86.

The next is Stephen M. Johnson, \$659.86.

I find upon examining a report from the War Department in relation to this bill, which report I hold in my hand, a very interesting history. From that report of the War Department it appears with relation to this Mr. H. Johnson, who seeks now to be paid \$659.86, as follows:

There are on file in this office two vouchers signed S. M. & H. Johnson, at Henderson Station, and at Jackson, Tenn., for lumber and hauling.

One H. Johnson, of Meigs, McMinn or Roane County, Tenn., petitioned that a disloyal citizen be not released.

That is, disloyal to the Confederate States, I suppose.

There are on file in this office four vouchers signed S. M. Johnson, at McMinnville, Tenn., for niter and saltpeter, and two signed S. M. & H. Johnson, at Henderson Station, and at Jackson, Tenn., for lumber and hauling.

One Stephen M. Johnson was a member of Company E, Sixteenth-Twenty-first Tennessee Cavalry, enlisted at Jackson, Tenn.

Passing to line 12, on the first page of the bill, I find the claim of—

D. J. Franklin, \$130.48.

This report shows the history of that gentleman as follows:

There are on file in this office two vouchers signed D. J. Franklin, at Henderson Station, Tenn., for beef and hire of teams.

On the second page of the bill, in line 28, is the claim of—

Willis Arnold, \$5,213.99.

The report from the Confederate archives show that—

There is on file in this office one voucher signed W. Arnold, at Murfreesboro, Tenn., for corn; also one signed Willis Arnold for corn and paid by A. B. Crook, assistant quartermaster Confederate States army, in Henderson County, Tenn.

There are various other references to this gentleman.

Mr. STALLINGS. Are these names which you are mentioning the ones found in this bill?

Mr. BURROWS. Yes. On page 2 of the bill, line 32, is the claim of—

G. L. Ross, \$1,306.91.

This report reads, in relation to this gentleman, as follows:

One G. L. Ross was captain Company I, Thirteenth Tennessee Infantry, enlisted at Jackson, Tenn.

On the same page of the bill, line 36, is the claim of—

John M. Hart, \$322.41.

It is said of this party:

There are on file in this office two vouchers signed J. M. Hart, at Jackson, Tenn., for forage.

One John M. Hart was a member of Company I, Thirteenth Tennessee Infantry, enlisted at Jackson, Tenn.

There are various other references found to persons of this name.

On page 3 of the bill, line 38, is the claim of—

William A. Brummer, \$801.09.

I find from the same source the following information:

One person by the name of W. A. Brummer signed for pay for services of slaves at Knoxville, Tenn.

Mr. HULL. Services to the Confederacy?

Mr. BURROWS. Services to the Confederacy, I suppose. I call attention to another claim, in line 46 of the bill:

Jeff Jones, \$139.48.

This report says:

There is on file in this office one voucher signed J. Jones, at Morgantown, Tenn., for forage.

One Jefferson Jones was first lieutenant, Company H, Third Tennessee Infantry, P. A., enlisted in Monroe County, Tenn.

One J. Jones, of Blountville, Tenn., petitioned for the detail of a doctor.

One J. Jones, as post adjutant at Knoxville, Tenn., reports certain Federal prisoners being put in jail.

One J. Jones signed for pay for services as deck hand on steamer Holston, running between Knoxville and Chattanooga, Tenn.

One J. Jones is mentioned as a prisoner (civil) who took the oath to the Confederate States before he was captured (in Tennessee).

The next claim is that of—

A. B. Crook, \$261.20.

This report says of him:

There are on file in this office eight vouchers signed A. B. Crook, at various places in Tennessee and Mississippi, for forage and drugs for use of Confederate States army.

One A. B. Crook was a member of Company D, 16-21 Tennessee Cavalry, enlisted in Madison County, Tenn.; afterwards assistant quartermaster Eighteenth Tennessee Cavalry.

Another claim is that of—

John D. Smith, \$261.20.

The War Department report shows:

There are on file in this office five vouchers signed J. D. Smith and one signed Jno. D. Smith, at various places in Tennessee.

The next item to which I wish to call attention is in line 54 on page 3, the claim of—

Elijah Bond, \$261.20.

This report shows the following:

There is on file in this office one voucher signed E. Bond, at Shelbyville, Tenn., for hay.

In line 58 is the claim of—

William Hall, \$522.41.

It is reported of this claim:

There are on file in this office twenty-three vouchers signed Wm. Hall; three signed Wm. Hall, sr., and three signed W. Hall, at various places in Tennessee, for bacon, beef, wheat, mules, wagons, and for services.

A paper in reference to a suspicious person (no name given) is indorsed "Wm. Hall."

One W. Hall received a passport in East Tennessee.

The next claim to which I call attention is that of—

Carroll Beaver, \$522.41.

The report shows in relation to Carroll Beaver, as follows:

There is on file in this office one voucher signed C. Beaver (in favor of Carroll Beaver), at Beavers Mill, Tenn., for meal, paid by A. B. Crook, assistant quartermaster, Confederate States army.

At the top of page 4 of the bill, in line 62, is the claim of—

John West, \$659.86.

The report from the War Department discloses in regard to this gentleman, as follows:

There are on file in this office five vouchers signed John West, two of them dated at Lexington, Tenn., for bacon; two at Bulls Gap, Tenn., and one "In the field" (Tennessee), for forage.

Mr. ENLOE. I suppose the gentleman does not doubt that these all refer to the same man.

Mr. BURROWS. There may be doubt about their being the same individuals, but I have no question about their identity. I am reading, however, from the War Department report.

In line 72, page 4 of the bill, is the claim of—

S. E. Grider, \$120.49.

The report from the War Department shows as follows:

One S. E. Grider was a member of Company H, Sixteenth-Twenty-first Tennessee Cavalry; enlisted at Center Point, Tenn.

Mr. COX. What was the name of the man who was stated to belong to a cavalry command in Tennessee?

Mr. BURROWS. S. E. Grider.

Mr. COX. What command was that?

Mr. BURROWS. This report says:

One S. E. Grider was a member of Company H, Sixteenth-Twenty-first Tennessee Cavalry; enlisted at Center Point, Tenn.

This may mean that he was a member of both. I do not know.

Mr. COX. There never was any such regiment.

Mr. BURROWS. I do not know anything about that. I am quoting from this report from the Confederate archives.

The next claim to which I wish to call attention is in line 76 of the bill:

John Robinson, \$240.34.

It is stated in this report:

There are on file in this office seven vouchers signed John Robinson and two signed John Robinson "by his mark" at various places in Tennessee, for beef, hospital supplies, and forage.

One John Robinson received a passport in East Tennessee.

The next claim to which I ask the attention of the committee is in line 80 of the bill:

John G. Smith, \$79.96.

The War Department report says:

There are on file in this office two vouchers dated at Knoxville, Tenn., one signed John G. Smith and the other John G. Smith & Co., for nitre; also one signed J. G. Smith, at Kingston, Tenn., for services as teamster.

The next claim to which I desire to call attention is in line 82, and it is that of—

Caleb McKnight, \$200.25.

It is said of him in this report:

There is on file in this office one voucher signed Caleb McKnight, "in the field" for forage; also one signed C. McKnight, at Columbus, Ky., for beef. One Caleb McKnight was captain Company B, Thirty-first Tennessee Infantry, enlisted at Trenton, Tenn.

The next claim to which I wish to call attention is in line 84 of the bill, and it is that of—

James Thomas, \$200.25.

In this report it is said:

There are on file in this office two vouchers signed J. Thomas and two signed James Thomas, at various places in Tennessee, for horse and forage. One James Thomas was a member of Company F, Sixteenth-Twenty-first Tennessee Cavalry, enlisted at Jack's Creek, Tenn.

At the top of page 5, line 86, is the claim of—

William P. Walker, \$120.06.

The report from the War Department shows:

One W. P. Walker was second lieutenant Company H, Thirty-sixth Tennessee Infantry.

The claim of F. M. Ballard for \$240.04, to which I desire to call attention, is found on line 94 of the bill.

It is said of him:

One F. M. Ballard was second lieutenant Company I, Twenty-fourth Tennessee Infantry; enlisted at Camp Trousdale, Tennessee.

The last item in line 100 of the bill is the claim of—

Keton M. Jones, \$361.15.

It seems that this claim, presented in this bill now for favorable action by this House, has been before the Court of Claims for adjudication, and I hold in my hand the report from the Court of Claims:

Keton M. Jones vs. The United States.—This case being a claim for supplies and stores alleged to have been taken by or furnished to the military forces of the United States for use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that upon the evidence it does not appear that the claimant, being the person alleged to have furnished such supplies or stores, or from whom they are alleged to have been taken, was loyal to the Government of the United States throughout said war, and the case is dismissed for want of further jurisdiction.

That case was rejected solely on the ground of disloyalty. Now, Mr. Chairman, as I said in the beginning, I have no other desire than to lay the facts before the committee. The report of the Secretary of War as to what the Confederate archives disclosed in regard to these people, I suppose, will be taken as conclusive; and, for the purpose of testing the sense of the committee, I move to strike out on page 5, line 100, the claim of Keton M. Jones, the one last mentioned—the one which the Court of Claims rejected because of the disloyalty of the claimant.

Mr. ENLOE. Mr. Chairman, I desire to be heard before that motion is put.

Mr. DINGLEY. I suggest to the gentleman from Michigan that we are still in general debate, and that no amendment is in order at this stage.

Mr. BURROWS. I understand, Mr. Chairman, that general debate has not yet closed, but I give notice that I shall offer that amendment when in order. The gentleman from Tennessee has moved that the committee rise and report this bill to the House. Pending that motion I shall move to amend the bill.

The CHAIRMAN. The Chair will recognize the gentleman at the proper time.

Mr. ENLOE. Mr. Chairman, the gentleman from Michigan [Mr. BURROWS] is one of the most agreeable gentlemen I ever saw in a controversy [laughter], and his manner of addressing the House is such that it carries with it very nearly the force of an affidavit. But the gentleman has some other peculiar characteristics, and, with all his suavity of manner and speech and all his apparent disposition to discuss this question fairly upon its merits, I am afraid that he has been led a little out of the true line in the course he has taken this morning in bringing up from the Confederate archives a record which he has read to this committee and which he argues has some bearing upon this case, when, as a matter of fact, it has none. The great majority of the people who are interested in this claim are in no way identified with the people mentioned in the record which the gentleman has been quoting. Some of them have the same names and perhaps there may be some of them named in that record. A great many of the persons referred to in that record as residing in that part of Tennessee near Henderson live two or three

hundred miles away and are in no way identified with these claimants.

Mr. BURROWS. Does the gentleman deny that the party named here as Keton M. Jones is the same person concerned in this report of the Court of Claims?

Mr. ENLOE. I do not know. I would like to see the reference made to that case in order to answer the gentleman. I do not know what the nature of the claim of Keton M. Jones was. I would ask the gentleman from Michigan whether he investigated closely enough to find out that Keton M. Jones preferred a claim against the Government in the Court of Claims on account of this assessment?

Mr. BURROWS. I know nothing of the nature of the claim. I simply know that this is the report of the Court of Claims of its action in the case of Keton M. Jones.

Mr. ENLOE. That action was taken on a claim for stores and supplies. The paper read by the gentleman shows that fact, I discover. This report shows on its face that Keton M. Jones came to the Court of Claims and applied for payment for stores and supplies furnished to the Government, and not (even if this is the same man) for a reimbursement of this excessive military assessment; and it is hardly fair, in the discussion of this case, to raise a question which, as I stated in the beginning, can not have any proper bearing upon the case, the question of the loyalty or disloyalty of these persons. Now, I want to call the attention of the gentleman from Michigan and of this Committee to what is stated in the report submitted to the Senate by the Hon. Howell E. Jackson at the time this bill passed that body. Judge Jackson in his report said:

It is distinctly shown that they had no connection whatever with the rebel raid of the 25th of November, 1862, which came across the Tennessee River from Middle Tennessee at night. They gave no aid, sanction, or support to this raid, and were in no way responsible for the losses it occasioned. Fielding Hurst (late colonel of the Sixth Regiment Tennessee Cavalry, United States Army), an intensely loyal man, who raised his regiment in that locality and devoted himself to the cause of the Union with a zeal and energy unsurpassed by any soldier of the war; states that for the last forty-seven years he has lived among this people and knows them and their antecedents well and intimately. He says further:

"I know them [the claimants] to be honorable, just, and good men, who were at home in the peaceful pursuits of life when the assessment and collections were made. I know of no gentleman whose character for goodness is better than that of the claimants. I think they are as justly entitled to that money as I am to reap the reward of my daily labor."

That is the sworn testimony of Col. Hurst. This Col. Hurst, as the report says, was very active in his support of the Federal Government. He burned the county seat of the county in which he lived. His command destroyed the town of Purdy, in the county on the borders of which this raid occurred. He was a man who was uncompromising in his loyalty, who was regarded at that time as a persecutor of the people down there, yet that man comes up and testifies that these people were not in any way connected with the rebellion, but were at home engaged in their peaceful occupations when this raid occurred. But some gentlemen say, "Why, these were all rebel sympathizers!" Now, does the gentleman from Michigan insist, or will this House insist, that the Government of the United States at this time ought to refuse to pay back this money, ought to confiscate private property without any legal proceedings and convert it to Government use, on the ground that these claimants were rebel sympathizers? I should say, commit a robbery by Congressional inaction, because no legal proceedings were ever taken to convert this private property to public use.

The Government to-day is simply a trustee for the people from whom the commanding general collected this money. No doubt these people, some of them at least, had kinsmen in the Confederate army, and perhaps they were in sympathy with those kinsmen; I have no doubt they were, and they ought to have been. They were peaceable, law-abiding citizens, under the complete jurisdiction and control of the Federal Government, not a transitory, illusory, or incomplete control, but full and absolute control, and under those circumstances they were entitled to the protection of the Government according to all the rules and usages of civilized warfare.

This money does not belong to the Government; there has been no legal proceeding by which it could become the property of the Government. Then why should it not be paid to these people? The gentleman from Michigan goes into the Confederate archives and brings up here every man he can find having a surname the same as the claimants in this bill. Why, I can take that list and point out persons bearing duplicates of many of these names in my own Congressional district. There are Johnsons and Smiths and Joneses and Arnolds all over Tennessee. Perhaps every name in this bill is duplicated over and over again in the State, to say nothing of other States in the South. S. M. Johnson may have been hired or forced to haul lumber for the Confederate government and may have been paid for it, but is that any reason why he should not have returned to him the money which rightfully belongs to him. Hiram Johnson

was a citizen who remained at home during the war. He is now dead.

A considerable number of the original claimants are dead. Their families need this money to-day worse than they ever needed it before in their lives, and even if the fathers were disloyal to the Government at that time that, I say, is no reason why the Government should now refuse to do justice to their widows and children. Hiram Johnson waited and hoped for twenty-five years, and he was as good a citizen as ever lived. He died believing in the honesty of this Government. You recognize the rights of gentlemen who come here from that section, who sit as representatives in Congress, although they served in the Confederate army; you do not propose now to punish them because they served the Confederacy. Does this Congress propose, then, to refuse to adjudicate and pay the just claims of private citizens, and to punish noncombatants by legislative robbery because they happen to live in a Southern State. That is the only offense of which they are guilty. They were in a State which furnished many soldiers to the Confederate army and thirty-seven regiments to the Federal Army. Troops were raised for both armies in that section.

These claimants were at home, following their peaceful pursuits, obeying the laws of the land, and subject to the jurisdiction of the Federal Government, and you have the testimony of Col. Hurst, before quoted, who commanded the Federal forces in that country at that time, that they were good citizens. It seems to me that it would be very unjust, and I do not believe the gentleman from Michigan can find it in the promptings of his heart to contend that it would be right to refuse to let these people have the money which the Government took from them for a specific purpose, to which it was not applied, and has improperly withheld it all this time.

It may be cheap and unworthy politics to make such an argument as that, and refer to claimants as rebels. I believe the day has passed when any considerable number of people, in any part of this country are going to say that because the Government has this property in its possession, acquired in the manner it was, that it is right to hold and refuse to return it to the rightful and legal owners simply because they lived in Tennessee and were peaceable, law-abiding citizens of that State, even though they may have sympathized with the Confederacy.

Mr. DOLLIVER. Do I understand my friend from Tennessee to deny that the persons whose names have been read by the gentleman from Michigan are the same people referred to in this bill?

Mr. ENLOE. I deny that a very large part of those whose names have been referred to are the same people. Some of them may be the same. When the gentleman gets in the neighborhood of Henderson or Henderson County, it may be that some of the persons were those who hauled lumber or sold supplies to the Confederate forces at the time they were occupying the country.

Mr. BURROWS. I referred this bill to the War Department with a request to be advised as to what information the Department had on file in the Confederate archives (I did not say "rebel" archives; I believe I never use that expression) in relation to the claimants mentioned in the bill; and the Department returned my request with this report. I have no doubt in my own mind that these are the same persons.

Mr. ENLOE. That is parallel with the case that we had in the Fifty-first Congress. In that Congress—a Republican Congress—after eighteen weeks of filibustering, which I led on every Friday and Friday night until the bill was voted on, a bill was passed appropriating over half a million dollars to pay loyal claimants for property taken and used by the Federal Government during the war, in cases where judgment had been obtained in the Court of Claims.

Mr. Thomas, of Wisconsin, who was at that time chairman of the Committee on War Claims, called on the War Department to furnish from the Confederate archives all the information that could be supplied as to parties bearing those names. He sent the bill to the Department, just as the gentleman from Michigan has sent this bill. The Secretary of War furnished from those archives the history of every man bearing the same name as any person named in the bill or having a similar name. Yet the Court of Claims had investigated those very cases, had inquired into the loyalty of those individuals, and they had established their loyalty by a judicial proceeding. Notwithstanding that the attempt was made by testimony, in the same form as that presented here to-day, to impeach the findings of the Court of Claims. But the Fifty-first Congress, a Republican Congress, passed that bill in this House with not more than 6 or 7 votes against it.

