SENATE.

WEDNESDAY, *July 20, 1892.*

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

The VICE-PRESIDENT resumed the chair.

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 agreed to the amendments of the Senate to the bill (H. R. 3310) for the relief of Jerome H. Biddle.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 5446) to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians;

A bill (H. H. 8533) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 8579) to incorporate the Petworth, Brightwood and Takoma Park Railway Company of the District of Columbia; and

A joint resolution (H. Res. 108) extending the time in which certain street railroads were compelled by act of Congress approved August 6, 1890, to change their motive power from horse power to mechanical power, for one year.

The message further announced that the House had passed the following bills:

A bill (S. 1793) to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office;

A bill (S. 3011) to amend "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891; and

A bill (S. 3454) fixing the time for holding the circuit and district courts in the district of West Virginia.

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

A joint resolution (H. Res. 102) requesting the loan of certain articles for the World's Columbian Exposition; and

A joint resolution (H. Res. 105) authorizing the Secretary of the Interior to prepare and send to the World's Columbian Exposition models, drawings, etc., prepared or invented by women.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 8533) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

A bill (H. R. 3971) to provide for the opening of alleys in the District of Columbia;

A bill (S. 3415) to remove the political disabilities of William S. Walker, of Atlanta, Ga.;

A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes; and

A joint resolution (S. R. 46) providing for an investigation relative to the "slums of cities."

SATURDAY BANK HALF HOLIDAY.

Mr. FAULKNER. I ask unanimous consent that the votes by which the bill (S. 3418) making Saturday a half holiday where banks and bankers so elect was ordered to a third reading and passed may be reconsidered, for the purpose of correcting a typographical error on page 2, in line 33, where the word "occur" should be "incur."

The VICE-PRESIDENT. The Senator from West Virginia moves to reconsider the votes by which the bill named by him was ordered to a third reading and passed, for the purpose of making an amendment thereto.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is before the Senate, and the amendment proposed by the Senator from West Virginia will be stated.

The CHIEF CLERK. On page 2, line 33, after the word "nor," strike out the word "occur" and insert "incur;" so as to read:

Nor incur any liability.

The amendment was agreed to.

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

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of the Unity Republican Club of New York, in regard to the imprisonment in England of Dr. Thomas Gallagher, and praying that steps be taken for his release; which were referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Nogales, Calabasas, Sonoita, Tumacacori, Huebabi, and surrounding counties in Arizona, praying for the passage of the pending amendment to the bill establishing the Court of Land Claims; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

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

A bill (H. R. 6562) granting a pension to William Colvill, of Minnesota;

A bill (H. R. 9018) granting a pension to Mrs. Margaret Brackett;

A bill (H. R. 4034) to increase the pension of John D. Prator;

A bill (H. R. 3203) granting a pension to Nancy Campbell;

A bill (H. R. 4946) to grant a pension to Anna Torrence;

A bill (H. R. 6302) to increase the pension of Louis Badger, late of the Fourth Indiana Cavalry;

A bill (H. R. 5518) to pension Reuben Riggs;

A bill (H. R. 1002) granting a pension to Louis Heninger, of St. Louis, Mo.; and

A bill (H. R. 4945) to restore Cynthia E. Brinneman, formerly Tate, to the pension roll.

Mr. VILAS. I am instructed by the Committee on Claims, to whom was referred the bill (S. 1119) for the relief of Hiram W. Love, to report it adversely. I am requested to state that the Senator from Kansas [Mr. PERKINS] and the Senator from Montana [Mr. SANDERS] desire to submit views of the minority upon the bill. I ask that the bill may go upon the Calendar with the adverse report.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRIS. The Committee on Epidemic Diseases, to which was referred a vast number of petitions in favor of prohibiting the manufacture and sale of cigarettes, direct me to report the same with a written report, in order that the petitions may go upon the files and the report be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3253) granting a pension to Martha R. Hitchcock, reported it with an amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, submitted a report to accompany the bill (S. 3235) to provide for the establishment, protection, and administration of public forest reservations, and for other purposes, heretofore reported by him.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 3462) granting an increase of pension to John G. Powers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a joint resolution (S. R. 102) to provide for the construction of a wharf as a means of approach to the monument to be erected at Wakefield, Va., to mark the birthplace of George Washington; which was read twice by its title and referred to the Committee on the Library.

RELATIONS OF GOLD AND SILVER.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. A resolution by Mr. GIBSON of Louisiana, requesting the Secretary of the Treasury to report to the Senate certain information relative to the payment of customs duties and in relation to the currency system of the United States.

Mr. GIBSON of Louisiana. I ask that the resolution may go over.

The VICE-PRESIDENT. The resolution will go over.

PUYALLUP INDIAN RESERVATION LANDS.

Mr. WARREN. Mr. President, in pursuance of the notice given last week, and again yesterday, I move to take up the bill (S. 2529) providing for the irrigation and reclamation of arid lands, for the protection of forests and utilization of pasturage, and for other purposes, on which I wish to submit some remarks.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. ALLEN. Will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. I desire to say for the benefit of the Senator from Washington that I am aware he has a special order for half past 12, and I am also aware that I shall not be able to conclude the remarks I seek to make until then, but I desire to use the intervening time, unless the Senate may otherwise direct, giving way of course to the special order that was made by the Senate yesterday.

Mr. ALLEN. If it is agreeable to the Senator from Wyoming he might proceed until half-past 12; but I supposed he did not wish to be interrupted in his remarks before their conclusion. My impression is that if the special order can be taken up at once we may conclude it in half an hour or so.

Mr. WARREN. If the special order can be taken up at once, I will say to the Senator that I will yield the floor, and at its conclusion I shall call up the bill I have indicated.

Mr. ALLEN. Then I move that the Senate proceed to the consideration of Senate bill 3056, which was fixed as a special order for half past 12 to-day.

The VICE-PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 3056) giving consent of Congress to the removal by the Legislature of the State of Washington of the restrictions upon the power of alienation of a portion of the lands in the Puyallup Indian Reservation, upon certain conditions therein contained.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Washington that the Senate proceed at this time to the consideration of the bill the title of which has just been read, instead of waiting until half past 12 when the Senator from Washington will be entitled to the floor upon the bill by order of the Senate.

The motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and will be read.

Mr. CALL. I gave notice yesterday morning that this morning at the close of the routine business I would ask the indulgence of the Senate to submit a few observations on the resolution introduced by the Senator from Indiana [Mr. VOORHEES] and resolutions introduced by other Senators relating to the Homestead affair. The Senator from Washington [Mr. ALLEN] made a personal appeal to me to allow him to proceed with the bill which has just been taken up, and in deference to his wishes I have agreed to postpone calling up the resolutions until the conclusion of his observations upon the pending bill.

The VICE-PRESIDENT. The bill has been heretofore read at length, as in Committee of the Whole, the Chair is informed.

Mr. ALLEN. Before offering an amendment by way of a substitute for the bill, I wish to make a few remarks to the Senate in order to make clear the position I take in regard to the measure. I will say that under almost any circumstances it would be with the greatest diffidence and embarrassment that I should seek to differ upon the floor of the Senate from the members of the Committee on Indian Affairs. I should have no hope under ordinary circumstances that the Senate would follow the views that I advance in preference to a bill reported from that committee. But the circumstances are such that, notwithstanding my great deference to this committee and its individual members, I am constrained to move the amendment by way of a substitute which I shall offer to the pending bill.

I feel that the Legislature of my State has given me specific instructions in this matter, and no difference what my views might be it would be my duty to yield obediently to the wish of the Legislature of the State. But happily for me my views are in line with those expressed by the Legislature. I know that the instruction of the Legislature will not and should not be controlling upon other members of this body except so far as it exerts a persuasive influence, to cause Senators to give their consent to a character of legislation in a particular State affecting that State alone, in accordance with the wishes of the people and of the Legislature of the State.

The Legislature of the State of Washington, on the 22d of March, 1890, enacted a law in which it set forth the provisions of the treaty with the Puyallup Indians and the compliance which had been made with its respective conditions, and closed the preamble by the recital which I shall read. Statutes of the State of Washington of 1889–'90, page 500:

> Whereas all the conditions now exist which said treaties contain and which make it desirable and proper to remove the restrictions in respect to the alienation and disposition of said lands by the Indians, who now hold them in severalty: Now, therefore,
>
> *Be it enacted, etc.*
>
> All deeds, conveyances, incumbrances, or transfers of any nature and kind executed by any Indian, or in any manner disposing of any land or interest therein shall be by deed executed in the same manner as prescribed for the execution of deeds conveying real estate, or any interest therein, except that the same shall in all cases be acknowledged before a judge of a court of record. In taking said acknowledgment, the said judge shall explain to the grantor the contents of said deed or instrument, and the effect of the signing or execution thereof, and so certify the same in the acknowledgment, and before the same shall be admitted to record shall duly examine and approve the said deed or other instrument.

The State of Washington, with due deference to Congress, made the following provision in the act:

> That this act shall take effect and be in force from and after the consent to such removal of the restrictions shall have been given by the Congress of the United States.

So far as the Legislature of the State of Washington is concerned, these lands are to remain in their present restricted condition up to the hour that Congress gives its consent to their alienation.

The Legislature of the State of Washington enacted that law upon the petition of every individual member of the Puyallup Indian tribe. They sought this legislation at the hands of our State Legislature. In addition to that, I have the petition of the county commissioners of the county in which this reservation is situated, a county of 65,000 population, setting forth with great clearness, urgency, and with justice to the Indians, the propriety and necessity to the whites for the unconditional removal of the restrictions imposed upon the title of the lands of these Indians. More than that, I have presented to the Senate a petition of the city government of the city of Tacoma, a rapidly growing city of over 50,000 energetic, enterprising people, situated near this reservation, whose material interests are directly affected by the incubus that is placed upon these lands; and also the petitions of large numbers of citizens of that county, all asking the unconditional removal of the restrictions upon the title to these lands.

Mr. President, with that attitude of the Legislature of the State of Washington, reaching the conclusion that the time has ripened when these restrictions should be unconditionally removed from these lands, when the entire people of the county have called for the same thing, I have no other course to pursue before the Senate than to insist that this request of the State of Washington and the people of the community directly affected should be respected. The Indians have unanimously made the same request.

The Puyallup Indians are a remarkable tribe of Indians. In 1854 this treaty was entered into between them and the United States. In that early day, when perhaps there were not a half dozen schoolhouses in the Territory of Washington, Congress entered into this agreement. It found them even at that early time superior to most Indians in their self-reliance, capacity, and attainments. The provisions inserted in that treaty show these facts. The treaty shows that they were a tribe of Indians who wandered far into the interior, who owned horses, who traversed the mountains, who ranged far and wide through the forests, hunting and fishing. It shows that these Indians were navigators, because in this treaty a stipulation is entered into by which the Indians undertake that they will not go to the far north and trade in the British Possessions, but will confine their trade to the United States.

I say, Mr. President, it bespeaks a great deal of capacity on the part of these Indians, even in the early year of 1854, that the Congress of the United States required them by treaty stipulation to agree that they would not go more than a hundred miles distant down the Puget Sound and across the Straits of Fuca in their canoes to trade with the subjects of the British Government. They had been brought in contact with the whites from the early part of this century. From the time the Northwestern Trading Company went into this region, and was succeeded by the Hudson Bay Company, these Indians had been in constant contact with the whites and had in a measure adopted their habits, and now in 1854, finding the Indians in this condition, this treaty was entered into.