Mr. HENDERSON of Illinois. If the gentleman from Tennessee [Mr. ENLOE] will permit, I would like to ask him a question. I wish to know whether this claim is, as I understand him

to state, a claim purely to recover money which was deposited as an indemnity for the good behavior of the people in that neighborhood. I would like to know what the testimony is on that subject. I do not think it makes any difference whether these persons are the same persons or not, unless it be shown that the claims are the same claims. These claims, as I understand, are very different claims. The application in this case is, as I understand, simply for the recovery of money deposited with Gen. Sullivan or somebody else as indemnity for the good behavior of the people of that neighborhood and of the Confederate forces.

Mr. ENLOE. I have here the affidavit of Gen. Sullivan—Mr. HENDERSON of Illinois. I happen to know Gen. Sullivan, and I know him to be an honest man. I know that during the war he made a brother-in-law of mine, living in Tennessee, deposit \$500 in gold as security for his good behavior. When the war was over my brother-in-law undertook to recover that money, but not knowing how to go about it, he wrote to me to see whether I could not do something for him. He supposed the money had been taken by this Union general and converted to his own use. But I found that the money had been deposited in the subtreasury at St. Louis; and it was recovered. I am satisfied that Gen. Sullivan is an honest man. If he compelled these people to pay more money than would cover the damages which had been sustained by the burning of Government property, or the burning of the depot or anything of that kind—by way of indemnity against acts which were not committed—it seems to me that the parties are clearly entitled to recover the indemnity money paid by them, and that the question of loyalty does not arise in the case, and ought not to arise. But whether these are the same claims I do not know.

Mr. ENLOE. In connection with what the gentleman from Illinois has said, I wish to quote from the affidavit of Gen. Sullivan as published in the Senate report from which I have already been quoting—a report prepared by Associate Justice Jackson of the Supreme Court when he was a Senator from the State of Tennessee:

But we are not left to conjecture—

This is the language of the report—

But we are not left to conjecture as to the intention and purpose of Gen. Sullivan in making and collecting the assessment in question. He testifies under oath upon the subject, as follows:

"Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believe could control and discourage future raids. Such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security, the amount based upon their ability in proportion to the loss sustained.

"(It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton-buyers against war risks.)

"What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued Order No. 15 to prevent further raids by compelling the cooperation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.

"Cotton purchasers were not looked upon with favor in Gen. Grant's command, and no officer would have dared make innocent parties pay their claims.

"I most positively state that it was in no manner intended by me to pay or adjust any such claims.

"JEREMIAH C. SULLIVAN.

"Subscribed and sworn to before me this 3d day of March, 1884.

[L. S.]

"JOHN E. HARVILL.

"Notary Public."

This affidavit was made while Gen. Sullivan was living in St. Louis.

Now, I want to yield to my colleague [Mr. COX]. As he led the Confederate raid on the occasion referred to, I wish him to make a statement in regard to his participation in it and what he knows about it.

Mr. COX. Mr. Chairman, when I was making that raid I never expected that I should be called upon to make a statement about it in the Congress of the United States. I do not know a single one of these claimants; but the facts in regard to that raid are about these: When that raid occurred (as will be remembered by any of the old soldiers on either side) Gen. Grant was approaching or attempting to approach Vicksburg by what was known as the land route—down the Illinois Central Railroad. He had already commenced, or soon afterwards commenced, that effort.

The Tennessee River was at that time regarded as the dividing line between the forces on the two sides. The Federal forces were west of the Tennessee River; the main army of the Confederate forces were east of the river, stationed at or near Murfreesboro, where a short time afterward the battle of Stone River was fought. I was then in the command of Gen. Forrest, and was watching the Tennessee River for two or three purposes: First, to see whether or not any of the Federal forces

crossed the river and started eastward for the purpose of striking our forces at Murfreesboro, just before the battle was fought to which I have referred. Another object was to prevent any trading in cotton—to prevent the United States forces from getting our cotton—which I always thought was a very serious mistake; and to watch the gunboats which were going up and down the Tennessee River.

A gentleman named Lewis, whom I remember well—he was quite an aged man to be in the military service—was a member of my command. I sent him to Henderson Station, where this raid occurred, upon the pretext of purchasing salt, which was a very desirable commodity with us. He clothed himself in citizen's dress and went to Henderson Station, where he ascertained the extent of the forces collected there, and returned to me with his report in person. We crossed the Tennessee River (swimming it) about dusk one evening, and made the march that night (something like 40 miles) to Henderson Station, where there was a company of Illinois infantry.

Let me say in passing that I would be very glad to meet again the captain of that company, for he was a most excellent gentleman. We arrived there about daylight. The troops there were taken by surprise; they knew nothing of our approach. No citizen of that country ever spoke to me about the matter. The trouble I had with the citizens there was to keep them quiet. I found around the depot building a temporary kind of fortification made of cotton bales. The Illinois company stationed there (except four or five men who were up on the railroad) were inside the depot building asleep. A detachment of my command got in between the cotton bales and the building, and pulled out the telegraph wire that connected with Jackson, where Gen. Sullivan's forces were, for I knew all the time that they would be too much for me. I then came down with the rest of my command and demanded the surrender of those Federal forces. At first that gallant captain refused to surrender. When I used means to force him to do so he did surrender. But one man was lost; and that was through a very careless piece of work—which generally happens when we are fighting each other.

Mr. HULICK. Was that on account of your careless shooting?

Mr. COX. Yes, some of my men shot carelessly and killed one man in the depot building. For fear that there might be some misunderstanding on that point, I will state the circumstances. That man carelessly and foolishly pulled open the doors of the depot building fronting the railroad and fired at us when we were standing almost right at the door. One of our men fired in at the opening and killed him.

When that company had surrendered I mounted the men behind my own, and taking them across the Tennessee River sent them to Gen. Forrest, by whom they were paroled. Just as I got across the river, upon our side of the line, the forces from Jackson rode up on the opposite bank in pursuit of us.

I found at the depot building cotton lying around there for fortifications. I found what I knew were Government supplies inside the building. I had no means to take them away, though I would have been glad to do so; so I set fire to the building and destroyed the whole. At that time there was a cotton speculator there (though I did not know it) buying cotton. I met him dressed in citizen's clothes, and with his courteous manner he imposed upon me; and I turned him loose. If I had known at the time that he was a cotton speculator he would not have had much trouble afterward with the money which he had with him for the purchase of cotton. [Laughter.]

That is the history of that raid. We crossed the Tennessee River and joined our command under Gen. Forrest. We had the misfortune shortly afterward to meet the general spoken of by my colleague—Gen. Sullivan—and that fact cost me about six months' imprisonment at Camp Chase. I bear testimony to the fact that I found Gen. Sullivan a most genial and courteous gentleman.

That is the history of the transaction. If I may be permitted a remark in regard to the merits of this question I will only say this: We understood (for we were back on that line afterward) that so far as Gen. Grant's orders were concerned, when property belonging to the Government was seized and destroyed by the Confederate forces they could very well make this assessment upon citizens.

I knew Col. Haney, who made this assessment. But of the men presenting this claim I did not know a single one. I say most emphatically to the House that not one of them had any more connection with my making that raid than any gentleman sitting on this floor. I made the raid upon the report of one of my own men. And I trust that any gentleman who may hereafter meet the captain of that company will give him my regards. After we had crossed the river he came to me and told me that some of my men had taken from him the pictures of members of his family. I asked him if he would know the man

who did it. He said he thought he would. I went with him, we found the man, and the pictures were returned to him. He was very grateful for what I did.

Afterward, when Gen. Sullivan captured us at Parkers Cross Roads in West Tennessee, not a great distance from the scene of the occurrence I have related, I was taken prisoner and sent to Camp Chase, at Cairo. One day while we were there my men sent me under guard to get some provisions a little better than the army supplies. I had a market basket on my arm. A gentleman came up to me and said, "I want your basket."

I very naturally protested against such treatment. I did not understand it. But he took the basket from me and carried it off. Of course when a bayonet is behind such a request you are not so likely to refuse it.

A MEMBER. Very easily persuaded, in other words. [Laughter.]

Mr. COX. Yes; you are persuaded without very much trouble.

So I gave up the basket. After a short time, however, this party who had taken it came back to me with the basket full of provisions and said, "I am the captain that you captured at Henderson, Tenn." He was a gallant man. [Applause.]

Mr. STORER. Mr. Chairman, nothing that occurred during the sessions of the Fifty-second Congress gave me more real pleasure than to hear the speech made by the gentleman from Tennessee [Mr. COX] similar to that which has just now been made by him upon the subject now attracting the attention of this committee. To find a man on the floor of this House participating in its proceedings as a Representative of the people of this country who twenty-five years ago was in command of a force hostile to this Government telling the story of the conflict that occurred and out of which the proposed legislation is asked in plain, effective, and on that account more eloquent language telling this House just exactly what was done on such an occasion, is certainly an incident that I think the whole country should be proud of.

I have told that story, or attempted to tell it, in Europe, in broken foreign languages, on different occasions, to friends of mine, and it was absolutely impossible to make them believe the fact that this Congress, governing this great country, was composed in part of men who twenty-five years ago had fought against the Government; that it was composed of men who had fought on different sides in the great conflict that then took place, and were able to tell the incidents of the exact hostile transactions on which legislation was asked. I repeat, I consider it something that the country should be proud to remember.

But, Mr. Chairman, my objection to this bill is not that the question on which the claim is based arises in the State of Tennessee, nor is it that some of these people whose names are mentioned in the bill may not have been loyal to the Government of the United States during that war. But it is a plain question of dollars and cents that confronts us; a question of figures which the history of legislation of this country in the last few years has written upon its statute-books.

It appears that there were \$27,000 assessed upon and raised from the residents of this county in Tennessee in which the town of Henderson was situated. That money was paid into the Treasury under its proper fund, and remained there. No sooner had the war ceased, however, and the Representatives from the State of Tennessee taken their seats upon this floor, than there began to be a race of diligence from all sides as to who was entitled to a share of that fund of \$27,000 remaining of the assessment upon the people of that county.

We find that back in the Forty-third Congress a part of this money was appropriated and paid over to certain claimants. Now, remember what I say. A part of this fund of \$27,000 which we are asked to pay back to-day to certain claimants in Tennessee was paid to other claimants in the Forty-third Congress. Look at this very bill just now pending before us, and the report accompanying it, and you will find that the claim of these gentlemen, represented now by Mr. ENLOE of Tennessee, was reported in the Forty-sixth Congress. According to our knowledge of the length of time it takes bills to come up here and be considered in this manner it probably was introduced as early as the Forty-third Congress. There is no way, I admit, to verify the statement; but it is reasonable to assume that a bill which was considered and reported in the Forty-sixth Congress might well have been introduced for consideration as early as the Forty-third Congress. But in the Forty-third Congress we find that there was an act written upon the statute book in connection with this very matter.

Mr. ENLOE. Will the gentleman yield for an interruption?

Mr. STORER. Certainly.

Mr. ENLOE. I think the gentleman from Ohio is mistaken as to the date of the first introduction of this bill into Congress. It was the Forty-fourth Congress in which it was first introduced.

Mr. STORER. I accept the statement of the gentleman from

Tennessee, for I only spoke of the Forty-third Congress on account of the general knowledge we all have of the time it takes these bills to come up. But in the Forty-sixth Congress, on the 31st day of March, 1875, nineteen years ago, it was enacted by the House and the Senate, and approved by the President, that \$9,606 of this identical money that is now supposed to be in the Treasury of the United States was paid to a claimant by the name of John Aldredge. Let me read the entire act:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury, not otherwise appropriated, to pay to John Aldredge, of McNairy County, Tenn., such sum not exceeding \$9,606, as the Secretary may deem reasonable, for money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tenn., to make repayment for the destruction of cotton, the property of said Aldredge; the sum so to be paid to be charged to the account of captured and abandoned property.

Now, when this bill was adopted in the Fifty-second Congress it was admitted that this \$27,000 was paid into the captured and abandoned property fund, and from that sum of \$27,000, \$9,606 was paid out in 1875, and you are now asking to appropriate and pay out of the Treasury of the United States \$9,000 more than now remains in the Treasury of this fund, and that is my objection to the bill.

It is a race of diligence on the part of the claimants deeming themselves entitled to share in this money. That money was in the hands of the Treasurer of the United States, exactly as a fund arising from the sale of property is in the hands of a marshal of the United States under the orders of the court.

Mr. DOLLIVER. Were there other similar acts of Congress passed?

Mr. STORER. I can not say. It has of course been impossible for me to trace up the history of each claimant. It was admitted on all sides, however, that this was one and the same fund, and the name of this Mr. Aldredge does not appear in the bill before the House.

Mr. ENLOE. If the gentleman will allow me to interrupt him for a moment—we are all trying to get at the facts in this case—I will answer the inquiry which the gentleman from Iowa [Mr. DOLLIVER] has just asked. I will state that there have been no other bills passed, refunding any portion of this money, or paying any portion to anybody. I stated twice in my remarks a few moments ago that two of the claimants did come here.

These two cotton speculators, after they had applied to the Quartermaster-General, after they had applied to Gen. Grant and Gen. Sullivan, after they had applied to them all and been refused, came to Congress, as I stated, and got an appropriation of over \$9,000, and got the money out of this fund; but the question that has been presented to every committee and to every Congress that has passed upon the case, the question which came up in the Forty-fourth Congress—but not in the Forty-third, for that Congress did not have these claimants before it—the question which has been decided every time has been this, that that money should not have been paid to those two men.

Seven times committees of this House have decided that. Two or three times committees of the Senate have decided that. Once the House has passed the bill, and once the Senate has passed the bill, and the question now is—and that is the only question in my mind—whether or not this \$9,000, as a matter of law and right, should have been paid to these two men, and whether it should be deducted from the face of this bill. If that is the judgment of the House I am willing that it should be deducted; but I should want the judgment of the House upon it, because I do not think it should be deducted.

Mr. COOMBS. Will the gentleman from Tennessee yield to me to allow me to ask him a question?

Mr. ENLOE. Yes.

Mr. COOMBS. What evidence have we that this money belongs to these various individuals named in the bill?

Mr. ENLOE. The evidence is in the records of the War Department, where, I understand, all the original papers are filed, showing the order levying the assessment, the name of each person assessed, the amount assessed in each case, and everything set out in detail; and I want to state further, while I am answering that, in order to show that Gen. Sullivan testifies correctly in regard to it, that when the claimants paid this money to the officer, after the assessment had been levied, three receipts were executed. One receipt was given to the man who paid the assessment, one receipt was turned over to the provost-marshal, and one receipt was sent to the War Department, so that these three receipts show that it was the intention to settle with these people, after having reimbursed the Government.

Mr. COOMBS. How does it happen that \$9,000 was paid to these two men with that same evidence before Congress?

Mr. ENLOE. I suppose that must have happened in this way: that about the time the Forty-third Congress assembled and was

in session here, those people down in that section of country scarcely knew whether the Government was friendly or hostile to them. They were in some doubt as to what was to be the policy toward the South. They were not here presenting their claims. A good part of the South was laboring under political disabilities at that time, and it never occurred to them that the Government would do them justice then; but subsequently, when the country went Democratic, and elected a Democratic Congress, they brought this bill here and presented their claim. If it had been presented in the Forty-third Congress, why then the Forty-third Congress could have passed on the whole question, and decided between these claimants, but I think it was not presented at that time, and did not come up until the Forty-fourth Congress.

Mr. COOMBS. Then it seems that not only did they do justice to these men, but they paid two of them money that did not belong to them.

Mr. ENLOE. Congress paid the two men who were cotton speculators, money which did not belong to them.

Mr. WILLIAMS of Mississippi. The gentleman from New York [Mr. COOMBS] seems to think that these parties who were paid were among the number who paid this assessment.

Mr. ENLOE. These two men who were paid this \$9,000 never paid any part of this assessment, and they did not lose cotton of that value at Henderson, if they lost any.

Mr. DOLLIVER. Did my friend from Tennessee [Mr. ENLOE] hear the speech of Gen. HENDERSON of Illinois a few moments ago?

Mr. ENLOE. Yes; I heard it.

Mr. DOLLIVER. I understood the gentleman from Illinois [Mr. HENDERSON] to say that his brother-in-law was in this levy, and that he had to pay \$500.

Mr. ENLOE. No; the gentleman is mistaken about that.

Mr. HULL. He was in another similar levy.

Mr. HENDERSON of Illinois. He was arrested by Gen. Sullivan and compelled to deposit \$500 in gold for his good behavior, and that money was deposited in the subtreasury in St. Louis. Afterward an order on the treasurer at St. Louis was obtained by me from Gen. Sullivan for the money, and it was paid back.

Mr. DOLLIVER. I wanted to inquire whether the rest of these victims have pulled their money out by any such process?

Mr. ENLOE. No. Gen. Sullivan did not pay them. The fund passed out of his control when he was relieved of his position at Jackson, Tenn., as commanding officer. If that had not happened, Gen. Sullivan would no doubt have refunded the money to the others, just as he did to Gen. HENDERSON'S brother-in-law. That was his intention.

Mr. HUDSON. What is to prevent these parties from going to the Court of Claims and getting an adjudication there?

Mr. ENLOE. I suppose the Court of Claims could not take jurisdiction of this. There is no authority of Congress conferring that jurisdiction upon the Court of Claims.