Among other things, the United States undertook that it would furnish certain educational facilities to these Indians; that it would give them a farmer, teachers, a smithy, a blacksmith, and a carpenter; that it would give them missionaries, and also a physician; and the treaty stipulated further that the Government would pay them $32,500 in installments, the last of which would terminate in twenty-five years.

In pursuance of these agreements, although those Indians within six months after entering into the treaty went off upon the warpath and killed a number of white settlers, the Government magnanimously overlooked that and at once entered upon the execution of the treaty. It at once placed this class of educators, of trainers, of instructors, of helpers among the Indians and has kept them there conscientiously from that day until this. So, as early back as the year 1871, and I call the particular attention of the Senate to it, the agents in reporting upon the condition of these Indians say they have nearly all adopted the habits of the whites; that they wear their dress and that they have assumed their ways; that they have their separate and distinct homes.

Years later, in 1881, the Government in reporting upon the condition of these Indians says that for twenty-one continuous years they had had schools upon their reservation. As early as 1875 or 1876 the Government reports that more than three-fourths of these Indians had been married according to the laws of the Territory and the usages of the churches, and certificates and records of their marriages were preserved. In the year 1885 or 1886 the agents representing this agency report to the Government that more than three-fourths of the growing population of this Indian tribe were educated, and were better prepared for the duties of citizenship than one-half, and the more intelligent half, of the foreigners who came to this country.

This is the status of these Indians, a class of Indians superior to the Indians of the plains, far superior to most of the tribes of Indians, entering into a treaty with the United States nearly forty years ago, and from that day to this continuously and in good faith the Government of the United States placing a large force of agents upon their reservation, educating, and training, and developing them, giving them facilities in education that no other community in the Territory of Washington has possessed. When in those early days three months of school in the year could not be given to the children of the settler, these Indians were instructed the whole year through. For twenty years they have adopted the habits of the whites, so that the Indian upon this reservation must be more than 30 years of age who can remember the time when the people of his tribe did not pursue the methods and adopt the course and live after the manner of the whites.

Since the year 1875 these Indians have been entirely self-dependent aside from the educational advantages that Congress has conferred upon them. Since 1875 the Government has not expended one farthing for their subsistence. In the year 1871, under the provisions of their treaty, having asserted their individuality, having advanced in intelligence, having acquired the desires and purposes and the aims of the whites, they wanted their separate property. They wanted the stimulus of individuality and the incentive that comes from the accumulation of property. So as early as 1871 these Indians besought the Government that it would allot their lands so that they should have their separate and distinct and personal holdings. In obedience to that petition the lands were allotted; the Indians were placed upon them, and each given his homestead and a place for his cultivation; and this arrangement, made through the Government agencies, was confirmed by the survey of their lands and the formal allotments made in the year 1874.

Mr. MITCHELL. If the Senator will allow me, I wish to inquire whether citizenship has been conferred upon these Indians?

Mr. ALLEN. I intended to come to that in a moment. They are citizens of the United States as fully as any member of the Senate to-day, and exercising every right and privilege and function of citizenship. But I am dealing with them now as Indians. In 1874 these lands were severally allotted to them. They went upon their separate homes. By the report of the agents, as early as 1876, it is clearly shown they had entered into the marital relation agreeably to the laws of the State or Territory, the records of which have been preserved, as in the case of the whites. They had their separate abodes, their separate habitations, and they pursued their course in life just as the other people of the community. So they went along until the year 1886, when, in pursuance of the provisions of their treaty, the President of the United States caused patents to be issued to them for their respective allotments.

In the year 1887, by virtue of the DAWES act, every Indian upon this reservation was made a citizen of the United States, and it was declared that each of these Indians, having received a patent to his land, thereby become a citizen of the United States and of the State or Territory in which he was located, with all the rights, privileges, and immunities pertaining to citizenship. From that day forth the Indians have been exercising all the privileges, rights, and immunities of citizens in the Territory and the State of Washington.

Either fortunately or unfortunately—I say unfortunately, if the view of this committee obtains—unfortunately for these Indians the right of citizenship was conferred upon them, because by giving them citizenship and liberal education you gave them the desires and the ambitions and the purposes that come of education and citizenship. From the time they became possessed of this power, like all other persons having it, they desired to exercise it, and from that day forth they have claimed, among other things, the right to alienate and dispose of their lands, and under that claim they have made numerous attempts to sell and convey these lands.

Now, I come to deal with this question, embarrassed as it is by the fact that the Government of the United States conferred citizenship upon these Indians. The Congress of the United States said to us in the State of Washington, "It makes no difference what your wishes or what your purposes are, we have reached the conclusion that these Indians are educated, that they are civilized, that they are advanced, and that they are capable of exercising all the functions and privileges of citizenship, and without your consent we place them as citizens in your Commonwealth exactly upon an equality with every other citizen." We say to the State that these Indians are sufficiently advanced to elect a governor of the State of Washington; we say they are sufficiently advanced to vote for the justices of the supreme court and the judges of the superior court; we say they are sufficiently advanced to elect the legislators of the State and to elect a Representative to the Congress of the United States.

And yet, Mr. President, although it is said to us by Congress that these persons are capable of exercising all of these high functions—the highest that can be conferred upon human beings—and that they shall exercise them without hindrance or restraint, and as freely as any of the citizens of the State, when you come to the question of whether or not they shall dispose of a portion of their property, you say call a halt. Such a responsibility is too grave to be exercised by him. He can not sell an acre of land. Why? Because he is an Indian; because he would fritter away his property; because he has a lack of capacity; but he can vote for governor, he can vote for justices of the supreme court, and all your State officers. Why? Because he has the capacity and has the education and the training and the civilization and the advancement for all political and civic purposes, but not sufficient to control his own individual property.

I say it is unfortunate for the Indians, if they are to be treated in the manner this bill proposes, that they have had any ideas of liberty and of citizenship instilled in their minds. Up to the time of the enactment of the Dawes bill these Indians had no individuality; they were but members of the tribe; they were the wards of the General Government—the domestic subjects of the nation; they were dealt with by the Government of the United States as the Great Father; and every provision which enters into that treaty was made upon the basis of their utter incapacity; but when you made them citizens of the United States, and gave them every right that you gave to every other citizen, they have interpreted it that one of the rights of citizenship is the right of the disposition of property; and by the conference of that right you have suddenly and forever wiped out every vestige of racedom or Indianship in their case. You may make a citizen out of an Indian, but you can not make an Indian out of a citizen. It is for the Government to determine whether it will confer this great boon; but, having conferred it, it can not be recalled.

The Indians being in this position, have expressed a desire and asserted the right to deal with their property as other citizens. Although they have been upon this reservation for nearly forty years, it is a fact that but 1,800 acres of the reservation have been nominally cleared; it is a fact that if either the Senate bill or the substitute I propose to offer should be enacted into a law, these Indians would retain beyond the power of alienation and free from all taxation nearly 5,000 acres of their land, more than three times the quantity they have cleared in almost half a century. So then if they make the same progress in the next half century that they have in the past, you can expect that they will no more than clear and utilize 5,000 acres. That is left untouched both by the bill of the committee and the substitute which I propose to offer.

Mr. President, I have offered a substitute bill, which proceeds directly in the line of the treaty. The treaty entered into with these Indians in 1854 provided that after these lands were patented to them, they should remain inalienable, and should not be subject to sale or execution or forfeiture until such time as the Legislature of the State in which the reservation is situate should pass a law removing those restrictions, to which Congress should assent. The power and authority to remove restrictions was all given to the State, Congress reserving only the right of assent or dissent. Why should Congress now attempt to wrest this power conferred on the State under the guise of consent?

I think if citizenship had not been conferred it would have been an undisputed question that Congress could keep the Indians in this status just so long as it saw fit to withhold its consent from alienation; but having made them citizens, as I say, they have received the impression, and many lawyers are of the opinion, that the restraint on the power of alienation is removed, and that they have the right to dispose of their property.

Mr. MITCHELL. The proposition, as I understand, is not that Congress should remove the restriction, but simply permit the State to do it.

Mr. ALLEN. That is all. The province of Congress is not to remove restrictions—it conferred that on the State—but simply to consent, or refuse to consent to the removal by the State.

My bill, as I say, takes the treaty up and follows its lines precisely as entered into between the United States and the Indians in 1854. The Legislature of my State says the time has arrived in the contemplation of that treaty when the restrictions should be removed upon the right of alienation of these lands by the Indians, and it has passed a law permitting the Indians to convey their lands, provided Congress consents, and I have placed before the Senate a bill providing that Congress shall give its consent.

As to the difference between my substitute bill and that of the committee, the committee's bill proposes to treat these Indians as having no control whatsoever over their lands. It says if any Indian wishes to sell or dispose of any part of his land, he shall make a petition in writing to the local Indian agent, that the local Indian agent shall forward that application to the Interior Department, that the Interior Department shall appoint commissions, that those agents shall go out and make an appraisement of the land, that after the appraisement is made, then the land shall be put up and sold at public auction and shall not be disposed of for a price less than the appraisement, and if it fails to bring the price, it shall not be sold; and it then goes on to provide as to the manner of sale. It wipes out all contracts which have been made by any of these Indians. It makes all the costs that may grow out of this cumbersome procedure, a first mortgage lien on the property of the Indian, and unless he submits to such a renunciation of proprietorship his lands can not be sold.

I wish to say of that bill that it is absolutely objectionable to the Indians and to the people. It is objectionable for this reason: The Indians claim that it is taking the entire control and disposition of their property out of their hands, something that would not be done with any other citizens of the United States; and, in the next place, it is dealing with these properties by agents of the Government 3,000 miles away from the scene. We tried the experiment of a commission. Congress said: "Let us have an agency; let us have a commission; let us make these matters plain." A commission was appointed by the selection of the President and of the Interior Department. It went out at an expense of $10,000 to the United States, and made its report, which is totally unsatisfactory to everybody. No one is satisfied with it from the committee down to the Commissioner of Indian Affairs, including the Indians upon the reservation.

Now, I say you have the same danger in dealing with this matter again. You come directly in face of the will and the wish of the Indians, and you submit the property of that country to all the contingencies and delays and disadvantages which operate in a system of this kind. You at once throw these Indians in conflict and in litigation with those with whom they have been making contracts.

I propose to deal fairly with the Indians and justly with the whites. I propose to ask Congress to give its consent to the alienation of a certain portion of these lands of the Indians. Five thousand acres of their land remain totally unaffected by this bill; their homes, which have been selected by the Interior Department and upon which all their improvements are placed, where all of them have their abode, where everyone can be secure in a holding that has been marked out and separated. These lands are not included in this bill, and for these lands there is no consent asked for alienation. They remain as they now are, and not even subject to the law of taxation. It is for the remainder of the land that I propose that Congress shall give its consent to alienation.

The ground I take is this: It is not for Congress to say whether or not these contracts are valid. I do not know that they are valid; I am not here claiming that they are; I am not here contending for the upholding of a single one, but I am simply asking that from the date of the passage of this bill Congress give its consent to the alienation of these lands, leaving the parties concerned to the courts and to the law to determine whether or not the contracts and dealings with the land made in the past are right or wrong, whether their contracts are valid or not. I am asking of Congress that it give its consent to an alienation by the Indians of about two-thirds of this reservation, that portion entirely away from their residences and homes and from the portion they have improved since entering into this treaty.

The Indian Committee agree with me to that extent. We have no dispute as to the lands that should not be alienated. We are also agreed, I think, that all the rest of the lands should be alienated, that the interests of the whites demand this, that this reservation is so situate towards the city of Tacoma, reaching out across the valley some 4 or 5 miles in width, and extending up some 5 or 6 miles in such a way that there is no ingress to or egress from that city, except across this reservation. To-day the State of Washington is in this humiliating position, that it can not give a right of way to a street railway or to any thoroughfare of any kind to get in and out over this reservation except by coming here as an outer province of the British empire goes before the British Parliament.

That city is so situate that all of the farming lands, all of the county, all of the towns, away from the city of Tacoma, lie across this reservation, that the food upon which the people of that city are fed, their vegetables and the fruits, and the things that sustain them coming from the gardens, have to pass this reservation, as a wall of 4 or 5 miles intervenes between the city of Tacoma and every town and village and farming district of the county of Pierce.

Mr. MITCHELL. I ask the Senator right there how near to the boundaries of the city of Tacoma as laid out is this reservation?

Mr. ALLEN. Mr. Eells in his report says from 1 to 2 miles. In fact, however, it reaches up to or very near the boundary.

Mr. President, there is the situation. There is not a laboring-man, there is not an artisan, there is not a workman in the city of Tacoma, that active metropolis, that busy place of commerce and industries, but is having to pay tribute to these six hundred Indians for the vegetables that go upon his table and the fruits he consumes. There is no way of getting to the farming and garden lands beyond except by going across this reservation. Every 19 out of 20 acres of which should be devoted to the purposes of culture of garden-truck lands for the support of the population of this, a city of between fifty and sixty thousand people, but is practically in the same condition as when Columbus discovered America.

Except so far as the cutting down of a few trees here and there by the Indians, it is a wilderness; it has no roads; it is a jungle; and from $150 to $200 per acre is required for its clearing and cultivation. The Indians are utterly unable to cope with this great task. As I say, in nearly forty years they have only cleared about 1 acre in 20. They have no roads. The county of Pierce has had to tax itself $63,000 for the purpose of making roads over these difficult countries, and has expended $23,000 in making a road across this reservation, not one dollar of which have the Indians contributed.

In view of that situation, in view of the fact that the Congress has made citizens of the Indians, that they believe they have the right to alienate their lands and have attempted to do so, in view of the fact that able lawyers have so instructed them and others have contended that they had the right to renew perpetually the lease of two years, which is provided for in the treaty, and in view of the fact, which is indisputable, that if they violate their contract they may be sued in the courts, and thus the whites and the Indians thrown into collision and controversy with each other, I ask simply the consent of Congress—provided in the treaty—be given and all parties be left free. I ask this and this alone. I have sought no confirmation of any contract. I have placed an express provision in the bill which I shall send to the Secretary's desk, providing that nothing contained in this act shall be construed as affecting any contract heretofore made.

I propose to leave these Indian citizens and the white citizens precisely where they have placed themselves. If these contracts are void they ought not under any circumstances to be enforced, and they can not be. If it should turn out that they are valid contracts, the Congress of the United States does not wish to throw the Indians and the whites into inextricable confusion and disadvantage; it does not wish to tie these lands up in litigation and cast a shadow over the title, which can not be removed until ultimately a decision of the Supreme Court is obtained.

That means, Mr. President, the tying up of these lands for the next five or six or seven years; that means the compelling of a population of 60,000 people in the city of Tacoma which will then be more than doubled to carry these Indians on their backs during all these years; it means that this community shall be subjected to all of these disadvantages, that this great and ambitious city shall be shackled and retarded in its growth. It means that these Indians, who have not conferred the value of a dollar upon these properties, but who have sat there during these years with their property exempt from taxation, who have constantly received the reflex value upon their property from the energy and enterprise and the thrift of the people who went upon the shores of that bay to establish this city shall, against their own wills, work this public wrong. Without the lands embraced in this bill these Indians are wealthy compared with most farming communities. Why confer riches upon them they do not need? Must they be denied the control over this portion of their property, coerced into strife and litigation, and the interests this city prejudiced and its people made to bear the burdens that must result from the nonuse of these lands?

As I say, I want to do exactly what is right by these Indians. I want them to have their homes and have them free from alienation. I am willing for that, but as for the rest of the land, I ask that Congress give its consent and that it leave these white

citizens and these Indian citizens to the law, and let the courts of the country deal with them. If their contracts are void they have the agents of the Government and they have the competition of purchasers around them to advise them that the contracts are void; but if they are valid, and Congress attempts to wipe them out of existence and to run roughshod over both the Indians and the whites, confusion inexplicable and injury irreparable is inflicted.

I say let what I have proposed be done. Let the Indians and whites stand before the law. If the contracts are void, which they may turn out to be—and I am indifferent upon that subject—let them go out of existence; if they are valid and the Indians have not been overreached and have no proper defense to make against them, let them stand. Doing that, Mr. President, you deal justly by all classes of people.

I send to the Secretary's desk and ask to have read the amendment which I propose as a substitute for the bill reported by the committee.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That the restrictions heretofore removed by the Legislature of the State of Washington upon the power of alienation of lands of the Puyallup Indians, impressed upon their title by article 6 of a treaty made between the United States of America and said Indians, bearing date of the 26th day of December, A. D. 1854, be, and the same is hereby, consented to by Congress, and Congress does hereby consent to the disposition and alienation of lands by said Indians as provided in an act of the Legislature of the State of Washington entitled "An act enabling the Indians to sell and alien the lands of the Puyallup Indian Reservation, in the State of Washington," approved March 22, 1890: *Provided*, That this act shall not apply to that portion of the reservation of said Indians designated as being embraced within the heavy black lines on a map of said reservation accompanying the report made to the President of the United States by the Puyallup Indian Commission, dated March 11, 1891, and being more particularly described as the east half of section 2, sections 1, 11, 12, the north half of section 13, all those parts of section 10 within said reservation, and all that part of section 3 inside said reservation and lying south and westerly of the Puyallup River, the whole of said lands being in township 20 north, of range 3 east, of the Willamette meridian; also, sections 7, 17, all of section 18 (excepting the west half of the so uthwest quarter and the southeast quarter of the southwest quarter); all of section 6 (excepting the northeast quarter, the northeast quarter of the northwest quarter, and the northeast quarter of the southeast quarter), and the west half of the northwest quarter and the west half of the southwest quarter of section 8, all in said township 20 north, of range 4 east, of said meridian, except to the extent of subjecting the same, or any part thereof, to condemnation for such public uses and under such proceedings as are now or hereafter may be prescribed by the Legislature of the State of Washington: *And provided further*, That in case of the alienation of any of said lands by any Indian owner or owners, a nontransferable vendor's lien, having priority over and precedence to all other liens and incumbrances, shall attach to such land in favor of the vendor or vendors, and his or their heirs, with full notice of which all persons shall be charged: *And provided further*, That nothing in this act contained shall be construed as affecting any sale or contract for the sale of any lands heretofore entered into by any of said Puyallup Indians.

Mr. PLATT. Mr. President, given a part of an Indian reservation and a large city next to it, and we can easily understand the anxiety to obtain the Indian lands, and we can easily understand the meaning of the plea of recognizing the full rights of citizenship of an Indian for the alienation of his land. It means that some white people want to acquire the land, and want it badly.

Whether Congress ought in any sense to try to protect the Indian against an unfair advantage on the part of persons who desire to obtain his lands, is a question for the Senate to determine; but I can not understand how this claim—this plea of citizenship for the Indian—makes it incumbent upon Congress to remove every restriction in the path of the alienation of his land, for that is the plea upon which the case is put here.

The argument followed out would reserve the restrictions which have been placed upon the lands allotted in severalty under the Dawes act where the lands are made unalienable for twenty-five years. "Oh, but they are citizens," the Senator says, "and it is a humbug and a delusion to make them citizens and not clothe them with the full rights of American citizenship, one of which is the alienation of land. Away with the restrictions contained in the Dawes act, in order that the Indian may be a citizen with all the rights of the white citizen." So with regard to these lands, there are restrictions upon the alienation of them, restrictions in the patents which were issued to the Indians, but away with them in order that the Indian may have the full rights of a white man!

Well, if that is the plea, if that is the ground upon which Congress is going to deal with the Indians, if we are doing the Indians such an immense wrong, doing his citizenship such an immense wrong when we say that there shall be some restriction upon his power of alienation, then let us go the whole length and remove it altogether. Why not remove it as to these additional lands? The city of Tacoma did remove it as to all lands in this reservation; but the Senator from Washington [Mr. ALLEN] himself is not so carried away with this idea of extending to the Indians the entire right of citizenship which is accorded to a white man as that he thinks it best to remove these restrictions from 5,000 acres of this reservation, but only from that portion of the reservation which the citizens of Tacoma, either from necessity or from the spirit of speculation, have cast greedy eyes upon.

So, Mr. President, it seems to me the ground upon which this case is put falls at once, and we may as well come to consider the real thing which is in this case, and that is whether, having the power to see that the Indian gets a fair price for these lands which are to be sold, we ought to exercise that power, or whether we ought to turn him over to the tender mercies of real-estate speculators in Tacoma, who have already obtained contracts out of him which they hope to enforce after the restriction upon the power of alienation shall be removed.

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

Mr. PLATT. Yes.

Mr. ALLEN. I do not wish to disturb the Senator, but the question I wish to ask is this: The State of Washington making a law that it expressly declares shall not go into effect until such time as Congress gives its consent to it, whether or not any contract made before that time with the Indians, the question of citizenship not coming in, could be anything else than null and would fall of its own weight?

Mr. PLATT. Well, Mr. President, there is a very active and ubiquitous lobby about this Congress, which believes that those contracts can be enforced and the Indian Committee have had to meet that lobby at every step in coming to a conclusion with regard to what Congress ought to do in relation to this matter. The State of Washington has indeed, so far as it can, consented to the removal of the restrictions upon the power of alienation of this entire Indian reservation, including that portion of it which the Senator from Washington is now willing to secure to these Indians for homes, but the State of Washington had no power to do it except by the consent of Congress, and what it has done is of no effect whatever except as it may be consented to by Congress. The treaty especially provides that these restrictions shall not be removed by the State until the consent of Congress is given.

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

The VICE-PRESIDENT. Does the Senator from Conneticut yield?

Mr. MITCHELL. If the Senator does not wish I shall not interrupt him.

Mr. PLATT. I shall be longer in getting through my statement of the case. I have no objection, however, to an interruption.

Mr. MITCHELL. In view of the fact that there is a reservation originally in the treaty with the Omahas and subsequently in the treaty with these Indians and in the act of Congress, that the States respectively might have the right, subject to the consent of Congress, to remove these restrictions on the right of alienation, should not some consideration, at least, be given to the voice of a State after it has spoken on that subject through its Legislature?

Mr. PLATT. I think it should have a little——

Mr. MITCHELL. Was not the very purpose, in other words, of the reservation of this right to the State Legislature, if a peculiar case should arise, as in this instance, where Indians are located within the shadow of a great city, to enable the State to present to Congress reasons why in such an exceptional case the restrictions ought to be removed?

Mr. PLATT. I do not know that I ought to say that it would have been any more modest for the State to have passed a joint resolution asking the consent of Congress that it should remove these restrictions; but the State is in precisely the same situation, and this case stands precisely in the same situation that it would if we had a memorial from the Legislature of the State of Washington asking Congress to give its consent to the passage of a law by the State of Washington removing restrictions upon the power of alienation.