Mr. HUDSON. Does not the Court of Claims have general jurisdiction over such matters?

Mr. BURROWS. The Court of Claims must first inquire into the loyalty of these claimants, and they have had one of these claims before them.

Mr. ENLOE. The gentleman is not stating it fairly in saying that the Court of Claims passed upon one of these claims.

The CHAIRMAN. The Chair understands that the gentleman from Ohio [Mr. STORER] does not yield the floor. But one question can be asked and answered at a time. It is impossible to understand such a debate as is going on now. To whom does the gentleman from Ohio [Mr. STORER] yield the floor?

Mr. STORER. I do not yield to anybody.

The CHAIRMAN. The gentleman from Ohio [Mr. STORER] is entitled to the floor.

Mr. STORER. I congratulate myself that my recollection of this matter and of the former debate has been verified by the gentleman from Tennessee. My knowledge, of course, is derived only from the records of Congress. The gentleman from Tennessee has some personal knowledge of the matter. I only wish to emphasize the fact, as a fact, that, in my judgment, it is a very dangerous thing for one Congress to proceed on the theory that a Congress nineteen years ago did not have the proper persons before it to adjudicate upon the rights of claimants. That would open the door, of course, to more fraud than the conscience of the chancellor would care to face. But there is no evidence before the House, and nothing can be gathered, but that all these people who were entitled to this money had made their rights known to this Committee on Claims in the Forty-third Congress.

Certainly the construction of the bill then passed is perfectly clear, that \$9,000 was paid to some one that they considered had a right to it, out of this very fund which we are now asked to

regard as intact. In taking the opposite view we should be violating the simplest principles of arithmetic and of common sense. I do not know anything about the persons to whom this money was paid. I do not know but what the Statutes at Large may be full of similar private acts paying people for this identical transaction. I have to take the statement of the gentleman from Tennessee on that subject. But when we do find that in a time comparatively fresh after this transaction a bill of this kind was approved by a committee of either House and was passed by both Houses of Congress and received the assent of the then Executive, it seems proper that it should be given the credence to which the judgment of a court would be entitled. It is perfectly clear that if there was a fund in the hands of any sheriff or marshal in a proceeding where anybody might make himself a party, like a proceeding *in rem*, after the distribution of that fund no new claimants could be allowed to come in and claim that fund had been improperly distributed, provided it had been paid out under the direction of the proper tribunal.

Mr. STOCKDALE. Suppose that in that case a part of the claimants were before the court and later the other claimants came in, who had not been served with notice, and showed that those who had had the distribution were fraudulent claimants and really had no title, would not the court review that judgment?

Mr. STORER. The court would review the judgment and get the money back from the people to whom it had been paid if it could; but it certainly would not attempt to pay the other parties out of a county fund or a State fund, or out of a contingent fund of the court, as we are asked to do here.

Mr. STOCKDALE. In this instance these people come to the very parties who paid out the money improperly, and who are able to refund it. This Congress paid it out, did it not?

Mr. STORER. I do not quite understand the gentleman's statement.

Mr. STOCKDALE. This Congress paid out that money, did it not?

Mr. STORER. The gentleman means the Forty-third Congress.

Mr. STOCKDALE. Yes; but that is the same thing. Congress considered the question between those two claimants without notifying the others, and took a part of the money that belonged to these people and gave it to those people. Now, if these real owners had no notice of that proceeding and if the proceeding was wrongly taken—I do not know whether it was or not—but I say if it was, then these other people who really did own the fund ought not to suffer by it.

Mr. STORER. Of course, in one sense, they ought not. But let me answer the gentleman by a broader statement. I perhaps was unfortunate in seeming to limit the parallel I tried to draw between a court of law and the proceedings here in Congress. I take it for granted that a fund in the hands of the Secretary of the Treasury, to be distributed by Congress, carries with it notice to the world. Nobody can claim, with the slightest conscience, that he has not been notified of the distribution of that fund, and that is particularly true in this case, because we find that this money was distributed on the last day of a Congress, and in the very next Congress a bill was introduced to pay these people now before us that same money. So it would seem that they not only had notice, but that they sat back and allowed the money to be paid out, and after it was paid came in and demanded to participate in the same fund and have the money paid again.

Now, I tell the gentleman who presses this bill exactly what I told him in the last Congress, that I personally will not actively oppose this bill provided he gives credit to the United States Government for \$9,606. But if he refuses to do that I shall oppose the bill in every way possible, and he will have to get a quorum and do whatever else may be necessary under the rules to pass the bill through this House.

Mr. COOMBS. Mr. Chairman, as a member of the House I feel very much disturbed by the fact that neither in the report of the committee nor anywhere else up to the time it was brought out in debate was any mention made of the payment of this nine thousand dollars and odd. It seems to me that the committee in a proper performance of its duty should have mentioned that fact in its report. It is a part of the history of this case of which the House was kept in ignorance until it came out in debate, and I must say, sir, that after that revelation I want that committee to examine the whole question again as to the parties who are really entitled to this money.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. ENLOE], that this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. SAYERS. Before that motion is put I wish to say a word. I shall occupy the attention of the committee only a very few

minutes. It is admitted that this claim, if it can be considered a claim at all, originates from acts done during the war. I hold in my hand the report of the committee that reported this claim, which was presented, I believe, by the gentleman from Tennessee [Mr. ENLOE], and if I can have the attention of members I will refer to one paragraph in the report which determines my action in regard to this case. The committee say in discussing this claim:

The right of the military commandant in time of war to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside of his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions by making the friends of those who commit the damage bear the brunt of the injury suffered.

The committee who reported this claim declare that to be the law of war, and if, under such law, the military commander had a right to make this assessment, then it does seem to me that the claimants in this case have no ground to stand upon in appealing to Congress for relief.

Mr. COX. Does not the gentleman understand that order of Gen. Grant to mean, and is it not the essence of the law, that where the Confederate troops destroyed property which belonged to the Government of the United States the officers had a right to assess the damage upon sympathizers with the forces that destroyed the property? But the gentleman will nowhere find in any kind of law, military or nonmilitary, any case where an assessment has been made upon citizens as sympathizers with either side for the payment of private claims on either side.

Mr. SAYERS. Mr. Chairman, it does not occur to me that the order of Gen. Grant has anything to do with this case at all. Here is a subordinate officer who makes an assessment—

Mr. COX. And Gen. Grant repudiates it afterwards.

Mr. SAYERS. Suppose Gen. Grant had forbidden his officers to make any assessment at all; or suppose he had forbidden his officers to destroy any property at all, you would have the order of the general. Now, would the gentleman from Mississippi contend that if, in violation of such order, the subordinates of Gen. Grant did cause property to be destroyed in time of war, or did levy and collect assessments, such circumstances would give these claimants any standing before Congress?

Mr. STOCKDALE. If I understand the proposition upon which I desire to interrogate the gentleman from Texas, that suggestion does not touch it at all.

Mr. SAYERS. I am taking the proposition of law as laid down by the committee that reported this case.

Mr. STOCKDALE. Gen. Sullivan does not pretend to say that this money was taken from sympathizers to pay anybody else, or to make up any loss. It was simply taken to put on a pressure so that these people might go out and prevent Confederate raids; and he never intended it to compensate anybody.

Mr. SAYERS. Those who advocate this claim, in order to bring the case within the rule laid down by the gentleman from Mississippi, must show affirmatively that this community was not in hostility to the Federal Government.

Mr. STOCKDALE. The community—oh, that is not the law.

Mr. SAYERS. Well, I am taking the law as stated by the gentleman from Tennessee, who presented this report, and I leave that question to be settled between him and the gentleman from Mississippi.

Mr. COX. The assessment was made under the order of Gen. Sullivan, not for the purpose of compensating private individuals, but for the purpose of preventing the sympathizers with our side of the fight from assisting us in connection with these raids. He held that money, as he says himself, for the purpose of restraining those citizens from assisting us.

Mr. BRECKINRIDGE of Kentucky. What became of that money?

Mr. COX. It was paid into the Treasury of the United States. Now, here is a question of law—who is entitled to that money? It must belong either to the United States or to somebody else. Now, to whom shall it be paid? If you decide that it belongs to the United States, then you decide that Gen. Sullivan's order was not in compliance with law.

Mr. SAYERS. All I know about this case is what I find in the report made by the gentleman from Tennessee; and I find that instead of this money being collected and held as a guarantee against the unlawful action of these people, a portion of it was for cotton belonging to the United States which had been burned, and went to make compensation for the cotton.

Mr. ENLOE. If the gentleman will examine that report (which he evidently has not done), he will find that there was no appropriation of any portion of this money to pay the Government of the United States for cotton destroyed.

Mr. SAYERS. I have not said that there was.

Mr. ENLOE. What was the gentleman's statement?

Mr. SAYERS. If the gentleman will listen to me, he will

find that I am not misquoting his report. I have read the report—

Mr. ENLOE. You are quoting a report of Gen. Bragg, of Wisconsin.

Mr. SAYERS. Which you indorse and make a part of your report.

Mr. ENLOE. I do. Now, what was the gentleman's statement?

Mr. SAYERS. A board was appointed on the 2d day of December; and the board so appointed assessed the value of the property captured and destroyed at a grand total of \$26,751.36, of which \$5,080 was for the destruction of property belonging to the United States. That is what this report states, and that is just what I have said. So that the sole purpose of this assessment was not to prevent the people interested in giving aid and comfort to the Confederate government from doing so.

Mr. ENLOE. Now, let me call the gentleman's attention right there to the fact that this board was constituted by a subordinate officer under the command of Gen. Sullivan, and executed an order issued by Gen. Sullivan; but the board had no authority to estimate any damages to private parties under that order. It was never the intention of the commanding officer issuing the order that any inquiry should be made as to what individuals might have lost; the purpose was to inquire what the Government had lost. But the board exceeded its authority in the execution of the order.

Mr. SAYERS. Certainly; and if they exceeded their authority it became a tort; and under the principle of law laid down by the gentleman in his report these claimants have no right to demand payment of the Government.

Mr. ENLOE. Let me ask the gentleman this question: How can the Government of the United States become the beneficiary of a tort? How can the Government of the United States take this money and appropriate it, when the assessment was levied in violation of the order and the money was paid in the Treasury, not in pursuance of the purpose of the commanding officer who issued the order?

Mr. SAYERS. Now, I will call the gentleman's attention to two other paragraphs in this report:

This committee have maintained and still adhere to the doctrine that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort within the meaning of such well-established doctrine?

This case, Mr. Chairman, must rest either upon a contract, express or implied, or a tort. Gentlemen will not contend that there was a contract. Hence this claim must be based upon a tort. The very fact of a levy and a collection by force, without the consent of the party affected and who paid the money illegally assessed, as claimed by gentlemen representing these claimants, constitutes a tort—nothing but a tort.

Mr. HENDERSON of Illinois. If my friend from Texas will allow me a moment, I wish to say that I do not know whether I am in favor of this bill; but it does seem to me that the question involved is not so much a question of law as a question of fact; and for the purpose of getting at the facts I will read the language of Gen. Sullivan, the man who ordered this assessment to be made. This is the statement he has sworn to, if the paper before me, which purports to be his affidavit, is really such. He says:

Owing to the fact that all my books and papers relating to my military transactions are now in the East, and to the lapse of time, it is impossible for me to give a statement in detail of the result of Order No. 15. I can only say, in a general way, that I sent for a number of the leading and substantial citizens of the surrounding country, and having inquired into the standing and circumstances of each, I levied assessments upon a large number of such persons in proportion to the standing and ability of each and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them.

Mr. HULL. Why was not the \$27,000 returned?

Mr. HENDERSON of Illinois. Here is what Gen. Sullivan says further:

Cotton purchasers were not looked upon with favor in Gen. Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

Mr. SAYERS. Of course I do not know Gen. Sullivan—

Mr. HENDERSON of Illinois. I do.

Mr. SAYERS. But I take it that he is an honorable gentleman and has stated the truth, the whole truth, and nothing but the truth, so far as his recollection goes. But unfortunately we have the admissions of the committee in their report upon this bill. Let us see what they say about this matter:

A portion of this money was used for the indemnification of the Federal Government for the destruction of property belonging to it.

Now, I understand my friend from Illinois to say that the gentleman whose communication he has just read—

Mr. HENDERSON of Illinois. It is his affidavit.

Mr. SAYERS. Very well, his affidavit. The gentleman was in command, as I understand, at that time. Is that so?

Mr. HENDERSON of Illinois. Oh, yes; he was in command.

Mr. SAYERS. Then I will ask my friend from Illinois this question: If the assessment was made for the purpose indicated in that affidavit, why was it that this same officer used that money for the indemnification of the loss of the Government in consequence of the raid?

Mr. HENDERSON of Illinois. The assessment was levied for that purpose, but there was in excess of that, as I understand it, the amount that was levied for the purpose of maintaining good order in that community.

Mr. NORTHWAY. Gen. Sullivan does not say so.

Mr. SAYERS. I do not so understand from his affidavit or from the report.

Mr. HENDERSON of Illinois. I would like to read a little further. And here is the trouble with me in regard to it. Gen. Sullivan says:

After so great a lapse of time, and in the absence of my books and papers, I can not from memory give the names of the persons who paid the assessments, nor the amount paid by any of them. I know, however, that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection, sent by me to the United States subtreasury at St. Louis and placed on deposit under such circumstances, to the best of my recollection as would have enabled me to withdraw it and refund it to the parties at the proper time, but in the spring of 1863 I was relieved of the command of the Department of West Tennessee and was placed on Gen. Grant's staff.

Now, that record, it seems to me, ought to be produced, for possibly it would show from whom the money was actually collected.

Mr. SAYERS. It occurs to me that the affidavit the gentleman from Illinois has been reading from refers to another transaction.

Mr. HULL. Manifestly a different transaction.

Mr. NORTHWAY. I think there can be no doubt of that.

Mr. HENDERSON of Illinois. I think not. He is referring to what occurred at Henderson Station. The language of the affidavit clearly points that out.

Mr. DINGLEY. But the statement in the report is very different from the statement in the affidavit.

Mr. HENDERSON of Illinois. Let me say that I have been reading only what Gen. Sullivan says.

Mr. DINGLEY. I understand that.

The CHAIRMAN. To whom does the gentleman from Texas yield?

Mr. ENLOE. I ask the gentleman from Texas to yield to me for a moment.

Mr. SAYERS. Very well. I yield to the gentleman from Tennessee.

Mr. ENLOE. I want to give as much light on this as possible, so as to enable members to know exactly how the case stands.

Mr. TRACEY. Mr. Chairman, I rise to a question of order. I ask the Chair to have the rule enforced in regard to smoking on the floor.

The CHAIRMAN. The Chair will direct the Clerk to read the rule.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall; nor, when a member is speaking, pass between him and the Chair; and during the session of the House no members shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The CHAIRMAN. The Chair will ask the Sergeant-at-Arms, if there is one on the floor, or the representative of the Doorkeeper, to see that this order is strictly enforced.

To whom does the gentleman from Texas yield?

Mr. SAYERS. I yield to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, in order to get as much light as possible on this subject, I wish to read two extracts from the record of the case here, which will throw light upon this question, because they bear directly upon the issue presented.

Mr. SAYERS. What is the authority from which the gentleman reads?

Mr. ENLOE. I am reading now from the report of the Quartermaster-General. Gen. Meigs, in a letter on this subject, says:

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

And that confirms Gen. Sullivan's statement.

Mr. SAYERS. But is this the particular transaction to which Gen. Sullivan alludes in that letter?

Mr. ENLOE. Exactly this particular case. In the testimony of Col. Hillyer we find this language:

Gen. Sullivan collected a much larger sum than was required for these purposes, and reported the excess to Gen. Grant, with a statement that parties who had had cotton destroyed by guerrillas—

That was Col. Cox's command. [Laughter.]

claimed that he (Gen. Grant) intended their losses should be made good to them out of this fund. Gen. Grant in reply stated that it was not true that he so intended; that the Army was not an insurance company to indemnify cotton speculators for losses in their operations, and that no part of this money rightfully belonged to them, nor should be paid to them; that he did not intend that any assessment should be made in excess of an amount sufficient to indemnify the Government, etc.

Now, there is the testimony of Col. Hillyer; there is the testimony of Gen. Sullivan, the officer in command; and these are facts to which I wish to call the attention of the gentleman from Texas that this fund, after indemnifying the Government, was paid over to the provost-marshal at Jackson, Tenn., and when Gen. Sullivan was removed under Gen. Grant's order it was paid to the officer in command at Memphis, and from him went into the Treasury of the United States at Washington. These are the facts.

Mr. SAYERS. I wish to read a little further from the report of the gentleman from Tennessee. He says:

The committee have maintained and still adhere to the doctrine that no nation is liable for the willful torts of its soldiery. But was this assessment a tort within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected—

And here is his reason for it—

By an officer of high rank commanding a military district in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

Mr. STOCKDALE. Will the gentleman from Texas yield to me for an inquiry?

Mr. SAYERS. Certainly.

Mr. STOCKDALE. This fund, I understand from what has just been read, Gen. Sullivan stated was not intended to be kept; and if raids did not occur in that community it would be returned to these individuals. The raids did not occur. Now, this money was turned into the Treasury of the United States, and if the Government of the United States will not pay for the tort of its soldiery it ought not to be benefited by the torts of the soldiery and keep this identical money.

Mr. SAYERS. I am inclined to believe that the statement read by the gentleman from Illinois [Mr. HENDERSON] was applicable to another matter entirely, different from the levy which is set forth in the report of the committee.

Mr. ENLOE. Does the gentleman from Texas mean to state that I would misrepresent to this House the facts of the case?