Mr. MITCHELL. If the Senator will allow me, in that case the State would be moving voluntarily upon its own motion, but in this case Congress itself has said the State might speak in the first instance.

Mr. PLATT. I am coming to that, and am going to read that before I get through.

Mr. President, one thing I admit, and there are only two questions in this case in the opinion of the committee. One is that that part of this reservation which lies immediately next to the city of Tacoma and in the direction of which it is natural the growth of the city of Tacoma should be extended ought in some way to be sold. That we all admit. The next thing is, ought Congress in consenting to that sale take any measures at all to see that the Indians get a fair value for the land? That is all there is in this case.

On the first proposition, that the land ought to be sold, the Senator from Washington and the committee are in accord. On

the second, that Congress has some remaining duty to see that he Indians get a fair value for their lands, we disagree.

He says, "No, Congress has nothing to do with it; it is nothing to Congress, nothing to the Government, whether the Indians get a fair value for this land or not; they are American citizens; and Congress, when it insists that they shall have a fair value for this land and takes any measure to insure that they get a fair value for this land, is hampering their rights as American citizens."

What is this case exactly, and what is the difference between the committee and the people of Tacoma? I may have to beg the indulgence of the Senate somewhat, for it is some time since this matter has been fresh in my mind. I do not think I shall make any misstatement of the condition of these lands. If I do, I shall be glad to be corrected. They were allotted to these Indians, but up to the 30th of January, 1886, had not been patented to them. The treaty with them provided that they should be allotted upon the same terms as lands were allotted to the Omaha Indians. In 1886 Mr. Cleveland issued patents in which he incorporated the conditions on which lands were allotted to the Omaha Indians, and I will read them:

Now know ye, that the United States of America, in consideration of the premises and in accordance with the directions of the President of the United States, under the aforesaid sixth article of the treaty of the 16th day of March, A. D. 1854, with the Omaha Indians, has given and granted, and by these presents does give and grant, unto the said Che-gay-lad or John Towallad, as the head of the family as aforesaid, and to his heirs, the tract of land above described, but with the stipulation contained in the said sixth article of the treaty with the Omaha Indians, and the said tract "shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution embracing such lands within its boundaries shall have been formed and the Legislature of the State shall remove the restrictions," and "no State Legislature shall remove the restrictions" * * * "without the consent of Congress."

That is the condition in which these lands are held. That being the title, some enterprising and shifty speculators of the city of Tacoma conceived the idea that they could fasten their grasp upon these lands by getting a contract with the Indians that the Indians would lease them to these persons for two years, and then agree in the leases to keep up the lease for two years successively until the restrictions should be removed, and then the title should go to the lessees. That is the condition of these lands.

I am inclined to read some extracts from one of these leases, which is given in the report of the Puyallup Indian Commission, Exhibit C, which recites that the Indians in consideration—

of the covenants and conditions hereinafter recited to be performed by said party of the second part, —— executors, administrators, or assigns as part of the consideration of the alienation and sale, have alienated, granted, bargained, and sold, and by these presents do alien, grant, bargain, sell, and convey unto the said party of the second part, —— heirs and assigns, for the full term and period of two years from the day of the date hereof, the following described premises, situate, lying, and being within the tract known and described as the Puyallup Indian Reservation, in the county of —— and State of Washington, particularly described as follows:

To have and to hold said tract, hereby sold or intended so to be with their appurtenances unto the said party of the second part, —— heirs and assigns forever, to and for, —— only proper use and benefit, subject, however, to the conditions and covenants herein and hereby imposed, and upon the express terms herein stated or intended to be stated, as the considerations of this grant, and at the termination of said term of two years if the Congress of the United States shall not have consented to the removal of the restrictions recited in certain letters patent, etc.

It is hereby covenanted and agreed by the said parties of the first part for themselves, their heirs, executors, administrators, and assigns, that the premises herein and hereby conveyed, or intended so to be, shall continue aliened, bargained, and sold unto the said party of the second part, and the title thereto shall remain in —— heirs and assigns, for the further period of two years upon the further condition that said party of the second part —— executors, administrators, or assigns pay for said continued alienation and sale to the said parties of the first part, their executors, administrators, or heirs, the further sum of —— dollars: And at the expiration of each succeeding term of two years thereafter the alienation and sale of said premises to said party of the second part or —— assigns shall continue upon the payment of an additional sum of —— dollars.

Then it goes on providing that when the restrictions shall be removed, this instrument shall operate as a final conveyance of the title of the Indians. That is the condition of all these lands; and it is notorious that in some of the instances with regard to some of the lands, the price paid and to be paid under these contracts is ridiculously inadequate. As to some of them it is claimed that a full value would be paid.

If, then, these contracts are to stand, some of these Indians are to part with their lands for a nominal consideration. The committee thought that that ought not to be, and the committee asks just this in its bill, that when an Indian wants to sell his land he shall make an application to the Secretary of the Interior for power to sell the land, and the Secretary of the Interior shall appoint appraisers. He might appoint appraisers for more than one tract at once.

The Indians might all make application to sell and the appraisers might appraise all the lands at the same time, and then the lands shall be offered for sale at public auction at the minimum of the appraised value. Could anything be fairer than that? What harm is there in that? What is the objection to it? It is said that it will somewhat delay matters. Is there, then, such hot haste to get these lands away from the Indians on these contracts, that nobody can wait until application can be made to the Secretary of the Interior and an appraisement be made and the lands be put up and sold? Is the city of Tacoma growing with such marvelous rapidity that its growth will be dwarfed and checked unless this can be done all at once on the passage of this bill?

Mr. ALLEN. I ask the Senator if it is not a fact that, although the bill which I read passed in the Legislature of the State of Washington in March, 1890, two years or more have passed and nothing has been accomplished by the creation of a commission going out there to deal with these matters?

Mr. PLATT. Yes, and there is a reason for it, and that is that the men who hold these contracts will not let anything be done except what will give them the lands at a contract price.

Mr. ALLEN. I wish to ask further——

Mr. MITCHELL. May I ask a question?

Mr. PLATT. One at a time.

Mr. ALLEN. I wish to ask one more question, and I will not interrupt further. I have not been contending for the legality of these contracts; but if it be true that the contracts are totally invalid and the Indians have had three or four years' notice of that fact, and have an Indian agent on the ground to advise with them and are proposing to sell these lands for a totally inadequate value, is it possible that in the light of those void contracts a hundred competing bidders would not come and tell the Indians, "You are selling your land too cheap; you are selling it for a small portion of its value; I will give you more"?

Mr. PLATT. Then I do not see why the Senator should object to the little time which might be required for an appraisement and sale of these lands at auction. If his theory is that other parties are coming in to bid for this land and go into a lawsuit with the contracting parties as to whether they can get a title to the lands, or whether they should be sold to the contracting parties, then the day in which Tacoma can run its broad streets over those lands will be much longer delayed than it would be by the plan which the committee have proposed.

I notice one thing in which the Senator from Washington is also insisting on the full right of citizenship of the Indian, and that is that he ought to be permitted to get into a lawsuit about these matters. I believe that is one of the rights of an American citizen, to get into a lawsuit.

Mr. ALLEN. No, although he is a citizen, I am trying to keep him out of a law suit.

Mr. PLATT. The Senator says he does not propose to do anything with these contracts; if they are void, let them be fought out in court between the persons to whom the contracts have been given and the Indians. Well, that would be a delightful business for the Indian; but I apprehend that if that is the remedy and if that is the care which is to be exercised over the Indian to see that he gets a fair value for his land, the man who holds the contract will get the land and the Indians will not defend a great many suits.

Mr. President, I do not know whether there is anything further that I ought to allude to. I do not desire to take up time unnecessarily in this matter, but I want to present this clean-cut question to the United States Senate: Will you consent as a Senate to remove these restrictions without in any way making an arrangement so as to secure the Indians a fair value for their lands? If so, adopt the bill of the Senator from Washington; if not, either adopt the bill of the committee or devise some other plan by which, to use plain, homely Anglo-Saxon language, it shall be impossible for these speculators to swindle these Indians.

Mr. VILAS. Mr. President, the distinguished Senator from Washington [Mr. ALLEN] occupies the position here necessarily of representing the sentiment and interest of the people in his State, and he has done so with vigor, with persistence, with that fidelity which belongs to his nature, his strength, and his honor. He presented this case to the Committee on Indian Affairs, and the substitute which he proposes to the bill of the committee is simply the bill which he originally introduced and which was referred to the committee, and which the committee unanimously believed they could not in the discharge of their duty report back to the Senate favorably.

The committee heard the arguments of the distinguished Senator, heard them pressed with all his ability, and heard them with the greatest of personal favor to him; and I wish to observe that in discharging the duty which is imposed upon me as a member of that committee, I feel a certain reluctance to occupy the attitude of antagonizing anything which so amiable a gentleman as the Senator from Washington desires, but this is a question simply of public duty, and the committee felt that they would be derelict in their duty if they did not deal with this question from that high standpoint which involves the honor of the United

States as the guardian, constituted by its own laws, of the rights and interests of these people.

Therefore the committee reported a bill which will accomplish, if it shall be enacted, every public purpose sought by the Senator from Washington and by the bill which he introduced, and which will prevent in the execution of the public purpose for public interests the injustice and iniquity, which the committee believe lie behind the bill introduced by the distinguished Senator, and now moved to be substituted for the bill of the committee.

As has been well stated by the distinguished Senator from Connecticut [Mr. PLATT], the question which is presented to the Senate is not a question of difference between the Committee on Indian Affairs and the Senator from Washington in respect to a public interest. There is no circumstance of the public interest, in my belief and in the belief of the committee, which will not be perfectly subserved by the enactment of the bill as reported.

Mr. President, I dislike to weary the Senate with protracted details, but I think it very important that the simple facts of this case should be exhibited to this body, and it can be done without very great elaboration.

Attached to Executive Document No. 34 of the Senate of this session is a map which exhibits the Puyallup Indian Reservation as it now exists, and also discloses the fact that it lies in juxtaposition to the city of Tacoma and stretches around the bay known as Commencement Bay, upon which that city is situated. This land becoming the property of the Indians in 1857, under a treaty with the United States, has remained their home from that time to this. But meantime a city, and now a great city, has risen up on the waters of Puget Sound, and it has happened that these Indians have attained to the advantage which has often followed the persistent holding of land by individuals in this country, that by settlement and the development of civilization their land has become very valuable. Let me observe that the precise object, as it seems to me, of the guardianship of Congress was to protect the Indians in securing to them the value of their lands which might accrue by their own steadfast holding of them.

It is said by the Senator from Washington that the situation of this reservation obstructs the entrance into Tacoma of railroads and of public highways; that it would be convenient, perhaps, to build out upon it street-car lines; and that therefore it is desired to enable the Indians to sell it. Granted. The committee's bill provides for selling the land. There is no difference between us in respect to that feature. But let us observe where the point is. It has already been indicated by the Senator from Connecticut, and perhaps fully enough stated. I desire, however, to repeat only briefly. In order to understand that, it is desirable to notice precisely the terms of the treaty under which these Indians hold their lands. It is the treaty of December 26, 1854, and I read from the Statutes, page 1133, only so much as relates to this point. Speaking of the power of the President in relation to these lands, the treaty reads:

> And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

On page 1044 of the same volume will be found that provision, which reads:

> And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed and the Legislature of the State shall remove the restrictions.

To which is added:

> No State Legislature shall remove the restrictions herein provided for without the consent of Congress.

Mr. MITCHELL. Will the Senator allow me to put a question right there?

Mr. VILAS. Certainly.

Mr. MITCHELL. I desire to submit this inquiry to the Senator from Wisconsin, whether it has been considered at all by the committee or by the Senator from Wisconsin himself. From what the Senator has just read it seems that by the treaty of 1854 with these Indians, the President of the United States, in his discretion, is to have these lands surveyed and allot them to the Indians, and to subsequently issue to them patents under such conditions and restrictions as are to be found in the treaty with the Omahas. The provisions of that treaty were to this effect: That there should be a restriction of the right of alienation until such time as the Legislature of the State might remove the restrictions, but that the Legislature of the State should not remove the restrictions without the consent of Congress.

Now, my question is this: These things having proceeded, not under the enactment, but under these treaties, and the Indians having gone on and had the lands allotted to them, patents having been issued to them in pursuance of these provisions which delegated to the State the right to remove the restrictions, subject only to the permission of Congress, has Congress now the right to remove the restrictions? In view of all these treaty stipulations, contracts made in pursuance of treaty stipulations, and patents issued to them in pursuance of the treaty stipulations, all pointing to the fact that the State, after it should be organized under a State constitution, should have the right to remove the restrictions, subject only to the consent of Congress, has Congress, after all that has been done, the right to remove these restrictions or to prescribe the terms upon which the State shall remove the restrictions? In other words, after all that has transpired is there anything left for Congress to do but to say to the State Legislature, "Yes, you can remove these restrictions," or "No, you can not"? Will Congress consent or will it not?

The Senator understands my point?

Mr. VILAS. Perfectly. Mr. President, that is not a new question, but one which was presented to the committee and carefully considered, and while I intended at a later point to address some observations to it, I am ready to answer the Senator's question now.

There must have been some reason why Congress reserved to itself concurrent power over these restrictions. It is more than a concurrent power with the State Legislature; it is a supervisory power. It simply provided, not that the Legislature of the State should have the power to remove the restrictions, but that they should not be removed until the Legislature of the State did it, and that the Legislature of the State should not do it except under the control of Congress, with the consent of Congress to its doing. Thus the action of two bodies became necessary—the action of the State Legislature, the local governing body, and the action of Congress, the Federal Legislature, and the natural guardian of the rights of the Indians.

Congress undoubtedly reserved the right to make this consent in order that it might keep the Legislature from doing what it deemed to be unjust. This power of Congress to impose qualifications or conditions arises from the simple principle that "the greater includes the less." If Congress has power to grant or to withhold consent, Congress has power to specify upon what conditions it is willing to grant its consent.

Mr. ALLEN. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. VILAS. With pleasure.

Mr. ALLEN. If that be the fact, why were there not imported into the statute words of this character, Congress shall give consent upon such conditions as it sees proper? If Congress was to look into the conditions and determine the character of the conveyance, why did it not provide that it should remove the restrictions? In other words, did not Congress turn the whole matter over to the State to say, "When the time has ripened so that you think these restrictions shall be removed, remove them?"

Mr. VILAS. Mr. President, to ask why somebody who was writing an instrument forty years ago did not use other or different words to express his meaning, is to ask a question, it seems to me, not at all likely to elucidate the point under discussion.

If it be true as a simple principle of law in the interpretation of contracts and treaties, that a consent to be given by the National Legislature is a thing which may be given upon such conditions as that legislature chooses to impose, there was no occasion to use any other words. The language employed perfectly carries with it all that is necessary to the case.

Mr. President, just let me ask a moment's attention to the value of these lands. I have shown the title upon which they are held. I read from the communication of the Secretary of the Interior to the President under date of February 6 last, with which he transmits to the President the report of a commission which had been appointed under a law of Congress to examine into the value of these lands, among other things. The Secretary says:

> As to the value of the lands, the plan adopted by the commission was a good one to obtain the average value of all the lands, and is no doubt approximately correct. But before any sale could be properly made of particular lots or parts of the reservation, a valuation should be made of each such particular tract or subdivision to be sold, for, as was stated in the instructions to the commission, some of the lands near the city are deemed worth $6,000 per acre. The water front alone has been estimated to be worth some millions of dollars.

"Wheresoever the carcass is," saith the old scripture, "there will the eagles be gathered together."

The Legislature of the State of Washington in 1890 passed a

law giving its unconditional assent to these Indians dealing with property of such value as this as they might individually see fit each to do with his own. Thereupon "the eagles gathered together," and contracts were made by individuals for, I think, every tract of land held in severalty, at least for nearly all of the tracts held in severalty by those Indians.

Mr. ALLEN. Will the Senator permit me? This is the fact: Contracts I find, according to the report, were made for some 9,200 acres of this land at the average price of nearly $79 per acre, which, if carried out for the twelve thousand and odd acres, would realize to the Indians $1,000,000 for the portion they propose to sell.

Mr. VILAS. I should like to ask the Senator from Washington to state right there whether or not those contracts do not embrace nearly every subdivision of this reservation which this bill proposes to permit to be sold?

Mr. ALLEN. I will state that in the reservation there are 18,062 acres of land; they are within what are known as the "heavy black lines," which are exempt from alienation under both bills, fifty-two hundred and odd acres; 598 acres coming down nearest the city of Tacoma, known as the agency grant, which have never been allotted, and some forty-six hundred and odd acres, the quantity of land the Indian Department found, constituting the homes of the Indians of the Puyallup Reservation. That is the quantity reserved that is not subject to either one of the two bills—fifty-two hundred and odd acres.

Mr. VILAS. Of less than 13,000 acres which might become available for sale over 9,000 acres have been contracted, then, within these particular boundaries?

Mr. ALLEN. That is correct; according to a table I find 9,200 acres, I think.

Mr. SQUIRE. Mr. President, I should like to ask the Senator a question.

Mr. VILAS. In one moment. I desire to ask the Senator from Washington [Mr. ALLEN] one other question: Are not the lands so embraced within the contracts already made the lands lying in the northern portion of the reservation and along the shores of Commencement Bay, going clear down to the agency lands?

Mr. ALLEN. I will answer the Senator. The lands are the lands that lie above what are known as the State harbor line lands. All the lands of the State of Washington lying between ordinary low-water and ordinary high-water mark belong to the State of Washington. That conclusion has been reached both by the Interior Department and by the supreme court of the State of Washington, agreeably to what I understand to be the Federal decisions. As the tide rises and falls between 14 and 15 feet on the average in Commencement Bay there is a strip of land, varying in width, extending from a few rods in width at the lower part or entrance of the bay up about a half or three-quarters of a mile at the head of the bay, and lying between the Indians' lands and the deep water, or ordinary low tide. That is the land of the State. Then, as was suggested by the inquiry of the Senator, the lands lying just north come down close to the water on one portion of the reservation and extend into the hills on either side. Some of the lands are very valuable.

Mr. VILAS. The Senator from Washington has answered my question, but in answering it he has introduced another subject which the question did not relate to, and that is the question of the title of the lands in that reservation between high and low water mark, they being subject to tide flow.

The State of Washington claims those lands entirely, he says. I wish to ask the Senator from Washington whether those lands within the lines of high and low water mark do not constitute a portion of the 13,000 acres of land which we have been mentioning as being part of the acreage of the reservation subject to disposition?

Mr. ALLEN. No, they do not; because these lands are all embraced within the meander lines of the high-water mark.

Mr. VILAS. Does not the tide rise above the meander lines?

Mr. ALLEN. The meander line is the line marking ordinary high water.

Mr. VILAS. I will ask the Senator this: Does not the tide rise beyond the meander line, and does not the State claim the lands to the extent that the tide rises?

Mr. ALLEN. The State claims the land up to the line of high-water mark. The surveys now aim to follow the meander line of the ordinary high-water mark.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (H. R. 7845) defining options and futures, imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. WASHBURN rose.

Mr. ALLEN. Will the Senator from Minnesota yield to me one moment? I wish to ask unanimous consent that after the routine business to-morrow this bill may be considered further.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Washington?

Mr. WARREN. I do not understand the request made by the Senator from Washington, but if it is in line of the agreement made yesterday, which takes from me the time I have asked, I shall feel compelled to object.

Mr. ALLEN. I ask that the consideration of the bill follow after the speech of the Senator from Wyoming to-morrow, instead of after the routine morning business.

Mr. HARRIS. I do not like to object to the request of the Senator from Washington, but I do think the morning hour ought to be devoted to the Calendar.

Mr. CULLOM. So do I.

Mr. HARRIS. And I do not think it ought to be consumed morning after morning by the consideration of bills that take hours to consider or by speechmaking. I think those things ought to come in after 2 o'clock. I will not interpose a formal objection, but I appeal to Senators to leave the morning hour to the Calendar.

Mr. PLATT. Let us dispose of this bill to-morrow morning.

Mr. HARRIS. I shall not object, but I regret that it is to be done.

Mr. MITCHELL. Of course my neighbor here, the Senator from Wyoming [Mr. WARREN], is able to speak for himself, but I want as his neighbor to put in a plea for him. He gave notice many days ago that he desired to address the Senate on an important matter which he has in charge and that time was fixed for yesterday. He was crowded out then, and again this morning.

Mr. PLATT. I understood the Senator from Washington to assent that the Senator from Wyoming should make his speech to-morrow morning.

Mr. MITCHELL. Yes; and I hope he will be permitted to go on to-morrow morning.

Mr. WARREN. I wish in this connection to renew my notice. I shall ask to-morrow, immediately after the morning business, the courtesy of the Senate for a few moments to present my views upon the bill which I called up this morning.

Mr. VILAS. I wish to interpose no objection to the earliest consideration of the bill the Senator from Washington has in charge, but I desire when it is heard to have the opportunity to present fully the views of the committee. It will not occupy perhaps a very long time.

The VICE-PRESIDENT. The Senator from Wisconsin will be entitled to the floor when the consideration of the bill is resumed. The Senator from Washington asks that to-morrow morning, at the conclusion of the remarks of the Senator from Wyoming [Mr. WARREN], the bill that was under consideration at 2 o'clock be proceeded with. Is there objection? The Chair hears none.

PETWORTH, BRIGHTWOOD AND TAKOMA PARK RAILWAY.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 8579, "An act to incorporate the Petworth, Brightwood and Takoma Park Railway Company of the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of Senate and agree to the same with an amendment as follows: On page 1 of the Senate amendment, strike out all after the word "midnight," in line 11; also strike out lines 12 and 13; and that the Senate agree to the same.

JAMES MCMILLAN,
ISHAM G. HARRIS,
B. W. PERKINS,
Managers on the part of the Senate.

JNO. J. HEMPHILL,
JNO. T. HEARD,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

DISTRICT STREET RAILROADS.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to joint resolution (H. Res. 108) "extending the time in which certain street railroads compelled by act of Congress approved August 6, 1890, to change their motive power from horse power to mechanical power, for one year," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same amended to read as follows: "That the time within which the street railroad companies availing themselves of the privileges granted by the act making appropriations to provide for the government of the District of Columbia, and approved August 6, 1890, so far as it extends to the Metropolitan Railroad, is hereby extended for one year from the date of the passage of this act: *Provided*, That so fast as the cars now building are equipped with storage batteries they shall be placed on the road: *And provided further*, That pending the change the present equipment of the road shall be put, kept, and maintained in good condition; and any failure to comply with any of the foregoing requirements as to equipment shall render the said Metropolitan Railway Company liable to a fine of not exceeding

$25 for each day so in default, to be recovered by the Commissioners of the District of Columbia as other fines are recovered in the District of Columbia.