Mr. SAYERS. I am not referring to the gentleman at all in this connection. I refer now to what was read by the gentleman from Illinois.

Mr. ENLOE. You have been referring to the report of the committee.

Mr. SAYERS. I am now referring to the statement of Gen. Sullivan.

Mr. ENLOE. It was made with direct reference to this case.

Mr. SAYERS. I refer to a statement read by the gentleman from Illinois, which I say I am inclined to think refers not to this case.

Mr. ENLOE. Gen. Sullivan distinctly refers to this case and no other.

Mr. SAYERS. He says he can not recall the facts after this lapse of time.

Mr. ENLOE. Does the gentleman question the truth of the affidavit?

Mr. SAYERS. No; but it is not improbable, notwithstanding that he intended to speak the truth, the whole truth, and nothing but the truth, that he may have been mistaken and referred to another transaction.

Mr. HULL. Does he not refer to his entire military district? Is not that the affidavit?

Mr. SAYERS. I think so.

Mr. HULL. And not to a specific case,

Mr. ENLOE. It is not necessary to misrepresent the records of the case.

Mr. SAYERS. I have no such intention.

Mr. ENLOE. He refers to this particular case and made an affidavit about it.

Mr. SAYERS. Was this money sent directly by Gen. Sullivan to the Treasurer?

Mr. ENLOE. No, sir.

Mr. SAYERS. Where did he send it?

Mr. ENLOE. To Memphis, Tenn. He was relieved of the

command at Jackson under the order of Gen. Grant. Part of it was sent to Col. Hillyer at Memphis, and part to Col. Reynolds, the Quartermaster, who accounted for it to the Treasury.

Mr. SAYERS. Mr. Chairman, I desire the committee to thoroughly understand the nature of this claim. I believe it is a claim growing out of a trespass during the war; and though the General Government has possession of the money, and though it may be in the Treasury, this is like any other act, whether legal or illegal, done in the midst of war.

Mr. ENLOE. Now, I will state to the gentleman from Texas right at that point—

Mr. WILLIAMS of Mississippi. Has the gentleman from Texas made any inquiries whatsoever as to the propriety or impropriety of the payment of \$9,000 to two of these claimants.

Mr. SAYERS. I know nothing about this matter except what has transpired here.

Mr. ENLOE. The gentleman from Texas has with a good deal of ingenuity and considerable exhibition of the capacity of a lawyer to confuse a case that is perfectly clear, tangled this up just as much as he was able to do, not with any great force of argument against the case, I must say to him, and not with any clear conception of the law, if he has stated correctly his conception of the law. But I understand, of course, that the gentleman from Texas [Mr. SAYERS], chairman of the Committee on Appropriations, is very anxious that the record of this Congress shall surpass that of all others for economy; and he must necessarily, as I have seen other chairmen of Committees on Appropriations do, make some very fine legal arguments to this House in order to prevent it from doing justice, and in that way attempt to prevent the increase of appropriations.

But to come right to what we are discussing, Quartermaster-General Meigs accounts for this fund, and I will quote from his statement in a letter addressed to the Secretary of War on the 2d of December, 1871. The portion of the letter which I read before to the gentleman from Texas, I will not repeat.

Mr. SAYERS. Before the gentleman proceeds farther I should like to call his attention to just one point involved in this case. I do not desire to do any injustice to the facts, nor to misrepresent the case; but some questions have arisen as to whether the affidavit made by Gen. Sullivan includes this particular occurrence or not.

Mr. ENLOE. That question is only in the mind of the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I wish to see if the report made by yourself has not tended to arouse the same apprehension in the minds of others as well as of myself. Now, I understand that Gen. Sullivan in his affidavit refers only to moneys that were collected under his order and by his order. Is not that so?

Mr. ENLOE. He has referred to this particular money. That is what he has testified about.

Mr. SAYERS. I am speaking of his affidavit.

Mr. ENLOE. That affidavit was made upon the application of the parties who are claimants here. They had Gen. Sullivan furnish this affidavit in regard to this transaction. They applied to him for it.

Mr. SAYERS. Now, according to the statement in the report of the committee, this levy was not made by Gen. Sullivan at all.

Mr. ENLOE. It was collected under his order. Does the gentleman deny that?

Mr. SAYERS. I will read it to the gentleman and let him state.

Mr. ENLOE. Very well; let the gentleman read it.

Mr. SAYERS (reading)—

Thereupon, on the 2d day of December following, the commandant of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment by way of reprisal upon rebel sympathizers in and about Henderson.

Then the report goes on to detail the action of the board, and continues—

Upon this report being made, Col. Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson.

Mr. ENLOE. Now, if the gentleman will allow me to proceed with my remarks, I will do so. I was going to account for the disposition made of this money, but probably it would be better to take up the argument right where the gentleman left it. In the Senate report, to which I have before referred, which report was made by Mr. Jackson, now justice of the Supreme Court, this recital of facts is made:

On the 25th of November, 1862, a battalion of rebel soldiers, under command of Col. Cox, made a raid upon a small force of Union troops stationed at Henderson, a depot station on the Mobile and Ohio Railroad, in the State of Tennessee. The raiding party captured the Union troops with their arms and camp equipage, destroyed the depot building and water tank belonging to the railway company, and burned a quantity of cotton belonging to pri-

vate individuals, together with a small quantity supposed to be the property of the Government, but which in fact also belonged to private parties as shown by the proof. Most of the cotton so destroyed had been previously seized by the Federal forces while in transit to Memphis, and used for the purpose of breastworks or barricades at said station.

On the 2d December following the raid, the commandant of the Union forces at the post of Bethel, Tenn. (another station on said railroad 8 or 10 miles south of Henderson), Col. I. N. Haynie, Forty-eighth Regiment Illinois Volunteers, appointed a board of officers to investigate the losses sustained and damage done by the raid with a view to an assessment by way of reprisal upon the inhabitants in and about Henderson. The board so appointed reported to Col. Haynie that the damage done amounted to \$23,751.33, as follows:

Cotton burned of John Aldridge and Smith I. Patterson.....	\$9,603.33
Cotton burned of W. D. Silva.....	2,565.00
Cotton burned of Willis N. Arnold.....	6,000.00
Cotton burned of United States.....	1,900.00
Water tank Mobile and Ohio Railroad.....	1,593.00
Depot house property of Mobile and Ohio Railroad.....	2,000.00
Enfield rifles, Company B, Forty-ninth Illinois Volunteers.....	680.00
Campequignage.....	2,500.00
Total.....	23,751.33

Upon this report being submitted Col. Haynie caused an assessment of this amount to be made upon certain citizens (the claimants) residing in and about the village of Henderson, and on the 9th December, 1862, he reported his action in the premises to his immediate superior, Brig. Gen. J. C. Sullivan, commanding the district, with headquarters at Jackson, Tenn., about 15 miles north of Henderson, and requested that "an order be issued directing the collection and disbursement of the amount assessed."

On the 12th December, 1862, Gen. Sullivan, by Special Order No. 15, directed Col. Haynie to collect said sum of \$23,751.33 from the parties assessed, but instead of directing its disbursement, as requested by Col. Haynie, Gen. Sullivan ordered him to "pay over the amount to Col. J. D. Webster, superintendent United States military railroads."

The first installment collected, amounting to \$5,411.60, was paid over to Col. J. D. Webster. The second installment of \$3,383.20 was paid over January 15, 1863, to Gen. Sullivan, who referred the matter to Maj. Gen. Grant, then at Memphis, Tenn., for orders as to what disposition he should make of the funds. Gen. Grant replied to Gen. Sullivan by telegram under date of January 21, 1863, ordering him to turn the money over to the provost-marshal at Jackson, Tenn., Maj. M. Smith. This was done at once, and Maj. Smith gave to Gen. Sullivan a receipt, as follows:

"HEADQUARTERS, DISTRICT OF JACKSON,  
SIXTEENTH ARMY CORPS, DEPARTMENT OF TENNESSEE,  
Jackson, Tenn., January 21, 1863.

"Received of Brig. Gen. Jere C. Sullivan, commanding district of Jackson, \$3,383.20, being collection made by the commanding officer at post of Bethel, Tenn., from certain disloyal persons, under Special Order No. 15, section 4, from these headquarters, dated December 12, 1862, and which is now under order, by telegraph of this date from Maj. Gen. U. S. Grant, at Memphis, Tenn., ordered to be turned over to the district provost-marshal.

"M. SMITH,  
Major, and District Provost-Marshal, District of Jackson,  
Department of Tennessee."

On January 23, 1863, Gen. Grant, by telegram from Memphis, Tenn., ordered Maj. Smith to turn over the funds received from Gen. Sullivan to the provost-marshal-general, Col. William S. Hillyer, which was done.

The Quartermaster-General, Meigs, testifying as to this same fund, in a letter addressed to the Secretary of War on the 2d of December, 1871, says:

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed, appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, viz, \$30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

Col. Reynolds, it appears, turned in more than the amount of this assessment, probably including some money derived from other sources.

Now, it seems to me this is plain enough. I do not see how it can be made any plainer that this money was collected from these people, that it was collected under an order from Gen. Sullivan for a specific purpose, and that a portion of it was applied for that purpose, and the remainder held and turned into the Treasury, where it has been for nearly thirty years. These people are honestly and legally entitled to it, and if not strictly entitled to it as a matter of law they are entitled to it as a matter of equity, and no gentleman who is actuated by a sense of justice would be willing because the Government has the power to refuse to authorize the payment of this money to those claimants. I do not think any consideration as to how much it will swell the appropriations of this Congress ought to cut any figure in it. I do not think that ought to weigh a feather's weight. I believe that every debt the Government owes ought to be adjudicated and paid, and the Government is amply able to pay everything that it owes. I hope the House will now consent that the bill be laid aside with a favorable recommendation.

Mr. HULICK. Mr. Chairman—

Mr. WILLIAMS of Mississippi. Mr. Chairman, is it in order—

The CHAIRMAN. To whom does the gentleman from Tennessee [Mr. ENLOE] yield?

Mr. ENLOE. I yield to the gentleman from Ohio.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi in a moment.

Mr. HULICK. Mr. Chairman, it has been stated that of this fund of \$27,000 there has been paid out already, by act of Congress, about \$9,000, leaving thereby about \$18,000.

Mr. ENLOE. About \$15,000 or \$16,000.

Mr. HULICK. If this appropriation should be made, what evidence have we that in this Congress or some other Congress some other claimants may not come up to claim this very fund, the former act having been passed in favor of persons who were not legally entitled to the money? What evidence have the committee that these persons mentioned in this bill are the proper owners, and the only proper owners.

Mr. ENLOE. We have the records from the War Department showing the parties from whom this money was collected; and I want to say to the gentleman from Ohio [Mr. HULICK] that not one cent of this assessment was paid by the persons who received the \$9,000. They came to Congress when these other claimants were not here, and presented their claims and asked for a portion of this fund. The Forty-third Congress allowed them the money, and I will say to the gentleman that the theory upon which every committee has proceeded since then in the consideration of this question in both Houses, and the theory upon which both Houses of Congress have proceeded, is that these persons were not entitled to that \$9,000.

Mr. BYNUM. I understand the gentleman from Tennessee to admit that so far as the levying and collection of this assessment went to remunerate losses sustained by the Government it was valid. Now, why should not that five thousand and odd dollars be taken out?

Mr. ENLOE. That has already been taken out.

Mr. BYNUM. You do not propose to appropriate that?

Mr. ENLOE. No, sir.

Mr. COOMBS. Mr. Chairman, I should like to know why the committee did not state the fact that \$9,300 of this money had been paid under a former appropriation by Congress, and why that fact was left out, to be brought out in debate?

Mr. ENLOE. Because the committee did not think that the persons to whom that money was paid had any claim whatever upon this fund.

A MEMBER. But that money is not in the Treasury now.

Mr. ENLOE. What difference does that make? It ought to be there. The Government of the United States became a trustee for these parties when it assumed control of this fund. If it took the money as a matter of law and is legally entitled to keep it, then it does not owe these parties a single cent, but if it is going to deal equitably with them, then it ought to pay this money to the people to whom it belongs.

Mr. COOMBS. I am speaking as to the committee's fairness in dealing with the House. Is not the fact of the payment of that \$9,000 a part of the history of this case, and should it not have come out in the report of the committee?

Mr. ENLOE. I will state to the gentleman that some eight or ten committees of the House and of the Senate have passed on this claim, and the report now before the House was written by Gen. Bragg, of Wisconsin, as honorable a gentleman as any member of this House, and as good a Democrat.

Mr. COOMBS. Oh, his being a Democrat has nothing to do with it.

Mr. ENLOE. And neither Gen. Bragg nor any other person who has considered the matter in committee has ever thought that the fact that those two parties came here and got \$9,000 had any connection whatever with this claim, and it has not any connection with it.

Several members addressed the Chair.

The CHAIRMAN. The Chair understood the gentleman from Tennessee [Mr. ENLOE] to yield the floor, and the Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

Mr. ENLOE. Mr. Chairman, I am disposed to stand here as a target and answer all these questions, but—

The CHAIRMAN. Well, the Chair is not disposed to let the gentleman overrun his time. [Laughter.] The Chair recognizes the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I wish to yield to the gentleman from Ohio [Mr. STOREE] that he may offer a substitute, and I reserve the balance of my time for the purpose of making a few remarks.

The CHAIRMAN. The gentleman from Ohio desires to offer a substitute at this time for the motion of the gentleman from Tennessee, that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. ENLOE. Mr. Chairman, I ask unanimous consent that general debate be closed.

The CHAIRMAN. The gentleman from Ohio will send up his amendment.

Mr. WILLIAMS of Mississippi. I consent that it shall be read in my time.

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

That the bill be recommitted to the Committee on War Claims with instructions to deduct from the sum now carried thereby the sum of \$9,000 heretofore, to wit, March 3, 1875, appropriated therefrom and ordered to be paid to James Aldredge, and with further instructions to investigate what, if any, further and other sums have been appropriated and paid, either by Congress or otherwise, therefrom, and to deduct the same, if any be ascertained, from the amount sought to be carried by this bill, and re-report this bill, thus amended, to the House.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, several things appear to me to be plain in this case. One is that the United States Government obtained possession of \$22,221.26 which it would be wrong for the Government to retain because the money does not belong to the Government, whomsoever else it may belong to. Then it seems to me that another thing is plain, namely, that the Government of the United States ought not to pay out of the Treasury anything more than the fund which it has obtained; and, it appearing from the evidence that the United States Government has already paid \$9,000 and over, I have consented that this substitute might be offered by the gentleman from Ohio in my time, in order to obtain an opportunity to bring up the question of modifying the bill. I shall, however, present later an amendment involving the same idea, with the view of having the matter settled here and now, for fear that if the bill goes back to the committee it will not be reported again to this Congress, and these people will not get the money to which they are entitled.

Now, it appears that out of this \$22,221.26 a special fund which the United States Government holds as a trustee for somebody, a previous Congress considered it proper to pay \$9,000 to certain persons who had lost \$9,000 worth of property by this raid. Had I been a member of that Congress I would have voted against that bill because I do not think it was a right appropriation of the money. So far as these parties are concerned they ought to have had part of it. But there is the right of the Government to be considered on the other side, and it is a right of the Government that it shall not be required to pay back more than it received. I am not in favor of going to the extent of voting out of the general funds in the Treasury \$9,000 to make good to these people a loss which has accrued, perhaps, by their own laches in holding back and allowing someone else to come in ahead of them. I shall later offer an amendment reducing the total amount carried by the bill from \$22,271.26 to \$13,271.26 and reducing the items proportionally.

Mr. NORTHWAY. Mr. Chairman, something has been said in debating this question about the right of an army to levy contributions upon citizens as an indemnity, and the gentleman from Illinois [Mr. HENDERSON] has given us an illustration of that. It has been attempted to make it appear here that a portion of this fund of \$26,000 was an indemnity to protect the community. Now, the report read by the gentleman from Tennessee shows that the whole of this amount was levied to reimburse certain individuals who are named with the exact sums of money that they had lost, including the United States, and the Mobile and Ohio Railroad Company, making a total of \$26,751.36.

This shows that not one dollar of it was levied as an indemnity fund to protect the army or to guard against the raids of guerrillas or anybody else. At the time the levy was made and intended, as I suppose, to pay for property destroyed belonging to the individuals named in the report of the commissioners who made the assessment, and it would have been paid to those individuals had not the colonel who received the money become, as he says himself, somewhat nervous in holding the money and asked Gen. Grant's instructions. Gen. Grant would not permit the money to be paid to those individuals but ordered it turned over to the Government. Now, I would like to know why this money should be returned as an indemnity fund when every dollar of it was levied for the specific purpose of reimbursing certain parties for the destruction of property, and when a portion of it has been paid for that purpose and all of it would have been so paid had not Gen. Grant interfered and ordered it to be turned over to another department of the Government.

Mr. HERMANN. I understand that the report which is here before us states distinctly that this assessment was made upon the express condition that it should be a guaranty against further raids, and also states that there were no further raids. Consequently, this money having been paid upon that condition, it having been held upon that condition, and there having been no further raids, the money is now justly due and payable to the parties who were assessed.

Mr. NORTHWAY. That I understood to be the claim made by the brother-in-law of the gentleman from Illinois [Mr. HENDERSON] in the case to which that gentleman referred.

Mr. HERMANN. But it was a part of this same money.

Mr. NORTHWAY. Oh, no; it had nothing at all to do with

this case. The report says that every dollar of this money was collected for the purpose of paying the individuals named.

Mr. BYNUM. But the reason that money was turned over to the Government was because Gen. Grant held that the assessment made to indemnify for private losses was improperly and illegally made, and that the money was never intended to be used for that purpose. While it was assessed for that purpose by the colonel and by the commissioners, the assessment for that purpose was held by Gen. Grant to be unlawful, and it should have been returned to the parties, but instead it was turned over to the Government.