"SEC. 2. Congress reserves the right to alter, amend, or repeal this act."

And that the Senate agree to the same.

JAMES McMILLAN,
ISHAM G. HARRIS,
E. O. WOLCOTT,
Managers on the part of the Senate.
JNO. J. HEMPHILL,
JNO. T. HEARD,
P. S. POST,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

Mr. BLACKBURN. Before the conference report is concurred in, having no doubt in my own mind that it will be agreed to, I simply want to say that I am not in favor of extending the time for the Metropolitan Railway Company or any other in this city to comply with the law. I assert, without fear of successful contradiction, what I am sure the honorable Senator, the chairman of the Committee on the District of Columbia, knows to be a truth, that there is not on this continent a city approximating this one in population that is afflicted with as mean, as unsatisfactory a system of street-railway service as these people have to endure.

I assert further what is susceptible of proof, that there are few corporations to be found either in this or any other land where the dividends are heavier, the exactions more enormous, or the profit greater than this street-railway system or the several street railway systems of this city. They come to Congress and get extensions from year to year. Congress passes laws requiring them to change from horse power to other electric or cable service, and they pay no attention to those laws. They come back here year after year and get their indulgences granted, for which they make no return at all.

For my part, I am opposed to even a conference report that extends their privileges one hour beyond the demands that the law has already justly put upon them. I only wish that Congress could be induced to pass a law which would forfeit every franchise that every street railroad holds within the limits of this District, for that would be justice tardily dealt out to these extortioners and robbers. It is not the profits which they make of which I complain so much, it is the inefficient, the exceptionally inefficient street-railway service to which they subject the people of this District. I had hoped that the Committee on the District of Columbia would have taken these people by the throat and make them comply with the law, instead of giving them indulgences they have never earned, and to which they are not entitled.

The report was concurred in.

DISTRICT BOARD OF CHILDREN'S GUARDIANS.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5446) to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first amendment of the Senate and agree to the same amended to read: Page 2, line 11, strike out all after the word "Commissioners," down to and including the word "salaries," in line 14, and insert the words "to employ not more than two agents at an annual compensation not exceeding $2,400 for the two; " and that the Senate agree to the same.

That the Senate recede from its second amendment.

That the House recede from its disagreement to the third amendment of the Senate, and agree to the same.

B. W. PERKINS,
J. H. GALLINGER,
ISHAM G. HARRIS,
Managers on the part of the Senate.
JOHN J. HEMPHILL,
C. A. CADMUS,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

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. 2968) to provide for a May term of the district court of the United States for the eastern district of South Carolina.

The message also announced that the House had passed a bill (H. R. 6183) to amend the national-bank act in providing for the redemption of national-bank notes stolen from or lost by banks of issue; in which it requested the concurrence of the Senate.

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

A bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States;" and

A bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes, touching the sale of intoxicants in the Indian country, and for other purposes.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 1105) for the relief of Henry S. Cohn, late of the One hundred and sixth Ohio Volunteers;

A bill (H. R. 3496) for the relief of A. S. Lee;

A bill (H. R. 4365) for the relief of Neil Fisher; and

A bill (H. R. 5377) granting a pension to Mary Isabella Hutchison.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. WASHBURN. I understand that the Senator from Missouri [Mr. VEST] desires to address the Senate, and I yield to him.

Mr. VEST said: Mr. President: I have earnestly endeavored to persuade myself that the path of duty lay in the direction of supporting the pending bill. I have examined it very thoroughly again and again, and I have been unable to come to any other conclusion than that this measure is one of the most pernicious which has come before the Congress of the United States during my fourteen years of public service. Speaking from my own standpoint and for myself alone I would be compelled to give up every conviction I entertain as to the structure and autonomy of our Government before I could give my sanction to this bill.

I know the aggressive and almost overwhelming public sentiment in certain portions of the country in its favor. I know that explanation will be required in every farming community why opposition is made. I would rather explain my vote in every township of Missouri from now until the November election than to put myself on record in favor of a bill about the unconstitutionality and the vicious tendency of which I have not the slightest doubt. If I could vote for this measure I would support class legislation as a rule, for I have seen no bill before the Senate, which in its web and woof, from the first to the last word in it, contains so much of the essence of class legislation and of nothing else.

Mr. President, if I could vote for this bill I could see no reason why I should not vote to use the taxing power of the United States in order to extirpate faro banks in all the States, or lotteries in all the States. In other words, I would see no reason why the Congress of the United States should not take into its exclusive control all the police power of this country and exclude the States entirely.

The party to which I belong, unless I am utterly mistaken in regard to its history and principles, is opposed to class legislation. It opposes using the revenue or taxing power of the country as a police power. It stands to-day confronted with the Republican party of the country upon one distinctive overwhelming issue, that the taxing power of this country shall not be used to build up any class interest, no matter what that interest may be. Our Republican friends tell us that the taxing power can be used to protect manufacturers; in other words, to exclude foreign competition in order that the American manufacturer may charge the consumer more for his manufactured product.

What does this bill propose to do? It proposes to use, under a fraudulent pretext, the taxing power to enable the farmers of the United States to charge the consumer more for their products. It is said here that this bill is intended to remove an obstruction to commerce. If options and futures have the tendency they are said to have to depreciate the prices of farm products, then, instead of obstructing commerce with foreign countries and among the States, they would increase it, because, as a rule, which every sensible man will admit, when any product is down in a certain market it seeks a higher market, and therefore enters more largely into either domestic or foreign commerce. When the cattle-raiser comes from Texas to any of the cattle markets of the West, say to Kansas City, and finds that the market there is down, what does he do? He takes his cattle on to Chicago, and if the market is down in Chicago he goes to New York, and then perhaps to Liverpool, with the hope that he may find a higher market and obtain more for his product. So if this bill does what its friends claim that it does, if it removes the evil of options and futures, which decrease prices, as a matter of course, instead of removing an obstacle to domestic and foreign commerce, it has the opposite effect.

Mr. President, what would have been thought of any Senator entertaining my opinion as to the rights of the States and as to the distinctive line between State sovereignty or State rights

and the powers and duties of the Federal Government if he should stand here and advocate using the taxing power of this country to extirpate the liquor traffic in the respective States? What would be thought of any Senator who would stand here and deliberately advocate that the Congress of the United States, in the interest of temperance and morality, should enact a law that every gallon of liquor sold in any State should pay to the National Government $100 taxation, and that every drink taken in every saloon should pay $10? Would not every Senator understand that it was a prohibition law overruling and overriding all the rights of the States in regard to their own domestic affairs?

If there is anything which the history of this country teaches me it is that inspection, quarantine, police powers are vested in the States alone. If there is anything that the traditions and history of this country teach me it is that as to our foreign relations, as to the great national affairs which concern all the people of the United States, the jurisdiction of the Federal Government exclusively obtains; but when that Government enters within the lines of a State and undertakes to regulate the domestic habits of the people, when it undertakes to preserve their health or morals as citizens of the States, when it undertakes to make police regulations in regard to the liquor traffic, and gambling, and hospitals, and all the other interior and domestic arrangements of a Commonwealth, in my judgment, and I speak for myself alone, you tear down the Constitution as our fathers made it and trample upon the fundamental doctrines of constitutional government.

What does this bill propose? It proposes, under the fraudulent pretext of collecting revenue, to police every State in the Union. It proposes to go into the State of Missouri and take possession of transactions in wheat and corn and pork which are raised in the State, sold in the State, consumed in the State, sold by a citizen of the State to another citizen of the State; and yet the Federal Government is to take control and jurisdiction, either under its power to collect revenue or under its power to regulate commerce among the States and with foreign countries.

Mr. MITCHELL. Will the Senator allow me to interrupt him?

Mr. VEST. Of course.

Mr. MITCHELL. Did not Congress do the same thing substantially when it put a tax of half a dollar a gallon on whisky made in the Senator's own State, sold in his own State, used in his own state? Was not that done by Congress?

Mr. VEST. Under the internal-revenue laws that tax was levied, and it was a clear constitutional power. This is a fraudulent pretense of exercising the same power. I will undertake to show beyond a question and beyond a suspicion of doubt that the framers of this bill never intended to collect one dollar of revenue under it except when they put in the twelfth section, which is a supplement to the fraud in the first eleven sections, where they undertake to collect as a license tax $2 from every man who makes any contract in regard to products for future delivery.

The Senator from Oregon [Mr. MITCHELL] has asked me if Congress has not levied an internal-revenue tax upon whisky. As a matter of course; and there is no tax which meets with more favor from the concurrent public sentiment of the country. Even England collects the larger portion of her revenue by a duty upon imported spirits, and spirits manufactured in the United Kingdom, and it is so in all the civilized countries of the world. It is almost exclusively a luxury. Therefore, an excise tax upon whisky or malt liquor meets with universal approbation upon all sides. About the power of the General Government to levy such a tax there has never been any question, and the Senator who would rise here and raise a question in regard to it would simply subject himself to ridicule.

I do not deny the power of the General Government to levy excises even upon options and futures. I know that the Supreme Court of the United States in the case of Veazy Bank *vs.* Fenno, in 8 Wallace, went to the very extreme verge in regard to the taxing power of Congress, when Chief Justice Chase said that the judiciary could not interfere with the taxing power of Congress. But the question now before the Senate is, has Congress the power to use the taxing power as a police power and not to collect revenue? Has Congress the power under that clause of the Constitution which gives it the right to levy taxes and excises and import duties for the common defense and general welfare? Under that clause has Congress the right without collecting revenue to police the people of the United States? That is the whole question presented by this bill. The question put to me by the Senator from Oregon is utterly aside from the issue before the Senate.

Mr. MITCHELL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. VEST. Certainly.

Mr. MITCHELL. Aside from the proposition that a Senator might be ridiculed for making such a suggestion, I want to know from the Senator from Missouri his opinion as a lawyer, if the highest tribunal in this country were called upon to pass on this bill, provided it were enacted into a law, the bill on its face professing to be a revenue bill, whether the court would inquire into the motives of the men who enacted the law and hold that the purpose of the bill was not what it professes to be, namely, a bill to raise revenue, but a bill to absolutely prohibit certain transactions?

Mr. VEST. The same question was asked me in the debate upon the oleomargarine bill, which I had the honor to oppose. I was asked by the Senator from Vermont, Mr. Edmunds, then chairman of the Judiciary Committee, if I were upon the Supreme Bench and the oleomargarine bill were presented to me for adjudication, would I declare it unconstitutional, and I said no. Why? Because I would assume as a judge that Congress had observed their oaths and intended to collect revenue.

Mr. MITCHELL. Then, if the Senator will allow me, and I think I am justified in view of the remarks of the Senator a moment ago, following out that same line of thought and statement, if this bill were to become a law and the Senator from Missouri were on the Supreme Bench of the United States he would hold it to be constitutional?

Mr. VEST. I do not know that I could hold the bill to be constitutional, because there are features in it different from the oleomargarine bill. But I will answer the Senator's question in all its scope and power. It amounts to nothing, with due respect. I am not now called upon to pass upon this bill as a judge. If it were brought before me without certain features which I will comment upon hereafter, simply as a bill for the collection of revenue under the twelfth section, I would say that Congress must be presumed to have intended what the face of the bill purports to mean. But I am called upon now to vote as a Senator, not to decide as a judge. I am asked now to give my vote in favor of a bill which I know, and which every Senator here honestly knows, is not intended for revenue. If I do not show beyond the suspicion of a doubt that this is the meaning of the bill I will agree to withdraw all opposition to it. We are asked here to put a policeman under the cloak of a civilian in order that he may masquerade among the people of this country as a taxgatherer instead of being what he really is, an officer to enforce a criminal statute.