Mr. NORTHWAY. But the report of the committee seems to show that if it had been levied for the purpose of indemnifying individual losses, that was proper under the laws of war.

Mr. BYNUM. No; I think the gentleman misconstrues the report. The law, according to Gen. Grant's construction of it, was that the authority to levy an indemnity only extended to reimbursing the Government, but the board went further and illegally levied a sum sufficient to reimburse every person who had suffered, and to that extent Gen. Grant held the assessment to be illegal.

Mr. NORTHWAY. The report of Gen. Grant was not put upon that ground at all, as it was read here by the gentleman from Tennessee [Mr. ENLOE], while the report of the committee favoring the passage of this bill as it was read by the gentleman from Texas [Mr. SAYERS] upholds the doctrine of the right to levy an assessment to reimburse parties for loss of property as set out in this bill.

Mr. BYNUM. Not private losses at all.

Mr. NORTHWAY. So that the claim made by the gentleman from Tennessee in response to the gentleman from Illinois [Mr. HENDERSON] that all of this money, except something over \$5,000, was levied as an indemnity fund in the expectation that it would be returned, is not correct. The gentleman from Tennessee read here a portion of the statement of Gen. Sullivan to show that this assessment was levied as an indemnity fund, but he afterward reads a statement that every dollar was collected to repay the losses of individuals—not a cent of it as an indemnity fund or with any agreement that the money should be returned. The case mentioned by the gentleman from Illinois [Mr. HENDERSON] is entirely different. In that case a sum of \$500 was collected as an indemnity fund and turned over to the subtreasury, with an agreement that it should be returned in case there should be no more raids; and subsequently the money was returned.

Mr. HULL. Was not the case referred to by the gentleman from Illinois a personal guarantee of the individual that he himself would not misbehave, the agreement being that if he conducted himself properly the money would be returned?

Mr. NORTHWAY. Certainly. It was a guarantee fund, accompanied with an agreement that it should be returned on certain conditions; and those conditions being fulfilled, it was returned. But in the case now before us, not a dollar of the money was collected for any such purpose or with any such understanding.

Mr. HULL. Is it not true, also, that the general levying the assessment in this case levied it for the purpose of paying for property destroyed?

Mr. NORTHWAY. Certainly.

Mr. HULL. And it would have been paid over if Gen. Grant had not decided against that course?

Mr. NORTHWAY. Yes, sir.

Mr. HULL. And the Congress of the United States, which met immediately afterward, had the right to say what parties should have the money?

Mr. NORTHWAY. Of course.

Mr. HULL. And is not that conclusive, so far as the \$9,000 is concerned?

Mr. NORTHWAY. Yes, sir.

Mr. BARTLETT. Mr. Chairman, more than thirty-one years after the levying of an assessment in time of war we are asked to pay money to men who sympathized with the rebellion. I for one object to this as a most dangerous precedent. If the levy was proper, not one dollar of the fund collected should be repaid to any claimant.

It is admitted in the report now before the Committee of the Whole that this levy was made by way of reprisal; that is the language used two or three times in this report. Now, if such was the fact, no trust relation could arise in reference to this fund.

The gentleman from Tennessee talks about a debt. There is no question of debt here. This occurrence was in time of war. It was within the legal power and right of the United States officer to levy this assessment. That is conceded. It is admitted that Col. Haynie, who made the levy, made it properly, and that the money was collected. All that Brig. Gen. Sullivan

could do was to approve the order and the proceedings of Col. Haynie and of the board of officers appointed by him. Gen. Sullivan had no power to make any reservation or to have any secret understanding as to the conditions under which the United States should hold this fund thereafter. I say that no trust relation of any sort could arise under such circumstances, and that not one dollar of this money should be repaid; because it is conceded that these men upon whom the levy was made were at the time rebel sympathizers. No claim is made here that they sympathized with the Union cause. If this money was collected from them, it was rightfully collected, and should remain in the Treasury of the United States.

The CHAIRMAN. The Clerk will now report the substitute offered by the gentleman from Ohio [Mr. STORER].

Mr. BURROWS. Awhile ago I offered an amendment which, in view of the proposition of the gentleman from Ohio, I will now withdraw.

The substitute offered by Mr. STORER was again read.

The CHAIRMAN. This is offered as a substitute for the motion of the gentleman from Tennessee, that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DINGLEY. I suggest to the gentleman from Ohio [Mr. STORER] that he withdraw at the close of his substitute the words "and re-report the bill thus amended to the House." That language might be construed as making this a privileged matter.

Mr. STORER. I accept the suggestion of the gentleman from Maine, and modify my substitute by withdrawing the last clause.

The CHAIRMAN. The question is now on agreeing to the substitute.

Mr. ENLOE. I do not understand that general debate has been closed.

The CHAIRMAN. No gentleman rose to address the committee, and the Chair was about to put the question. The Chair does not think this motion is debatable.

Mr. ENLOE. Is not an amendment debatable?

The CHAIRMAN. The gentleman has made a motion, which would close the debate and lay the bill aside, to be reported to the House with a recommendation that it pass; and the gentleman from Ohio moves as a substitute for that motion to lay the bill aside, to be reported to the House with the recommendation which has just been read.

Mr. ENLOE. That is not my understanding of the gentleman's motion.

The CHAIRMAN. The Clerk will read it again.

The Clerk again read the substitute of Mr. STORER.

The CHAIRMAN. The effect of the proposition of the gentleman from Ohio is that instead of laying the bill aside with the recommendation that it be reported favorably, it be reported to the House with a recommendation as read.

Mr. ENLOE. I certainly did not understand that the effect of allowing the gentleman from Ohio to offer that amendment was to prevent any further discussion of the matter. I do not desire further time for the discussion of the bill except that I would like time enough to get from the Senate a bill which in a former session of Congress was modeled exactly upon the proposition of the gentleman. I have sent for that bill; if it were here it might, if the House so desired, be voted upon without recommitting the bill to the Committee on War Claims.

If it should be recommitted it would, when returned to the House, take its place at the foot of the Calendar, which would be equivalent to defeating it for the remainder of this Congress. I would be glad to have an opportunity to obtain from the Senate a bill covering exactly the gentleman's proposition—a bill which was offered in the Forty-eighth Congress.

Mr. STORER. My proposition, I will state to the gentleman, consists of two branches—one to deduct the \$9,606; the other, to ascertain whether any other sums have been paid to anybody out of this fund. There are two distinct propositions.

Mr. ENLOE. I know that nothing of that sort has in fact taken place; and the proposition if adopted means simply the defeat of this bill. [Cries of "Vote!" "Vote!"]

The question was taken; and on a division (demanded by Mr. ENLOE) there were—ayes 67, noes 18.

Mr. ENLOE. I make the point that no quorum has voted.

Mr. BUNN. I move that the committee now rise.

Mr. ENLOE. Mr. Chairman, I want to say this, in making the point of no quorum, that I wish to ask unanimous consent when the committee reports this bill back, that it may take its place on the Calendar where it is now. If so, I will make no further objection; otherwise I will be compelled to contest the matter as far as I can.

Mr. DINGLEY. I make the point of order that that can not be done in committee. It can only be done in the House.

Mr. BLAND. But the committee can make their report in

such shape as to recommend to the House that such action be taken.

The CHAIRMAN. The Chair was going to state that it thinks the control of the bill to that extent would be in the committee, because if the words had not been stricken out that were embodied in the motion of the gentleman from Ohio [Mr. STORER]—his first motion—the Chair thinks it would have carried the right to report at any time for immediate consideration.

Is there objection to the request of the gentleman from Tennessee?

Mr. SCRANTON. I object.

Mr. BUNN. Mr. Chairman, I insist on the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the Private Calendar had directed him to report sundry bills to the House with the recommendation that they pass.

#### BILLS PASSED.

The following bills reported from the Committee of the Whole House were severally considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed, namely:

A bill (H. R. 522) for the relief of Benjamin Alford;

A bill (H. R. 509) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey; and

A bill (H. R. 995) for the relief of J. M. Billings.

On motion of Mr. BUNN, a motion to reconsider the several votes taken was laid on the table.

#### LEAVE OF ABSENCE.

Mr. TURNER. Mr. Speaker, I ask unanimous consent that leave of absence be granted to Mr. TUCKER for two days, on account of sickness in his family.

There was no objection.

By unanimous consent, leave of absence was granted as follows: To Mr. CLARKE of Alabama, for ten days, on account of important business.

To Mr. HENDRIX, indefinitely, on account of important business.

To Mr. WHEELER of Illinois, indefinitely, on account of sickness in his family.

To Mr. HENDERSON of Illinois, for ten days, on account of sickness.

To Mr. SICKLES, for three days, on account of ill health.

To Mr. CUMMINGS, for two days, on account of illness in his family.

To Mr. HICKS, indefinitely, on account of sickness in his family.

#### PRESERVATION OF FUR SEALS.

Mr. MCCREARY of Kentucky. Mr. Speaker, I desire to ask unanimous consent for the immediate consideration of the bill S. 1928.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

An act to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals."

Mr. MCCREARY of Kentucky. I will make a brief statement to the members of the House so that they may understand the reason for making this request. A mistake in one word was made at the Government Printing Office in printing the bill "to give effect to the award rendered by the Tribunal of Arbitration at Paris." The word "exclusive" was printed in the bill when it should have been "inclusive." The bill as printed provides for the protection of fur seals in the waters surrounding the Pribilof Islands, within a zone of 60 geographical miles around said islands, exclusive of the territorial waters. It should have been "inclusive of the territorial waters," meaning 60 miles from the shore.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1 of the act entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals," approved April 6, 1894, be amended by striking out the word "exclusive" where it occurs in said section 1 and inserting the word "inclusive," so that said section will read: "That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilof Islands within a zone of

60 geographical miles (60 to a degree of latitude) around said islands, inclusive of the territorial waters."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I understand this simply changes one word which was inaccurately printed.

Mr. McCREARY of Kentucky. That is all.

Mr. HITT. The word is quite important because it violates the award if it be printed "exclusive." It should be made to conform to the language of the award, using the word "inclusive."

Mr. McCREARY of Kentucky. It makes the legislation conform strictly to the award.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

#### BRIDGE AT BURLINGTON, IOWA.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 6126) to amend an act to authorize construction of a bridge at Burlington, Iowa, approved August 6, 1888, and amended by act approved February 21, 1890.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the time for the commencement and completion of said bridge authorized by said act, entitled "An act to authorize the construction of a railroad, wagon, and foot passenger bridge at Burlington, Iowa," approved August 6, 1888, and amended by act approved February 21, 1890, be, and are hereby, each extended two years from the passage of this act.

There being no objection the bill was considered, ordered to be engrossed for a third reading, and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. GEAR, a motion to reconsider the last vote was laid on the table.

#### ORDER OF BUSINESS.

Mr. KILGORE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KILGORE. I would like to know what the regular order is.

The SPEAKER. The consideration of private business today.

Mr. KILGORE. I demand the regular order.

Mr. McMILLIN. I move that the House now take a recess until 8 o'clock.

Mr. RICHARDSON of Tennessee. Mr. Speaker, before that question is submitted, I rise to what I believe to be a privileged matter. The House gave the gentleman from Alabama [Mr. WHEELER] unanimous consent to print in the RECORD remarks which it was agreed this morning should be omitted. The gentleman made the request himself, but states that he intended it to be a permission to print them in the permanent RECORD, and not in the daily RECORD, inasmuch as they have already been printed in that. His request is, therefore, to apply to the permanent RECORD only.

Mr. WHEELER of Alabama. It will be understood, I presume, that I am permitted to make the usual revision of them if I should regard it as proper.

Mr. TERRY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. TERRY. I desire to state that on a call of the House yesterday I was absent because of the fact that I was ill and confined to my room. I sent to one of my colleagues to ask him to make that excuse to the House for my absence, but in the press of business the matter was overlooked. I make this explanation to the House now so that it will go into the RECORD and explain my absence.

Mr. KILGORE. Regular order.

Mr. WHEELER of Alabama. The Speaker has just stated that the regular order is the consideration of private business. The very next bill on the Private Calendar is one that makes no appropriation, and I ask unanimous consent to take it up.

The SPEAKER. It must be considered in the Committee of the Whole.

Mr. McMILLIN. Mr. Speaker, the reason why I made the suggestion that the House now take a recess, was because I knew the regular order was demanded, and I knew also that there was a bill before the committee which it had been unable to finish, and which would be reached before the bill referred to by the gentleman from Alabama could be considered. I did not see that anything could be done this evening, with so many members absent from the House.

The SPEAKER. The gentleman asks that the House now take a recess until 8 o'clock, instead of waiting until 5 o'clock under the rule. The gentleman from Indiana [Mr. BROOKSHIRE]

will perform the duties of the Chair at the evening session, and if there be no objection that order will be made.

There was no objection.

Accordingly (at 4 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is in session pursuant to clause 3 of Rule XX, for the consideration of bills on the Private Calendar.

#### ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the rule referred to.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. KILGORE. Let us have a division, Mr. Speaker.

The House divided; and there were—ayes 21, noes 3.

Mr. KILGORE. Oh, Mr. Speaker, we have not got a quorum here to-night. [After a pause.] I will let it go along awhile and see how it works. [Laughter.]

The SPEAKER *pro tempore*. The ayes have it, and the motion is agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 2106) to perfect the military record of Warren Alonzo Alden.

Mr. WILLIAM A. STONE. Mr. Chairman, that is not the first bill, I understand. In the Committee of the Whole at the last session, two weeks ago to-night, we had under consideration the bill H. R. 3156.

The CHAIRMAN. The rule provides that the bills shall be taken up in their order on the Calendar. The Chair supposed the bill referred to had been passed over.

Mr. WILLIAM A. STONE. No, sir; the bill has never been passed over. The House finding itself without a quorum, the Committee rose and the House adjourned.

The CHAIRMAN. When?

Mr. WILLIAM A. STONE. Two weeks ago to-night.

The CHAIRMAN. That does not make it the first bill in order. The practice at evening sessions is to call up bills in the order they appear on the Calendar.

Mr. WILLIAM A. STONE. Well, I know; but I do not know how that bill could have lost its place.

The CHAIRMAN. It has not lost its place on the Calendar.

Mr. HULL. What is the Calendar number?

The Clerk read as follows:

Calendar number 153.

The CHAIRMAN. The Clerk was directed by the Chair, in accordance with the universal practice of the House, to report the first bill. The Chair has no knowledge as to which is the first bill, and the Clerk has reported the title of the bill which is first on the Calendar.

Mr. WILLIAM A. STONE. Of course, I only wish that this bill shall have its rights. That is all I want.

Mr. MOSES. Mr. Chairman, there are several bills that have been considered without final action being taken, and in the spirit of fairness I ask unanimous consent that we go on and consider the bills that have not been considered, and then go back to those bills which have been considered, for I am satisfied you will not make any progress to-night.

Mr. WILLIAM A. STONE. I can not consent to that, Mr. Chairman.

Mr. PICKLER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. I would like to inquire whether the bill the Clerk now reads precedes on the Calendar the bill called up by the gentleman from Iowa [Mr. LACEY] upon which the point of no quorum was raised two weeks ago?

The CHAIRMAN. It does.

The bill was read.

Mr. MARTIN of Indiana. Mr. Chairman, I observe that the bill following that is one which I know we have already considered. It is marked with an asterisk. I want to inquire if that bill has not been laid aside with a favorable report?

The CHAIRMAN. The Chair is advised by the Clerk that the asterisk indicates that the bills are pension bills. This bill was laid aside without prejudice, retaining its place on the Calendar.

Mr. BRETZ. Mr. Chairman, the bill which was under consideration a moment ago is a bill I reported from the Committee on Military Affairs. It was introduced by the gentleman from Illinois [Mr. DURBOROW]. I do not see him here, and I ask that the bill be passed over without prejudice until he appears.

The CHAIRMAN. Without objection that order will be made. (After a pause.) The Chair hears none. The Clerk will report the next bill.

CORNELIA DE PEYSTER BLACK.

The next business on the Private Calendar was the bill (H. R. 3156) granting a pension to Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, deceased.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, and to pay the said Cornelia de Peyster Black a pension of \$100 per month from the date of the passage of this act.

The Clerk read as follows:

The committee recommends that the bill be amended by striking out the words "one hundred," in line 8, and substituting in lieu thereof the word "fifty," to which an amendment has been made striking out the word "fifty," and inserting the words "twenty-five," which was adopted at a previous session.

Mr. KILGORE. Mr. Chairman, there is a minority report. I would like to have the majority and the minority reports read.

The report and the views of the minority were read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3156) granting a pension to Cornelia de Peyster Black, have considered the same, and the majority respectfully submit the following report:

The claimant is the widow of the late Colonel Henry M. Black, United States Army, whose military record, as reported by the War Department, is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.  
Washington, December 20, 1893.

*Statement of the military service of Henry M. Black, of the United States Army, compiled from the records of this office.*

He was a cadet at the United States Military Academy from July 1, 1842, to July 1, 1847, when he was graduated, and appointed brevet second lieutenant, Fourth Infantry, July 1, 1847; second lieutenant, Seventh Infantry, August 20, 1847; first lieutenant, Ninth Infantry, March 3, 1855; captain, September 10, 1856; colonel, Sixth California Infantry, February 1, 1863; honorably mustered out October 27, 1865; major, Seventh Infantry, July 25, 1868; lieutenant-colonel, Fourth Infantry, October 7, 1868; unassigned March 15, 1869; assigned to Eighteenth Infantry July 1, 1870; colonel, Twenty-third Infantry, February 6, 1882.

He received the brevet of lieutenant-colonel and colonel March 13, 1865, for faithful and meritorious services during the war.

SERVICE.

He joined his regiment December, 1847, and served with it in Mexico to July 7, 1848; at Jefferson Barracks, Mo., to August 31, 1849; in Florida to June 15, 1850; at Jefferson Barracks, Mo., to August 14, 1850; at Fort Leavenworth, Kans., to September 15, 1850; at Jefferson Barracks, Mo., to April 17, 1851; at Fort Gibson, Ind. T., to May, 1855; at Fort Monroe, Va., to July, 1855; on recruiting service to April, 1856; with regiment in Washington Territory to May, 1856; on recruiting service to May, 1857; with regiment in Washington Territory to May, 1859; in Oregon to June, 1861; at Fort Vancouver to November, 1861; in California to January 1, 1863; organizing and commanding Sixth California Volunteers, in California, to August, 1864; commandant of cadets at the Military Academy, West Point, N. Y. (mustered out of volunteer service October 27, 1865), to July 1, 1870; on duty to November 1, 1870; with regiment at Atlanta, Ga., to January 9, 1871; at Charleston, S. C., to April 10, 1871; at Columbia, S. C., to January 1, 1876; member of board at Philadelphia, Pa., to June 7, 1876; with regiment at Columbia, S. C., to July 24, 1877; at Grafton, W. Va., and Allegheny arsenal, Pa., during labor strikes, to November 1, 1877; at Atlanta, Ga., to April 12, 1879; at Fort Assiniboine, Mont., to October 1, 1879; and in command of regiment and that post to June 2, 1881; commanding depot at Davids Island, N. Y., to June 14, 1882; on duty and on leave to October 16, 1882; commanding regiment and post of Fort Union, N. Mex., to June 2, 1884; and at Fort Wayne, Mich., to November 10, 1884; on court-martial duty at Washington, D. C., to February 24, 1885; commanding regiment and post of Fort Wayne, Mich. (being a member of court and president of board of judges at national drill encampment, Washington, D. C., May 15 to June 4, 1887; also in command of international encampment at Chicago, Ill., September 27 to Oct. 21, 1887), to May 8, 1890, and post of Fort Sam Houston, Tex., to January 15, 1891, when he was retired. Unemployed to August 5, 1893, on which date he died at Chicago, Ill.

GEO. D. RUGGLES,  
Adjutant-General.

As will be seen from the foregoing official report the active service of Col. Black covered a period of nearly half a century. The distinguished character of this long service is fully attested by the record and also by Gen. D. S. Stanley, United States Army (retired), and others who appeared personally before your committee.

Mrs. Black is now well advanced in years, and without sufficient property or income to provide her with a comfortable support. She has an unmarried daughter dependent upon her, and there is no one upon whom she can legally rely for a maintenance. In addition to being the widow of a distinguished officer, Mrs. Black is the daughter of the late Col. Joseph Plympton, United States Army, who entered the service in 1812, and who, after serving in the war of 1812, the Seminole and Black Hawk Indian wars and the Mexican war, died in 1860.

It may be said that Mrs. Black is in all respects a military woman; she was born in a military post, and two of her three daughters are the wives of officers of the Army.

There are many precedents for the granting of relief in cases of this character, and in the light of all the facts and circumstances your committee recommend the passage of the bill, with an amendment striking out the words "one hundred" in line 8, and substituting in lieu thereof the word "fifty."

VIEWS OF THE MINORITY.

[To accompany H. R. 3156.]

The views of the majority of the Committee on Pensions, respecting the propriety of the passage of the bill granting a pension to Cornelia de Peyster Black, are, for the following reasons, respectfully dissented from:

There are several general acts of Congress under which Mrs. Black can make application to the Pension Bureau and be allowed a pension. She would probably have no difficulty in substantiating a claim under the Mexican war pension act of January 29, 1837, or, if for any reason she could not meet the requirements of that act, she could still (if her circumstances are as represented) have recourse to an application under the late war act of June 27, 1890. The only reason given why this method of securing relief has not been followed is that the rating allowed by these acts is not large enough; but if this reason is to be accepted as sufficient to warrant the allowance of an original pension by special act in this case there is no just ground upon which similar action can be denied in thousands of other cases.

It is neither shown nor claimed that Col. Black's death was due to wounds or disease originating in the service, yet the bill as reported grants the widow a higher rate of pension than is allowed by law to the widows of officers of similar or higher rank who die in the service and line of duty.

The distinguished character of the service of the soldier is fully understood, but no especially urgent necessity or unusual circumstance is advanced as good ground upon which to base the proposed action in the case of the widow. She has no young children to support, and she has some \$4,000 from which to derive an income; and this income can be materially increased through an application to the Pension Bureau under one of the acts above cited.

If there is any justice in the granting of these large pensions to the widows of regular Army and Navy officers, to the exclusion of the widows of the volunteer soldiers who lost their lives in defense of the Union, the allowance should be made by general enactment, and thus relieve Congress of the necessity for giving time and labor to the consideration of bills framed in the interest of a favored class.

ARTHUR H. TAYLOR,  
CHAMP CLARK.

Mr. TALBERT of South Carolina. Mr. Chairman, I had hoped that my feeble efforts here on several Friday nights would have been productive of some good results. I had hoped some fruits might have been brought forth in the attendance of these Friday night sessions, but I have been disappointed. The small crowd in attendance here to-night still shows that the members of this body are unwilling to turn out here one night in the week to discuss these pension matters. It seems that they are not ready, a great many of them at least, to give up claw-hammer coats, entertainments, euchre parties, theaters, and other enjoyments, while at the same time professing to have a great love for the old soldiers and a great desire that this Congress should do business. I had hoped the new rule which has been adopted would also have been productive of some good results at the night sessions as I see it has had in the attendance upon the day sessions. I am sorry, too, that my appeal here—

Mr. MALLORY. I wish to ask the gentleman if anybody has indicated the purpose of making the point of no quorum?

Mr. TALBERT of South Carolina. What did the gentleman say?

Mr. MALLORY. Has anybody indicated the purpose of raising the point of no quorum to-night?

Mr. TALBERT of South Carolina. Not that I know of.

Mr. MALLORY. That is what I wanted to know. [Cries of "Regular order."]

Mr. CURTIS of New York. I hope the gentleman will not be interrupted.

Mr. TALBERT of South Carolina. Let gentlemen interrupt me if they desire. I do not object to it. I can not see exactly the relevancy of the gentleman's question. If he wants to raise the point of no quorum I will yield to him right now.

I was just going to say, though, that I had hoped that my appeal in behalf of the Constitution had done some good. I had hoped that members of this body would have begun to give some consideration to the Constitution of the United States, which requires that there shall be a quorum here to pass any kind of legislation; but I regret to see that my efforts have been all in vain. I am sorry further to have to say that my calling attention to the oath which members of this body have taken to support that Constitution, and my calling attention to the necessity of adhering to the rules, have also proved ineffectual. Mr. Chairman, four or five years ago, two or three years ago, it seems to me I heard a great deal about the Constitution of the United States. The fact is, the members of this body have used the Constitution as a very convenient sort of instrument, taking it up and hugging it to their bosoms when it served their purpose, and at other times casting it aside.

Two or three years ago, when the Farmers' Alliance and the other industrial organizations of this country were sending up their respectful, pitiful appeals to this august body to have enacted into law some of the measures which they believed would give relief to the great mass of the people, all over this Hall members could be seen taking down the old Constitution of the United States, covered over with dust so thickly that you could have written your name upon it, brushing off the dust, brandishing aloft and using it as a weapon against the demands of the people. Gentlemen would take a long breath, fill their lungs with air, draw themselves up and exclaim: "Why, this is unconstitutional! It can not be done!" If the Constitution was a good thing to be obeyed then, why is it that we can not obey it

now, and require that a quorum shall come here when we undertake to do business at these evening sessions.

It seems to me that a rule which will work only one way is not a good rule. To be a good rule it must work both ways. [Laughter.] It is perfectly constitutional, we are told, to appropriate money for any other purpose. It is perfectly constitutional to appropriate millions to build navies to rot on the seas. It is perfectly constitutional to appropriate money for World's Fairs and Centennial Expositions. It is perfectly constitutional to appropriate money to build railroads and to lend to national banks and Wall street gamblers and all that sort of thing, but whenever an attempt is made to do anything in the interest of the great mass of the people in this great country of ours, that is "unconstitutional!" It seems to me that the voice of this Congress has been to the laboring people of this country: "If you will quit producing, quit being laboring people, and go to manufacturing, we will do something for you; if you will quit raising produce and go to hauling it we will do something for you; but so long as you are producers, so long as you are laborers, there is nothing for you here. You are shut out, and the Constitution stands in the way whenever you want anything."

Now, I want to ask gentlemen why they can not stand by the Constitution in two cases as well as in one. Why can not you stand by the Constitution, gentlemen, in these Friday night sessions and require a quorum to be present before you undertake to transact business, before you undertake to fritter away the money of the people by voting pensions in hundreds of cases to people who do not deserve them. You say "these little things are trifling and do not amount to much," but let me remind you that many little things taken together make a great big sum.

Now, I want to say a word in connection with something that occurred here in one of these Friday evening sessions. I had read here, by permission of the House, an anonymous communication which I had received in relation to pensions. The question was asked whether there was any name signed to it, and I said there was not, but I asked permission to have it read and printed in the RECORD and unanimous consent was given. The same gentleman who wrote me that communication has written another giving me some reasons why he did not sign his name. His name is not signed to this communication either, but I ask consent to have it read, in order that his reasons for not signing his name may be put on record. [Laughter.]

A MEMBER. Is it from Coxe? [Laughter.]

Mr. TALBERT of South Carolina. I am not corresponding with your kind.

Another MEMBER. Is it poetry?

Mr. TALBERT of South Carolina. Yes, sir; it is poetry.

Mr. TATE. I wish to ask the gentleman from South Carolina whether this constitutional argument of his this evening is suggested by the recent constitutional decision of the supreme court of South Carolina? [Laughter.]

Mr. TALBERT of South Carolina. Oh, not at all; not a bit. Let me say to the gentleman that neither that decision nor any other decision of the supreme court can trouble me. I am not so easily troubled. It may trouble the gentleman from Georgia, but not me. I am a Carolinian, not a Georgian. Now, with the permission of the House, I will ask the Clerk to read this communication.

A MEMBER. Is that a farmer's production?

Mr. TALBERT of South Carolina. Now, let me tell my friend from Georgia that the farmers have some right to be heard in this House. That is just the trouble here; you seem to think they have no right.

A MEMBER. Then this is a farmer's article?

Mr. TALBERT of South Carolina. I suppose so; it sounds honest and not lawyer-like.

A MEMBER. Ah!

Mr. TALBERT of South Carolina. And you have denied the farmers the right to be heard here. My friend here from Georgia [Mr. BLACK] got up a few days ago and read an instrument full of technical terms, and some one intimated that the farmers of this country did not have sense enough to understand what a technical term was. Now, let me tell you, my friend, that the farmers have a great deal more sense than you think.

Mr. TATE. I would like to ask the gentleman if he understood the technical terms used by the gentleman from Georgia, to whom he referred just now?

Mr. TALBERT of South Carolina. Well, now, I am not on examination here. I think I do. But I doubt very much whether the gentleman who is addressing me understood them.

Mr. TATE. Well, I did not. I will admit it. [Laughter.]

Mr. TALBERT of South Carolina. Well, you come around to my room and I will tell you what they mean.

Mr. TATE. Life is too short to submit to such training. [Laughter and applause.]

Mr. TALBERT of South Carolina. The gentlemen needs training.

The CHAIRMAN. The Clerk will read the communication sent up by the gentleman from South Carolina.

The Clerk read as follows:

Something else for your reference file, if you please:

It's not rapid gossip, but warp and woof, all wool and a yard wide;

What, not long ago, the poet from Marion, Ind., to you did write,

Referring to the pensioner, it's quite true that his neighbors stick to him

like glue;

Of whom there are many, not only a few, so the poet concluded that it

wouldn't do

For to sign his name, as otherwise his chances would have been good in-

deed;

For that pensioner's neighbors, to pitch into him, with vehemence, with

both feet.

It's none of your biz, to him they would have said, it's no skin off your

back—

We'll give you a thrashing, then make you leave the neighborhood, you

story-telling snack.

Without a question, a dose of hickory tea they would have administered to

him;

And his nearest kin would not have been allowed to open the mouth to save

his skin.

He scorns the idea to partake of a stew which is offensive and very hard to

chew;

No, not by a jugful, unless in his upper story there becomes detached a

screw.

Especially that tea, he does disdain; almost everybody else would say the

same.

Now, honor bright, would you him blame for having refrained from signing

his name.

There is that ex-Columbian guardsman, who was sent to jail the other day;

In the labyrinthine mazes of his anatomy the doctors must have gone

astray.

On blindness and paralysis, they pronounced him disabled, in a pensionable

degree.

A man possessed of the eyes of an eagle and the agility of a flea.

Or can it be possible that those medicated stoolpigeons did betray this

fraudulent claimant

For noncompliance on his part to whack up with them his first pension

payment?

Mr. TALBERT of South Carolina. Now, Mr. Chairman, I hope that it is not unconstitutional, although, indeed, when the subtreasury bill was sent here years ago it was decided to be unconstitutional and impracticable, crude, and possessed of every other fault that could be applied to it. If it was unconstitutional, then whose duty was it to change it and bring it within the purview of the Constitution? If it was impracticable, whose duty was it to make it a practical measure, and try to make it a thing of beauty instead of the great ugly thing you claimed it to be? But no matter whose duty it was, it was not performed. It was simply ignored. It was smothered in the committee room and not allowed to be discussed on the floor of the House, and it never has been and never will be. It was taken out here and buried, and that was the last of it. Unconstitutional! You love the Constitution sometimes, why do you not love it at all times? Why do you not treat all men fairly under it?

Now, as I read or had read, and asked to have printed as a part of my remarks some articles from the New York Weekly Times a few days ago, I have here a second edition of the same paper bearing upon the same subject, which is long, and will probably take some time to read it. I will simply ask leave now to print this in the RECORD without reading it.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. PICKLER and others objected.

Mr. TALBERT of South Carolina. Very well, then, I will ask the Clerk please to read it, as gentlemen have seen fit to object. I ask him to read the first page of this paper that I send to the desk.

Mr. PICKLER. We had just as well take up the time in that way as in listening to the gentleman.

Mr. TALBERT of South Carolina. It would have been better for the gentleman to have allowed it to be printed, as it would not have taken so much time as to address the gentleman from Borneo—

Mr. MEREDITH. May I ask, Mr. Chairman, what is the question pending before the committee?

The CHAIRMAN. The question is on the bill (H. R. 3156) granting a pension to Mrs. Cornelia de Peyster Black.

Mr. MEREDITH. I understand that this is the bill that is under consideration?

A MEMBER. The Constitution seems to be under consideration.

Mr. TALBERT of South Carolina. This proposition that I have made is perfectly constitutional.

The CHAIRMAN. The question before the House is the bill the title of which the Chair has just stated.

Mr. KRIBBS. Does this paper the gentleman asks to have read relate to the subject under consideration?

The CHAIRMAN. The Chair is not able to inform the gentleman.

Mr. TALBERT of South Carolina. I ask that the first page be read, as it relates to the subject of private pensions.

Mr. BAKER of New Hampshire. I would like to inquire if it relates to the pending bill?

Mr. TALBERT of South Carolina. It does relate to all pending bills.

Mr. WILLIAM A. STONE. I make the point of order that it has no reference to the question under consideration.

Mr. BAKER of New Hampshire. The question is, does it relate to the pending bill?

Mr. TALBERT of South Carolina. Possibly it does; I have not examined.

Mr. BAKER of New Hampshire. Most certainly it does not, I assume. It has no relevancy whatever to this question.

Mr. WILLIAM A. STONE. It has no relation, of course, to it.

The CHAIRMAN. The Clerk will read Rule XIV, section 1. The Clerk read as follows:

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The CHAIRMAN. That rule is applicable to proceedings in the House. Clause 8 of Rule XXIII provides that the rule of proceedings in the House shall be observed in Committee of the Whole so far as applicable. That is the rule under which the committee is operating.

Mr. TALBERT of South Carolina. Do I understand the Chair to decide that this is not in order?

The CHAIRMAN. The Chair does not so decide. The article has not been read.

Mr. WILLIAM A. STONE. I make the point of order against the reading of that paper.

The CHAIRMAN. Nothing has yet been read. The Chair simply announced that it would be read.

Mr. WILLIAM A. STONE. Is the Chair bound to have it read at the request of the gentleman from South Carolina?

The CHAIRMAN. The Chair had the rule read for the benefit of the committee. The Clerk will read the document with which the Chair is not familiar; and if any member desires to submit a point of order after it is read, or while the reading is progressing, it can be done.

Mr. MARTIN of Indiana. I desire to ask the gentleman from South Carolina a question, whether this is not an article published in the New York Times, occupying eight or nine columns—

Mr. TALBERT of South Carolina. I have asked only that the first page be read.

Mr. MARTIN of Indiana. How many columns?

Mr. TALBERT of South Carolina. I have asked to have read only the part bearing on this subject. I have not asked the Clerk to read the whole of it.

Mr. MARTIN of Indiana. How many columns are there?

Mr. KILGORE. It does not make any difference; the gentleman has the right to have it read.

Mr. MARTIN of Indiana. I wish to appeal to the gentleman from South Carolina—

Mr. TALBERT of South Carolina. You had better appeal to the gentleman from South Dakota [Mr. PICKLER]. He made the objection to my request.