Now let us look at the bill and understand what it means. With due respect to those who supported it in a coördinate branch of the Government, I must assume that the bill was never critically examined and analyzed before that vote was given. It is divided into two separate jurisdictions, I may term them, two separate portions, the connection between which is entirely illogical. The first eleven sections of the bill apply to one thing. From the twelfth section on the bill applies to another thing. The first eleven sections of the bill are intended to destroy options and futures. The twelfth section, as I shall show beyond doubt, is intended to furnish a pretense for those who desire to meet public sentiment for supporting the bill as a revenue measure.

The twelfth section has no logical connection whatever with the first eleven sections. The essence of the bill is contained in the first eleven sections. Without reading it *in extenso*, it amounts to this, that everyone who deals in options and futures, defined in the first and second sections of the bill, shall take out a license, for which that person is to pay $1,000 and also to pay 5 cents a pound upon cotton, lard, and other commodities mentioned in the third section sold by him, and 20 cents a bushel upon wheat, corn, rye, etc. Is there a Senator here who will rise in his place and say that this is intended to collect revenue? I pause for a reply. I ask the Senator from Minnesota if it is so intended?

Mr. WASHBURN. I ask the Senator in reply if where in the different tariff laws duties are laid so high as to be absolutely prohibitory the principle is not the same?

Mr. VEST. Yes; from the Senator's standpoint he can vote for such laws. I can not.

Now, Mr. President, if I believed that Congress had a right to use the taxing power as a police regulation, had a right to use it to destroy the trading in commodities in any State or Territory of the Union, my objection which I am urging now would be removed, provided I thought there was a necessity for the passage of the bill which is now pending. But the party to which I belong denies any such power. The founder of our party, Thomas Jefferson, in the year 1793 left the Cabinet of Washington upon that distinct issue. When Alexander Hamilton brought in his celebrated report on manufactures, in which he declared that Congress had the illimitable power of taxation in order to preserve or promote the general welfare, Jefferson called upon Washington at once and told him that he could not and would not be

held even indirectly responsible for any such opinions, and handed up his portfolio as Secretary of State rather than remain in the Cabinet. From that day to this the Democratic party as an entirety have stood upon the doctrine that the taxing power of the Government should be used to raise revenue for the support of the Government, economically administered, whilst the Republican party stands squarely upon the ground that tariff duties can be imposed without limitation, not to raise revenue but to protect American manufactures. That is the broad and wide and ineffaceable distinction between the two parties.

If I should vote for this bill I would hold myself estopped forever from attacking the McKinley bill, because the only difference between those who advocate the McKinley bill and those who advocate this bill is that the manufacturers are protected in one case and the farmers in the other. I represent one of the largest agricultural States in the Union, and I propose to go home to my people and tell them that I voted against this bill because I would no more vote for a bill that puts the farmers of the country in partnership with the Government at the expense of the rest of the people than I would vote for the McKinley bill, which puts the manufacturers in the same sort of relation to this Government.

How can any Democrat vote for this bill and stand before his constituency and tell them, "I am opposed to class legislation; I am opposed to protection without limitation in order to put money in the pockets of a favored class under the guise of the general welfare"? When a Republican orator says, "You voted for the antioption bill in order to enable the farmers of the country to charge a higher price of the consumers for their products," what can he say? What is the difference between class legislation for farmers and for manufacturers? Where is the difference in principle? The Democrat, in my judgment, who will vote for this bill abnegates the great issue, the distinctive issue, between the Democratic party and its opponents.

Mr. President, if I do not prove mathematically that this bill is intended as a police regulation I will withdraw all opposition to it. The Senator from Minnesota did not answer my question directly, but my attention is called to the following statement in his prepared speech upon the pending bill:

Availing myself of everything that I could learn, from such criticisms and comment, I subsequently introduced another bill (Senate bill 1757) which, I think more completely and satisfactorily meets the situation. The great difficulty in preparing a measure of this character is to accomplish the desired purpose of putting an end to the system of gambling in food and agricultural products, which has grown to such alarming proportions and with such disastrous results to the producers of this country.

That is the object of the bill, not to raise revenue. How could you raise revenue with 5 cents a pound upon lard and cotton and 20 cents a bushel on wheat, and corn, and rye, and oats? What dealer could live under such a tax a minute? Will any Senator say it is intended to raise revenue? What is it but a police power masquerading under the revenue clause of the Constitution? What is this bill but an attempt to steal away the rights of the States under the guise of the taxing power to support the Government?

Now, let us look at the bill analytically for a short time. Amongst the most material provisions as a matter of course is the fundamental definition contained in the first and second sections as to what is an option and what is a future. This becomes more important because the substitute of the Senator from Mississippi [Mr. GEORGE] adopts this definition, word for word.

That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another or others, at a future time or within a designated period, any of the articles mentioned in section 3 of this act.

Now, mark that language. Anybody, although he is the rightful owner in possession at the time of any property, can not sell it as an option to be delivered at a certain time to another party unless—and that is the limiting portion of the section—unless he is obligated to deliver the article. He must deliver the article itself, although he may be in possession and the absolute owner at the time he makes the contract.

Now, I come to the second section, which must be construed with the first, for they are *pari materia:*

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase, and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof.

After what I have read follows the proviso to section 2, which excludes from its operation the Federal and State, Territorial and municipal governments, and also a farmer who sells or makes such contract or agreement for articles grown or produced or in actual course of growth and production on his farm. There is also exempted from the operation of the bill the party who sells to the farmer in order that the farmer may use the article, as food, forage, or seed for such farmer and planter, his tenants or employés.

The first section of the bill makes the contract illegal if the owner of the goods is not obligated to deliver in the future.

The second section of the bill applies to a contract or transaction in which the goods are sold to be delivered in the future by a party who at the time of the sale has no interest in them *in presenti* or *in futuro*.

I take it for granted that about one legal proposition there will be no sort of doubt on either side of this Chamber, and it is that the courts in every section of the Union, including the Federal tribunals, have adjudicated that any contract in the nature of options or futures is utterly illegal and void where it is understood between the parties that there is to be no delivery of the article contracted for. The distinction made by all the courts, without one single dissenting opinion, so far as I know, has been that the gambling element in these transactions arises from the fact that the parties do not contemplate a delivery; and the test applied by all the judges has been whether it was the intention of the seller and the buyer at the time of the transaction to make delivery. If they did not so intend, it was simply a gambling transaction in which so much money was put up as to the condition of the market at a certain time in the future.

Now, look at the first section of this bill. It provides that a party in possession and with full title who does not obligate himself to deliver the identical articles sold in the future is engaged in a gambling transaction, which under the terms of the bill is absolutely null and void. Can there be any doubt about that? Can there be any suspicion that I have not fairly stated that proposition? Now, what are we asked to do? We are asked, after defining what is a gambling transaction, to license anybody as a public gambler under the flag of the United States who will pay $1,000 as a license tax and 5 cents a pound on cotton and lard and 20 cents a bushel on wheat and rye.

Mr. GEORGE. Will the Senator yield to me?

Mr. VEST. Certainly.

Mr. GEORGE. The Senator, then, does not admit that option contracts are valid?

Mr. VEST. I do not say that. I state my proposition as clearly as I am able to state it, that the courts have held where both parties had the mutual consensus, the *aggregatio mentium*, as the lawyers call it, that nothing was to be delivered, in other words, when it was a simple put and call, such as are used in the bucket shops, it is a gambling transaction.

This bill goes further. It says that unless the party selling, without regard to the buyer, obligates himself to deliver in the future it is a gambling transaction. But it remains in either event, taking either horn of the dilemma, that this bill defines in its first section a pure and simple gambling contract under its own enactment; and then after doing this, what are we asked to do? If this is a fraud on its face and in its essence a police regulation, under the disguise of a revenue bill, what must be thought of the legislator who will denounce this gambling transaction and then vote to license it? What must be thought of the public morality of a country whose legislators would go into a transaction like this? What would be thought of a State Legislature which denounced faro banks and then said, "We will license a faro dealer for $1,000 each night and $5 for every chip he sells"?

Mr. President, when we were fighting lotteries to the death, the mammoth, hydra-headed monopoly of gambling in Louisiana, no man in all the heat and fervor of the struggle undertook to go further than to deny to that lottery company the instrumentalities of the Government for transmitting matter through the mails. What would have been thought of Congress if we had passed a bill providing that every lottery in any State in the United States should pay $100,000 a year as an excise tax and $10,000 on each drawing? That is exactly what we are doing here.

A Senator says to me, "Yes, that is true; but I do not want to be troubled with explaining my vote on this question." Mr. President, the explanation will come hereafter. I am not even curious to know what it will be when wheat still further goes down, when cotton goes down, and all the articles mentioned in the third section of the bill. Then the farmers of the country will demand of the men who gave them this mess, not of pottage' but of garbage, what they meant by holding out false and delusive hopes to the agriculturists of the United States. What will our Democratic constituents say then, the old mossback Democrat whom the Republicans denounce so freely and of whom I am especially proud, when we go back to him with such a bill as this and say, "I voted for it for you"? "Yes,"

he will say, "you gave up every principle of my life, and you brought me a bill which has given no relief and can not give any relief, full of false and glittering promises that will never be realized."

Mr. President, as I said, the first eleven sections of this bill are devoted to options and futures. The remainder of the bill is "leather and prunella." The twelfth section of the bill was put in to supplement the fraud in the first eleven sections. The ingenious mechanician who drew it up knew that it would not do to go before Congress and say, "We want you to exercise the police power under the guise of levying a tax." That would not do. We must sugar-coat this pill or we can not get it through a Democratic House of Representatives. We must put the pressure of the Alliance upon the Representatives from the Western and Southern States and satisfy their constitutional scruples by showing that somewhere in the bill we collect revenue.

Can anybody see any logical connection between the first eleven sections and the twelfth? I am discussing this bill without the proposed amendments, just as it came to us from the House. What is the twelfth section of the bill as it came from the House? I will not exhaust my strength by reading it, but it amounts to this: It leaves options and futures and puts and calls, and provides that every man in the United States, whether farmer, mechanic, or manufacturer, whether lawyer, doctor, or preacher, although he may be in possession of property, or may in good faith intend to buy it and pay for it with the proceeds of his toil, as he has a right to do, yet if he proposes to sell it, to be delivered in the future, he shall immediately go to the collector of internal revenue, file an application for a license, state his name and residence and what he proposes to do, and pay $2 tax for a license to conduct the business of selling futures for the twelve months next succeeding.

Not only that, but there is the feature of espionage, one of the most odious features of the whole internal-revenue system. The detective bureau is by this bill to be employed.

He must give bond that he will not violate the law, when a violation of the law consists in selling his own property, the fruits of his own toil, to be delivered to a neighbor on the next day, or the next week, or the next month, or the next year.

Mr. WASHBURN. I think the Senator is mistaken on one point. The bona fide owner of property who takes out a two-dollar license is not required to give any bond whatever.

Mr. VEST. Mr. President, have I misunderstood the whole section? Let us see. I did not want to read the whole of it, but I will do it if necessary:

Every person, association, copartnership, or corporation—

Mr. WASHBURN. Where is the Senator reading?