Mr. MARTIN of Indiana. I am addressing the gentleman respectfully; and I wish to appeal to his sense of fairness whether it is a proper thing to occupy the time of the House this evening with eight or nine columns of this matter?

Mr. TALBERT of South Carolina. It is not my fault. I asked to have the matter spread upon the record, and the gentleman from South Dakota objected. He is the gentleman to whom my friend from Indiana [Mr. MARTIN] should appeal.

Mr. MARTIN of Indiana. I raise the point of order that the reading of this paper is not within the rules.

The CHAIRMAN. Nothing has yet been read; and the Chair has no notice of what is contained in this paper.

Mr. MARTIN of Indiana. It purports on its face to be the result of investigations by the New York Times into a series of pension claims already granted. It has no reference to this case at all.

The CHAIRMAN. If the statement made by the gentleman from Indiana [Mr. MARTIN] should be correct, the article will not be in order.

Mr. MARTIN of Indiana. I reserve the point of order.

Mr. HOPKINS of Illinois. This is entirely a different case from that presented when a member rises to speak. In that case the Chair must wait until the statement of a member is made before he can ascertain whether it is germane. But here the matter is in print; and it is the duty of the Chair to look at it, and if it be not germane, to rule it out.

Mr. WILLIAM A. STONE. I submit that the Chair has looked at it.

The CHAIRMAN. The Chair has not.

Mr. TALBERT of South Carolina. I insist that we have not yet come to a point where the Chair is justified in deciding whether this matter bears on the question or not. I have asked that this paper be read in my own time; and I demand that it be read.

The CHAIRMAN. The Clerk will proceed to read the document.

The Clerk read as follows:

THE NATION'S GREAT SCANDAL—DESERTERS WHO ARE NOW ON THE "ROLL OF HONOR"—

Mr. WILLIAM A. STONE (interrupting the reading). Mr. Chairman, I rise to a parliamentary inquiry. I wish to know if the Chair holds that in order to determine whether this point of order is well made, the Chair must permit this whole article to be read to the House?

The CHAIRMAN. The Chair does not so hold.

Mr. WILLIAM A. STONE. I insist on my point of order.

The CHAIRMAN. The Chair holds that as nothing has yet been read, there is as yet nothing for the Chair to rule upon.

Several MEMBERS. Let the headlines be read.

Mr. MARTIN of Indiana. I desire to reserve a point of order on the article.

Mr. TALBERT of South Carolina. I must insist that all this maneuvering must not come out of my time.

A MEMBER. It will, all the same.

The Clerk continued the reading, as follows:

THE LAW HAS CLEARED THE RECORDS AND THE HUNGRY PENSION AGENT HAS THEREBY EARNED HIS FEE—HONEST SOLDIERS PROTEST AT IT—IN ITS INVESTIGATIONS OF PENSION ABUSES THE NEW YORK TIMES HAS FOUND MEN WHO WERE IN CANADA DURING THE WAR, BUT ARE NOW DRAWING PENSIONS—IN OGDENSBURG A DESERTER AND THE WIDOW OF A SOLDIER, LIVING TOGETHER, EACH HAVE DRAWN PENSIONS FOR MANY YEARS—FRANK JOHNSON, WHO ASSISTS A WASHINGTON PENSION ATTORNEY, A CUSTOM-HOUSE OFFICIAL, AND AN ACTIVE POLITICIAN—THE LAW RELATING TO OFFICIALS WHO HELP PROSECUTE CLAIMS AGAINST THE GOVERNMENT.

## II.

In the last issue of the Weekly Times there was printed the first of a series of articles giving the results of investigations made by reporters for the New York Times—

Mr. HULL (interrupting the reading). I make the point of order that these headlines as read clearly demonstrate that this article has nothing to do with legislation before Congress. It relates simply to what is alleged to have transpired in the Pension Office. The bill before the House proposes action by Congress, and can not in any way be affected by anything that has taken place heretofore in the Pension Office. The headlines of this article from the New York Times show that it refers simply to past action of the Pension Department. I raise the point of order that the whole article is out of order.

The CHAIRMAN. The Chair will suggest to the gentleman from South Carolina that under the rule this article, so far as read, is not in order. The Chair refers to the rule which requires that members addressing the House or the Committee of the Whole shall confine themselves to the subject under debate.

Mr. TALBERT of South Carolina. Does not this article concern pensions, Mr. Chairman?

The CHAIRMAN. It does not relate to the bill under consideration, which is a private bill to grant a pension to Cornelia de Peyster Black.

Mr. TALBERT of South Carolina. Anything that concerns pensions, concerns the bill under consideration.

The CHAIRMAN. The Chair thinks that not even under the most liberal construction of the rule, could the article be held to be in order, if the point of order be made against it.

Mr. KILGORE. I should like to submit a word before the Chair concludes his ruling on the subject.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. KILGORE. I submit that the uniform practice of this House has been, in Committee of the Whole, to allow a much wider range in the discussion than when we are considering a matter in the House. The House is now in Committee of the Whole on the state of the Union, for the purpose of considering private pension legislation.

The CHAIRMAN. The House is not in Committee of the Whole on the state of the Union.

Mr. KILGORE. I understand that, and I merely misspoke. The House is in Committee of the Whole for the purpose of considering private pension legislation, and any observations which any gentlemen may conclude to make upon the subject of private pension legislation, or public pension legislation, as far as that goes, would be in order in this discussion to-night. Now, there is no escape from that, and if that article relates to that subject, it does not make any difference whether it relates to the conduct of the Pension Office heretofore or to the conduct of Congress in vesting the Pension Office with particular authority.

Mr. TALBERT of South Carolina. The name of the applicant to-night may possibly be reached in that very article.

Mr. HULL. The name of this applicant is not in the Pension Bureau at all, and this is an article relating to the Pension Bureau.

Mr. KILGORE. Let me finish what I am saying. If that relates to the improper conduct of the Pension Office, or if it relates to the improper administration of the law, then it would be entirely competent for any man to make a speech of that kind in this House to-night upon that subject; and if it be competent for him to make an oral argument of that kind, it is entirely competent for him to have read from a newspaper an argument upon the subject.

Mr. WILLIAMS of Illinois. Will the gentleman from Texas allow me?

Mr. KILGORE. Yes.

Mr. WILLIAMS of Illinois. If a member was making a speech, you could not tell what the speech contained until it was delivered, but where it is in a newspaper, you can see in advance that it does not bear upon the question.

Mr. KILGORE. Mr. Chairman, I suppose the patriotic preliminary remarks which a member would make, which would correspond to the headlines of the article, would admonish the House as to the character of the argument which he proposed to submit. Now, the objection to that article is made upon the headlines, and I say that is not competent. The practice of the Committee of the Whole has been the other way.

The CHAIRMAN. The Chair will state to the gentleman from Texas—because the Chair desires to administer the rules in a spirit of absolute fairness—that the gentleman is correct in the statement that very great latitude is allowed in debate in Committee of the Whole; but if the point of order is submitted by any gentleman on the floor, the Chair is constrained to decide that gentlemen must confine themselves to the question under debate. The gentleman from Texas [Mr. KILGORE] himself is not deficient in parliamentary skill, and he will recognize at once, the Chair feels assured, that that is the correct interpretation of the rules.

Mr. KILGORE. I understand that that is the correct interpretation; but my contention is that he is discussing the question legitimately before this committee, whether they will increase this roll or not. That is the main question, whether the House or this Committee of the Whole shall countenance the abuses which that article is intended to attack, in the Pension Office. I think that is legitimate. I recognize the rule to be as stated by the Chairman, but I say this article comes within that rule. That is the contention I make.

Mr. MOSES. Mr. Chairman, just a word.

The CHAIRMAN. The gentleman from Georgia.

Mr. MOSES. We have a bill here proposing to pension the widow of a soldier whom the war records show to have served fifty years. I hope the gentleman from South Carolina will hear what I say.

Mr. TALBERT of South Carolina. Yes.

Mr. MOSES. We have a bill here proposing to give a pension to the widow of a soldier who served in the wars of the United States for nearly fifty years, as shown by the war records. The gentleman says perhaps this widow's husband's name may be found in that list; and yet I understand it is a list of deserters who are drawing pensions.

Mr. TALBERT of South Carolina. Not that alone.

Mr. MOSES. That is what I understand.

Mr. TALBERT of South Carolina. It is a general article on the whole pension business.

Mr. MOSES. The gentleman certainly does not bring this in to prove that this woman's husband was a deserter and would come under that category; and it is therefore as clearly out of order as anything can be in this case. I would like to ask the gentleman from Texas [Mr. KILGORE] if he desires to hear it read?

Mr. TALBERT of South Carolina. This is for information on the pension business; and the intention of having it read is not to prove that Mr. Black or anybody else was a deserter, but just for the general information of this body. I am astonished that this House does not want light, but I find that it does not want it.

Mr. CLARK of Missouri. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. And that is that the Chair has ruled on this point; and if these gentlemen are not satisfied let them appeal. [Applause.]

The CHAIRMAN. The Chair has already ruled on the point, and the Clerk will read the rule which governs the committee under such circumstances.

The Clerk read as follows:

4. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order. In which case he shall immediately sit down, unless permitted on motion of another member to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

The CHAIRMAN. The Chair thinks that under the rule the article is not in order.

Mr. PICKLER. Regular order.

Mr. TALBERT of South Carolina. It seems to me that the rule has nothing to do with the point. [Cries of "Regular order!"] I do not understand that it is out of order. It seems to me—

The CHAIRMAN. The gentleman from Iowa made the point of order that the article was not in order.

Mr. TALBERT of South Carolina. I understood the Chair to decide, under the rule, that it was in order and ordered its reading.

The CHAIRMAN. The Chair did not so decide.

Mr. TALBERT of South Carolina. The Clerk commenced to read by somebody's order.

The CHAIRMAN. Certainly; because no point could properly be raised until something was read; but after the reading had proceeded awhile the point of order was raised.

Mr. TALBERT of South Carolina. Does the Chair decide that it is not in order to read that article?

The CHAIRMAN. The Chair so decides.

Mr. TALBERT of South Carolina. Then I appeal from the decision of the Chair.

Mr. WEADOCK. I move to lay the appeal on the table.

The CHAIRMAN. A motion to lay an appeal on the table is not in order in Committee of the Whole. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT of South Carolina. Division.

The committee divided; and there were—ayes 68, noes 3.

Mr. TALBERT of South Carolina. No quorum, Mr. Chairman.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from South Carolina [Mr. TALBERT], and the gentleman from Indiana [Mr. MARTIN]. Tellers will please take their places.

The committee again divided; and tellers reported—ayes 57, noes 4.

Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The point of no quorum being made, under the rule, the Clerk will call the roll.

The roll was called, when the following-named members failed to respond:

Abbott,	Caldwell,	Draper,	Henderson, Ill.
Adams, Ky.	Caminetti,	Dunn,	Henderson, Iowa
Adams, Pa.	Campbell,	Dunphy,	Henderson, N. C.
Aitken,	Cannon, Cal.	Durbin,	Hendrix,
Alderson,	Cannon, Ill.	Ellis, Ky.	Hermann,
Aldrich,	Capenhart,	Ellis, Oregon	Hicks,
Alexander,	Caruth,	English, Cal.	Hines,
Allen,	Catchings,	English, N. J.	Hitt,
Apsley,	Causey,	Enloe,	Holman,
Arnold,	Chickering,	Everett,	Hooker, Miss.
Avery,	Childs,	Felder,	Hooker, N. Y.
Babcock,	Clancy,	Fithian,	Hopkins, Pa.
Baldwin,	Clarke, Ala.	Fletcher,	Hulick,
Bankhead,	Cobb, Ala.	Forman,	Hutcheson,
Barnes,	Cobb, Mo.	Funk,	Izlar,
Bartholdt,	Cockran,	Funston,	Johnson, Ind.
Bartlett,	Cockrell,	Fyan,	Johnson, Ohio
Belden,	Coffeen,	Gear,	Jones,
Bell, Colo.	Compton,	Geary,	Lapham,
Bell, Tex.	Coombs,	Geissenhainer,	Latimer,
Beltzhoover,	Cooper, Fla.	Goldzier,	Lefever,
Berry,	Cooper, Ind.	Goodnight,	Lester,
Bingham,	Cooper, Tex.	Gorman,	Lisle,
Black, Ill.	Cooper, Wis.	Grady,	Livingston,
Bland,	Cornish,	Graham,	Lockwood,
Boatner,	Cousins,	Gresham,	Loud,
Boutelle,	Covert,	Griffin,	Lucas,
Bower, N. C.	Cox,	Grosvenor,	Lynch,
Bowers, Cal.	Crain,	Groat,	Magner,
Branch,	Crawford,	Grow,	Maguire,
Brattan,	Culberson,	Hager,	Marshall,
Breckinridge, Ark.	Cummings,	Haines,	Marvin, N. Y.
Breckinridge, Ky.	Curtis, Kans.	Hall, Minn.	McAleer,
Brickner,	Dalzell,	Hall, Mo.	McCall,
Brosius,	Daniels,	Hammond,	McCreary, Ky.
Brown,	Davey,	Harmer,	McDearmon,
Bryan,	De Armond,	Harter,	McDowell,
Bunn,	De Forest,	Hartman,	McEtrick,
Burnes,	Denson,	Hatch,	McGann,
Burrows,	Dingley,	Haugen,	McKaig,
Bynum,	Dinsmore,	Hayes,	McKeighan,
Cabaniss,	Dolliver,	Heard,	McLaurin,
Cadmus,	Doolittle,	Heiner,	Melkiejohn,

Mercor,	Pigott,	Sibley,	Tracey,
Meyer,	Post,	Sickles,	Tucker,
Milliken,	Powers,	Simpson,	Turner, Ga.
Money,	Price,	Sipe,	Turner, Va.
Montgomery,	Quigg,	Smith,	Turpin,
Moon,	Randall,	Snodgrass,	Van Voorhis, N. Y.
Morgan,	Ray,	Somers,	Wadsworth,
Morse,	Rayner,	Sperry,	Walker,
Murray,	Reed,	Sprunger,	Wanger,
Mutchler,	Reilly,	Stallings,	Washington,
Newlands,	Reyburn,	Stephenson,	Wells,
Northway,	Richards, Ohio,	Stevens,	Wever,
Oates,	Richardson, Tenn.	Stockdale,	Wheeler, Ala.
O'Neill, Mass.	Robbins,	Stone, C. W.	Wheeler, Ill.
O'Neill, Mo.	Robertson, La.	Stone, Ky.	White,
Outhwaite,	Robinson, Pa.	Storer,	Williams, Miss.
Page,	Rusk,	Strait,	Wilson, Wash.
Paschal,	Russell, Conn.	Straus,	Wilson, W. Va.
Patterson,	Russell, Ga.	Sweet,	Wise,
Payne,	Ryan,	Talbot, Md.	Wolverton,
Paynter,	Schermerhorn,	Tarsney,	Woodard,
Pence,	Scranton,	Tawney,	Woomer,
Pendleton, Tex.	Settle,	Taylor, Ind.	Wright, Mass.
Pendleton, W. Va.	Shaw,	Taylor, Tenn.	Wright, Pa.
Perkins,	Shell,	Terry,	
Phillips,	Sherman,	Thomas,	

Mr. MARTIN of Indiana. Mr. Chairman, I am informed that the gentleman from California, Mr. CAMINETTI, is sick, and therefore I ask that he be excused.

The CHAIRMAN. That can be done in the House. Under the rule the committee will rise.

The committee accordingly rose, and Mr. BROOKSHIRE resumed the chair as Speaker *pro tempore*.

Mr. DOCKERY. Mr. Speaker, the Committee of the Whole finding itself without a quorum, I caused the roll to be called, and herewith report the names of the absentees.

The SPEAKER *pro tempore*. The gentleman from Missouri, chairman of the Committee of the Whole, reports that that committee finding itself without a quorum, he caused the roll to be called. The names of the absentees will be entered upon the Journal.

Mr. HULL. Mr. Speaker, I ask that my colleague, Mr. HENDERSON of Iowa, be excused on account of his inability to attend the evening session because of his wounds.

There was no objection, and it was so ordered.

Mr. BRODERICK. Mr. Speaker, I ask that my colleague, Mr. CURTIS of Kansas, be excused. He is indisposed to-day, and is absent for that reason.

There was no objection, and it was so ordered.

Mr. MARSH. Mr. Speaker, I ask that my colleague, Mr. HENDERSON of Illinois, be excused on account of ill health.

There was no objection, and it was so ordered.

Mr. WEADOCK. Mr. Speaker, my colleague, Mr. STEPHENSON, is sick at his hotel this evening, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. Mr. Speaker, I ask that my colleague, Mr. HOLMAN, be excused, as he is not able to be here.

There was no objection, and it was so ordered.

Mr. LINTON. Mr. Speaker, I ask that my colleague, Mr. AVERY, be excused on account of ill health.

There was no objection, and it was so ordered.

Mr. KIEFER. Mr. Speaker, I ask that the gentleman from Missouri, Mr. BARTHOLDT, be excused. He is sick, and has been for several days.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. Mr. Speaker, I move a call of the House; and pending that, I ask unanimous consent that I be granted one moment to make a remark.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MOSES. Before we leave excuses, I ask unanimous consent that my colleague, Mr. RUSSELL of Georgia, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. CAMINETTI, by unanimous consent, obtained leave of absence for this evening, on account of sickness.

On motion of Mr. JOHNSON of North Dakota, Mr. HOPKINS of Pennsylvania was granted leave of absence, on account of sickness.

Mr. MARTIN of Indiana. Mr. Speaker, I feel very deeply the absence of a quorum on this occasion, after so many efforts at these evening sessions to pass the private bills which have received consideration in Committee of the Whole. It is a fact that there are less than a hundred members present, probably not more than seventy-five, and it is now but one hour and twenty-five minutes until the hour of adjournment. In view of these facts it seems quite improbable that, even by having a call of the House, we can obtain a quorum this evening; but, nevertheless, I have made the motion for a call, and I ask gentlemen who are present here to cast their votes on that motion advisedly

with reference to the future, so that hereafter at these pension sessions if the point of "no quorum" is to be made it may be made and passed in time to bring in the absentees.

Without assuming to censure those who are absent, it does seem to me to be a great hardship upon the gentlemen who come here night after night and are prevented from doing business, on the one hand by the point of "no quorum," and on the other hand by the absence of a quorum when far more than enough members to make a quorum are in the city.

The question being taken on the motion of Mr. MARTIN of Indiana, a call of the House was ordered.

The Clerk called the roll, when the following-named members failed to respond:

Abbott,	Cousins,	Hines,	Randall,
Adams, Ky.	Covert,	Hitt,	Ray,
Adams, Pa.	Cox,	Holman,	Rayner,
Aitken,	Crain,	Hooker, Miss.	Reed,
Alderson,	Crawford,	Hooker, N. Y.	Reilly,
Aldrich,	Culbertson,	Hopkins, Pa.	Reyburn,
Alexander,	Cummings,	Hulick,	Richards, Ohio
Allen,	Curtis, Kans.	Hutcheson,	Richardson, Tenn.
Apsey,	Dalzell,	Izlar,	Robbins,
Arnold,	Daniels,	Johnson, Ind.	Robertson, La.
Babcock,	Davey,	Johnson, Ohio	Robinson, Pa.
Baldwin,	De Armond,	Jones,	Rusk,
Bankhead,	De Forest,	Lapham,	Russell, Conn.
Barnes,	Denson,	Lairmer,	Russell, Ga.
Bartholdt,	Dingley,	Lefever,	Ryan,
Bartlett,	Dinsmore,	Lester,	Schermerhorn,
Belden,	Dolliver,	Lisle,	Scranton,
Bell, Colo.	Doolittle,	Livingston,	Settle,
Bell, Tex.	Draper,	Lockwood,	Shaw,
Beltzhoover,	Dunn,	Loud,	Shell,
Berry,	Dunphy,	Lucas,	Sherman,
Bingham,	Durbin,	Lynch,	Sibley,
Black, Ill.	Ellis, Ky.	Magner,	Sickles,
Bland,	Ellis, Oregon	Maguire,	Simpson,
Boatner,	English, Cal.	Marshall,	Sipe,
Boutelle,	English, N. J.	Marvin, N. Y.	Smith,
Bower, N. C.	Enloe,	McAleer,	Snodgrass,
Bowers, Cal.	Erdman,	McCall,	Somers,
Branch,	Everett,	McCreary, Ky.	Sperry,
Brattan,	Felder,	McDearmon,	Springer,
Breckinridge, Ark.	Fithian,	McDowell,	Stallings,
Breckinridge, Ky.	Fletcher,	McEttrick,	Stephenson,
Brickner,	Forman,	McGann,	Stevens,
Brosius,	Funk,	McKaig,	Stockdale,
Brown,	Funston,	McKeighan,	Stone, Ky.
Bryan,	Fyan,	McLaurin,	Storer,
Bunn,	Gear,	Melkiejohn,	Strait,
Burnes,	Geary,	Mercer,	Straus,
Burrows,	Geissenhainer,	Meyer,	Sweet,
Bynum,	Goldzier,	Milliken,	Talbot, Md.
Cabaniss,	Goodnight,	Money,	Tarsney,
Cadmus,	Gorman,	Montgomery,	Tawney,
Caldwell,	Grady,	Moon,	Taylor, Ind.
Caminetti,	Graham,	Morgan,	Taylor, Tenn.
Campbell,	Gresham,	Morse,	Terry,
Cannon, Cal.	Griffin,	Murray,	Tracey,
Cannon, Ill.	Grosvenor,	Mutchler,	Tucker,
Capehart,	Grout,	Newlands,	Turner, Ga.
Caruth,	Grow,	Northway,	Turner, Va.
Catchings,	Hager,	Oates,	Turpin,
Causey,	Haines,	O'Neill, Mass.	Van Voorhis, N. Y.
Chickering,	Hall, Minn.	O'Neill, Mo.	Wadsworth,
Childs,	Hall, Mo.	Outhwaite,	Walker,
Clancy,	Hammond,	Page,	Wanger,
Clarke, Ala.	Harmer,	Paschal,	Washington,
Cobb, Ala.	Harter,	Patterson,	Wells,
Cobb, Mo.	Hartman,	Payne,	Wever,
Cockran,	Hatch,	Paynter,	Wheeler, Ill.
Cockrell,	Haugen,	Pence,	White,
Coffeen,	Hayes,	Pendleton, Tex.	Williams, Miss.
Compton,	Heard,	Pendleton, W. Va.	Wilson, Wash.
Combs,	Helner,	Perkins,	Wilson, W. Va.
Cooper, Fla.	Henderson, Ill.	Phillips,	Wise,
Cooper, Ind.	Henderson, Iowa	Pigott,	Woodard,
Cooper, Tex.	Henderson, N. C.	Post,	Woomer,
Cooper, Wis.	Hendrix,	Powers,	Wright, Mass.
Cornish,	Hermann,	Price,	Wright, Pa.
	Hicks,	Quigg,	

The SPEAKER *pro tempore*. The doors will now be closed and the Clerk will call the names of members who have failed to respond on the first call. Upon this call excuses will be in order.

Mr. TATE (when the name of Mr. CABANISS was called). Mr. Speaker, I ask that my colleague [Mr. CABANISS] be excused, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. COOMBS, when his name was called, was excused on account of sickness.

Mr. UPDEGRAFF (when the name of Mr. COOPER of Wisconsin was called). Mr. Speaker, I ask that the gentleman from Wisconsin [Mr. COOPER] be excused, on account of illness.

There was no objection, and it was so ordered.

Mr. BAILEY (when the name of Mr. CULBERSON was called). Mr. Speaker, I ask that my colleague [Mr. CULBERSON] be excused, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. WILLIAM A. STONE (when the name of Mr. DALZELL was called). Mr. Speaker, I ask that my colleague [Mr. DALZELL] be excused, on account of sickness in his family.

There was no objection, and it was so ordered.  
Mr. McRAE (when the name of Mr. TERRY was called). Mr. Speaker, I ask that my colleague [Mr. TERRY] be excused, on account of sickness.

There was no objection, and it was so ordered.  
Mr. WILLIAM A. STONE (when the name of Mr. SCRANTON was called). Mr. Speaker, I ask that my colleague [Mr. SCRANTON] be excused, on account of sickness.

There was no objection, and it was so ordered.  
The SPEAKER *pro tempore*. Upon this call 82 members have answered to their names; no quorum.

Mr. KILGORE. Mr. Speaker, would it be in order now to introduce a resolution to send for absentees?

The SPEAKER *pro tempore*. It would, in the judgment of the Chair.

Mr. MARTIN of Indiana. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

*Resolved*, That the Speaker be directed to issue a warrant to the Sergeant-at-Arms for the arrest of members who have failed to respond to their names, and who are absent without the leave of the House.

Mr. CONN. Mr. Speaker, it is evident from the lateness of the hour that it will be impossible for us to obtain a quorum here this evening. Therefore I move that all further proceedings under the call be dispensed with.

The question was taken on the motion of Mr. CONN, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. HULL. I ask for a division.

The House divided; and there were—ayes 33, noes 27.

Mr. TATE. I demand the yeas and nays.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House do now adjourn.

Mr. PICKLER. Mr. Speaker, I rise to a parliamentary inquiry, as bearing upon the question whether we shall adjourn or whether we shall continue to try to get a quorum. Is it not a fact that even if we had a quorum here any member who could get the floor could consume an hour in debate, and, that being so, is it not true that any three men could occupy the entire time of the session, so that we could do no business anyhow?

Mr. HULL. If that is any argument, it is an argument against having Friday night sessions at all.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. MARTIN], that the House do now adjourn.

Mr. HULL. Let us vote it down.

The question being taken, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. HULL. I ask for a division.

The House divided; and there were—ayes 42, noes 21; so the motion was agreed to, and the House accordingly (at 9 o'clock and 21 minutes p. m.) adjourned.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 3192) for the relief of the Selma and Meridian Railroad Company. (Report No. 735.)

By Mr. MARTIN, from the Committee on Invalid Pensions: A bill (H. R. 3992) to increase the pension of Julia Bews. (Report No. 738.)

By Mr. McDANNOLD, from the same committee: A bill (H. R. 953) to grant a pension to Allie Dill Broughton. (Report No. 739.)

By Mr. LOUD, from the Committee on Claims: A bill (S. 475) for the relief of John Little and Hobart Williams, of Omaha, Nebr. (Report No. 742.)

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 4788) for the relief of William H. Cook. (Report No. 736.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 5087) granting a pension to Margaret Brennan. (Report No. 740.)

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. SWANSON: A bill (H. R. 6762) for the repeal of the

tax upon the notes of State banks and banking associations under certain conditions—to the Committee on Banking and Currency.

By Mr. STRAUS: A bill (H. R. 6764) regulating applications for office in the unclassified civil service—to the Committee on Reform in the Civil Service.

By Mr. CAMPBELL: A bill (H. R. 6766) to incorporate the National Gas and Electric Light and Heat Company—to the Committee on the District of Columbia.

By Mr. DAVIS: A bill (H. R. 6767) to provide for the enlistment and maintenance of an industrial army, for issuing and maintaining a sufficient and equitable volume of currency, and for other purposes—to the Committee on Ways and Means.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 6768) for ascertaining the feasibility and probable cost of constructing a ship canal from Lake Erie to the Ohio River—to the Committee on Railways and Canals.

By Mr. STONE of Kentucky: A bill (H. R. 6769) to refund internal-revenue taxes paid by owners of private dies—to the Committee on Appropriations.

By Mr. DINGLEY: A bill (H. R. 6770) authorizing the Secretary of the Treasury to exchange, in behalf of the United States, deeds of land with the Pemaquid Land Company of Maine, in settlement of a disputed boundary of the Pemaquid Point, Maine, light station—to the Committee on Interstate and Foreign Commerce.

By Mr. BOEN: A joint resolution (H. Res. 166) ordering the Secretary of War to provide within the District of Columbia camping grounds and tents for all organized bodies of laboring people who may come within the boundaries of said District, and to see to it that their rights as citizens be respected and protected—to the Committee on Military Affairs.

By Mr. DALZELL: A resolution relating to appointment of Gen. A. L. Pearson as a manager in Soldiers' Home Board—to the Committee on Military Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DURBOROW: (H. R. 6771) to remove the charge of desertion against the name of James E. Cotter—to the Committee on Military Affairs.

By Mr. IKIRT: A bill (H. R. 6772) to correct the military record of William Hartzell—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 6773) for the relief of M. J. Vanorsdall—to the Committee on War Claims.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 6774) to grant an honorable discharge to John A. White—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of the Bookbinders and Rulers' Union, the Barbers' Union, the Trunkmakers' Union, and the Furniture Movers' Union, all of Detroit, Mich., in favor of governmental ownership and control of the telegraph and telephone lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Protest of Evangelical Lutheran Church of Durango, Colo., against incorporation of the Deity in the Constitution of the United States—to the Committee on the Judiciary.

Also, request of Pikes Peak Division, No. 244, Order of Railway Conductors, of Colorado Springs, Colo., favoring the passage of bill known as the antiscauper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURROWS: Petition of the Bookbinders and Rulers' Union and the Trunkmakers' Union, of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. COOMBS: Petition of Union Council, No. 25, Junior Order United American Workmen, for the better regulation of immigrants, and in favor of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. DOLLIVER: Petition of the Evangelical Lutheran Zion's and St. Paul's Churches, of Arcadia and Carroll, Iowa, protesting against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

Also, petition of J. J. Klopp, against the income tax on national building and loan associations—to the Committee on Ways and Means.

Also, protest of the Evangelical Lutheran Church, of Willow

Township, Green County, Iowa, against the God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GEAR: Petition of A. Y. Troydon, on behalf of Nancy Judson, conservator of Phineas D. Judson, Company H, First Iowa Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Protest of the Evangelical Lutheran Lyster Church, of Urne, Buffalo County, Wis., against the proposed amendment to the preamble of the Constitution of the United States as tending to encroachment upon religious rights—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of citizens of Oregon, for Government control of the telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTER: Petition of the Turtle Mountain Band of Pembina Chippewa Indians, against the ratification of the treaty argument concluded with the commission appointed under the provisions of the Indian appropriation act of July 13, 1892—to the Committee on Indian Affairs.

By Mr. IKIRT: Petition of William Hartzell, to correct his military record—to the Committee on Military Affairs.

By Mr. KYLE: Memorial of J. C. Levy and others, of Holly Springs, Miss., suggesting change in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MAGUIRE: Petition of citizens of California, for the passage of a law against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL of Missouri: Protest of owners of steam vessels against the passage of House bill 6645, for the construction of a bridge at St. Louis, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. PIGOTT (by request): Remonstrance of the Evangelical Lutheran Zion's Church, of New Haven, Conn., against amending the preamble of the Constitution by a clause acknowledging Jesus Christ as the medium of our liberty, etc.—to the Committee on the Judiciary.

By Mr. REED: Petition of William H. Motley, postmaster at Woodfords, Town of Deering, Cumberland County, Me., to accompany House bill 6744, for relief—to the Committee on Claims.

By Mr. RICHARDSON of Michigan: Resolution of the Bookbinders and Rulers' Union, of Detroit, in favor of Government control of telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of Cigar Makers' Union No. 81, Peter O'Loughlin, secretary, Pecksville, N. Y., in favor of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Protest of Fountain City Lodge, No. 13, Ancient Order of United Workmen, of Fountain City, Wis., against legislation classing lodge newspapers or periodicals as third-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SIBLEY: Petition of Erie Council, Junior Order of United American Mechanics, asking for the passage of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. SIPE: Memorial of Council No. 460, Junior Order of United American Mechanics, of Claysville, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of council of Junior Order of United American Mechanics, of Connellsville, Fayette County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. UPDEGRAFF: Petition of L. B. Winston and 50 other members of Mizpah Tent, Knights of the Maccabees, of Charles City, Iowa, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

## SENATE.

SATURDAY, April 21, 1894.

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

The Journal of yesterday's proceedings 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 passed the bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals."

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6556) to provide for further

urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; and it was thereupon signed by the Vice-President.

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting letters of Anthony Comstock, post-office inspector of New York, and of the assistant attorney-general for the Post-Office Department, relating to a change in the rule of evidence in regard to the comparison of handwriting in trial of cases in the courts of the United States; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Cigar Makers' Local Union, No. 90, of New York City, N. Y., and a memorial of the American Agents' Association, of Columbus, Ohio, remonstrating against the ratification of the proposed Chinese treaty; which were ordered to lie on the table.

Mr. PEPPER. I present a petition of citizens of Pennsylvania, praying Congress "to enact a law to issue five hundred millions of Treasury notes, to be full legal tender of all debts, both public and private, such money to be set apart exclusively for public roads, and to go to each State pro rata with the number of miles of road in the State, and to be appropriated and issued at the rate of \$20,000,000 per month." The petition is in the usual form and properly indorsed. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. McMILLAN presented the memorial of E. W. Breem and H. C. King, of Oscoda, Mich., remonstrating against the imposition of an income tax upon national building and loan associations and local building and loan associations; which was ordered to lie on the table.

He also presented the petition of Robert Cartwright and sundry other members of the American Association of Civil Engineers, of Rochester, N. Y., and the petition of W. M. Lerch and sundry other citizens of Detroit, Mich., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN (for Mr. STOCKBRIDGE) presented a petition of the Retail Clerks' Union, of Detroit, Mich., and a petition of the Barbers' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of the Board of Trade and Transportation, of Cincinnati, Ohio, remonstrating against the abrogation of any treaty for reciprocal relations between the United States and foreign countries; which was referred to the Committee on Finance.

Mr. QUAY. I present a "petition and protest of American workingmen," and a memorial in the form of an address "to the right honorable body of United States Senators," being the action of the convention of workingmen of the United States in session in this city, and I ask unanimous consent to read the contents of the memorials. I do not desire to comment upon them at all.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the Senator from Pennsylvania will proceed.

Mr. QUAY. These gentlemen met in this city yesterday and continued in session until within the past hour. They adopted a "petition and protest" to the Fifty-third Congress of the United States in connection with a memorial which they addressed to the United States Senate. After stating that the preamble and resolution were adopted at a mass meeting of representative wage-earners of the United States assembled in Washington, D. C., the 20th day of April, 1894, they set forth the same as follows:

Whereas for nearly ten months the business of this country has been paralyzed, the promises of improvement in consequence of certain financial legislation not having been realized; and

Whereas we see ourselves and others deprived of the means of livelihood by reason of threatened revision of tariff laws, under which we had been so prosperous, and by the continuance of which, without prospect of change, we feel assured that all business would be restored to its former prosperous condition; and

Whereas the wages of labor in this country under unassailed protective custom laws have been fully twice that of the highest in any other country; and

Whereas any reduction in the customs duty on any article manufactured or produced in this country means a corresponding reduction in the wages of labor employed in its manufacture or production; and

Whereas in our free country the interests of one class of workmen are the interests of all; and

Whereas we believe that all laws framed by our representatives should be for the benefit of their constituents, the people of the United States, and not the people of other countries: Therefore,

Resolved, That we, the authorized representatives of millions of American workmen, without distinction of party, hereby respectfully demand of our