Mr. VEST. I am reading from the twelfth section of this bill as it came from the House. I am taking the bill without amendment. If it does not mean what I say, then I confess I do not understand the English language at all:

SEC. 12. That every person, association, copartnership, or corporation who shall make any contract or agreement for the sale of any of the articles mentioned in section 3 of this act and requiring the delivery of such article subsequent to the date on which such contract or agreement is made, and who, at the time of making thereof, is the owner and entitled to the possession of the article or articles which are the subject of, embraced in, or covered by such contract or agreement, or has heretofore acquired by purchase, and, at the time of making such contract or agreement, is entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof, shall—

Take out a two-dollar license which entitles him for one year to sell his own property to be delivered to somebody else. I am sorry that the Senator from Minnesota does not recognize his own offspring.

Mr. WASHBURN. I understood the Senator to say that any such person had to give bond. I make the point that he does not.

Mr. VEST. He does give bond. He has to proceed exactly as the dealer in options and futures proceeds, and he gives bond.

Mr. WASHBURN. I think not.

Mr. VEST. Unquestionably. I have not strength to read the whole bill, but I will have the Clerk read it. Let us go back to section 5, although I do not propose to consume time. I will ask the Secretary to read section 5.

The Secretary read as follows:

SEC. 5. That every person, association, copartnership, or corporation engaged in, or proposing to engage in, the business of dealer in "options" or of dealer in "futures" as hereinbefore defined shall, before commencing such business or making any such "options" or "futures" contract or agreement, or any transfer or assignment of any such contract or agreement, make application in writing to the collector of internal revenue for the district in which he or any of them proposes to engage in such business or make such contract or agreement, or make a transfer or an assignment of any such contract or agreement, setting forth the name of such person, association, copartnership, or corporation, place of residence of the applicant, the business to be engaged in, where such business is to be carried on, and, in case of an association, copartnership, or corporation, the names and places of residence of the several persons constituting such association, copartnership, or corporation, and shall thereupon pay to such collector, as a license fee for conducting such business, the sum, aforesaid, of $1,000, and shall also execute and deliver to such collector a bond in the penal sum of $40,000, with two or more sureties satisfactory to said collector.

Mr. VEST. That is all. There is the provision. If there is any doubt about the remainder of my assertion I can have section 12 read.

Mr. WASHBURN. Mr. President, that applies to section 5, where there is no ownership. The line is drawn distinctly. Section 12 is to provide for cases where there is ownership, and the provisions are different in all respects. In the one case you are to pay $1,000 for a license and give bond for $40,000.

Mr. VEST. I understand that.

Mr. WASHBURN. In the other case you pay $2, and the only other requirement in connection with that is to make a monthly report.

Mr. VEST. And the twelfth section provides absolutely and distinctly, *in hæc verba*, that the provisions of the fifth section shall apply to the license taken out under the twelfth section. As the bill came from the House, the farmer, even before he could sell a hog to be delivered next week, or a load of hay to be delivered next month, or a thousand bushels of wheat to be delivered next year, had to make a statement in writing to the collector of internal revenue, file his bond, and if he undertook to make one of these trades of his own property he could be fined a sum not less than $1,000 and not more than $5,000.

Mr. WASHBURN. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. VEST. Certainly.

Mr. WASHBURN. I do not know that I understood the Senator from Missouri correctly, but I understood him to state that in this bill as it came from the House no farmer could make a sale without taking out this license.

Mr. VEST. Yes, I make that assertion.

Mr. WASHBURN. The farmer and planter are absolutely excepted. They do not come under the provisions of this section at all.

Mr. VEST. Does the Senator mean to say that they do not come under the provisions of the twelfth section?

Mr. WASHBURN. I mean to say that the farmer is excepted from that provision.

Mr. VEST. Here is an amendment proposed by the Senator from Minnesota last evening and printed with the bill:

Section 12, line 2, after the word "corporation," insert a comma and the words "except as hereinbefore provided in section 2."

Mr. WASHBURN. If the Senator will go back to section 2, he will find this, beginning in line 15:

Provided, however, That no provision or requirement of this act shall apply to any contract or agreement for the future delivery of any of said articles made for and in behalf of the United States, or of any State, Territory, county, or municipality, with the duly authorized officers or agents thereof, nor to any contract or agreement made by any farmer or planter for the sale and delivery at a future time, or within a designated period, of any of said articles——

Mr. VEST. Yes, but why does the Senator stop? Why does he not finish it? It continues—

belonging to said farmer or planter at the time of making such contract or agreement, and which have been grown or produced, or at said time are in actual course of growth or production, on land owned or occupied by such farmer or planter.

Mr. WASHBURN. Certainly.

Mr. VEST. And that is what I say.

Mr. WASHBURN. That goes without saying.

Mr. VEST. That is, the farmer under that twelfth section of the House bill can not sell articles that he does not raise.

Mr. WASHBURN. Mr. President, I desire to say that when the farmer enters into the business of selling what he does not own he would occupy just the same position as anybody else who does that, and he ought to occupy the same position.

Mr. VEST. But under the twelfth section he can not sell anything he does not raise without taking out a license, paying $2 for it and giving bond. Does it stop there? No. He must keep a book of every transaction, and report every transaction each Tuesday to the Internal Revenue Department, as provided in the House bill. He must keep his book open to inspection by the collector of internal revenue so that the collector may inspect every entry in it. This bill is stamped with the insignia of espionage by the detective bureau, one of the most odious features that can be found to the people of the United States.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. VEST. Of course.

Mr. GRAY. I should like to ask the Senator from Missouri, and through him the Senator from Minnesota [Mr. WASHBURN], whether it is true that under the provisions of this bill, if I choose to exercise the liberty that I have always heretofore enjoyed and that all my neighbors have enjoyed, of making a sale of an article which I possess, to be delivered *in futuro*, I must

first obtain a license and pay $2 therefor, and then make a statement of the whole transaction, which statement is to be inspected by the revenue collector, and submit my books containing an account of that sale which I am required to keep for his scrutiny. Is that so?

Mr. WASHBURN. With the exception of the farmer or planter——

Mr. GRAY. No, no. I am not a farmer. Suppose I undertake to exercise the liberty that I have always hitherto enjoyed, and that all my neighbors have enjoyed, of selling an article which I possess, to be delivered *in futuro;* am I required by the provisions of this bill, before I can enjoy that liberty, to take out a license and pay $2 for it, and submit my books to the scrutiny of the collector of internal revenue? And is all business of that kind in the country, constituting so large a portion of it, to be in a like situation? Is that true?

Mr. WASHBURN. Certainly.

Mr. GRAY. That is all.

Mr. VEST. But, Mr. President, in the second section it says everybody except the farmer in this country who desires to sell his own property to be delivered at any day in the future shall file his statement, give bond, keep a book, and make report. In other words, the farmers of the United States are to be excepted from the general legislation of the country. We stand before them and say, "We are opposed to class legislation. I am a Democrat. I am opposed to using the taxing power of the country in order to put money into the pockets of protected classes." But in this same bill we say that we are for putting money in the farmer's pocket by the same kind of class legislation.

A distinguished Alliance advocate said to me when we were discussing the national-bank law, which permits banks to issue money upon depositing United States bonds to secure that issue, "Why can't the farmer be permitted to issue money also by depositing his oats, his wheat, and his corn under the subtreasury bill?" "Well," I said, "do you indorse the national banking law that permits that thing to be done?" "No," he said, "it is robbery." I said: "Then it is not robbery if you can do the same thing."

What is the difference in principle? What is the difference between legislation in the interest of one class and legislation in the interest of another? The amendment of the Senator from Minnesota, if possible, makes this section more obnoxious to me than it was before. If my political principles are to be turned like a weathercock they are not worth the empty breath with which they are uttered. No man, in my judgment, can be a Democrat who would favor any sort of class legislation in favor of any individual or class of individuals in this country. The Democratic doctrine upon which Thomas Jefferson founded our party and under which it will exist until this country itself ceases to exist was the doctrine of equality, absolute equality, to all interests, all sections, and all individuals.

It is the duty of the Government to protect every man, woman, and child in this broad land, but it can not put money into people's pockets. It can not put brains into their heads. It can not put muscles in their arms. It can only say that under this flag and under this Constitution you shall exercise with absolute freedom all the natural gifts that God has given you. In the race of life if you succeed your property shall be protected to you. If in the race of life you fall behind, you shall have the same protection. But you can not go in partnership with this Government, whether you be manufacturer or farmer, whether you be sailor or miner. The Constitution knows not individuals nor classes, but under it all shall have absolute liberty and absolute equality. Whenever our party leaves that broad and well-marked road we enter upon the wide path of destruction. We can not defend our principles and uphold our flag unless we are sustained by the Jeffersonian doctrine of perfect equality.

I know what is said about pandering to the moneyed power of this country. But if my record does not relieve me from any such misconception, then I want to leave public life. If I am expected to stretch the Constitution to meet the interest of any man or set of men in Missouri or elsewhere, I am not the man to represent the people of Missouri in this Senate.

Now, Mr. President, what is at the bottom of this whole bill? Legislation for the benefit of a class. Who is here aiding in its passage? Who employs these lawyers to appear here and make learned arguments before committees of the House and Senate in favor of the bill? Who has deluged us with petitions through the mails to pass this bill, all "in the interest of the farmer," the "downtrodden and oppressed farmer"? Who has done it? The agent of this great milling syndicate at Minneapolis, Mr. Pillsbury, who testified before the committee that dealing in options decreases the prices of wheat to the producers of the country; Mr. John Whittaker, a pork-packer of St. Louis, one of my constituents, who has, of course, endeavored in the course of trade to put down the price of hogs, because he is a pork-packer and wanted to get his raw material as cheap as possible. When did this new, burning, effervescent love for the farmer break out in the breasts of these gentlemen? When did it commence bubbling up and gurgling out like one of the fountains of old? It is like Tennyson's Brook:

> Men may come, and men may go,
> But I go on forever.

Is it not to the interest of Mr. Pillsbury, representing three hundred mills and elevators in the Dakotas and Minnesota which belong to Englishmen, to put the price of wheat down to the lowest possible point? Is not wheat his raw material? Who ever saw or heard of a manufacturer who did not want to get his raw material as cheap as it could be procured? Is not that the exact case with Mr. Whittaker and other pork-packers? Do they not want to put down the price of hogs because hogs are their raw material, and the cheaper hogs are the more money can be put into their pockets? They have been trying for the past forty years naturally and legitimately to put down the price of hogs in their own interest.

Who sent out those celebrated circulars which fell like snow all over the Northwest last fall saying, "Hold your wheat." It was ascribed to the Alliance, but the Alliance leaders disavowed it. Mr. Pillsbury had an interview about that time in which he advised the farmers to hold their wheat, and they did hold it. What was the result? Wheat went down from 90 to 70 cents a bushel. The syndicate unloaded at 90 cents, putting 20 cents a bushel profit in their pockets, and the farmers are left standing in their fields to wonder what was the matter with that friendly advice.

Now, as a specimen of the literature that is introduced in this matter and the means used to induce American Senators to vote against their consciences and judgments, I will read a letter, which was sent to me, not confidentially, by a gentleman, a warm personal and political friend, who was asked to secure votes for this bill whether it be constitutional or not:

FRANCIS WHITTAKER & SONS.
St. Louis, June 28, 1892.

DEAR SIR: I have several times attempted to interest the Alliance people of Missouri in reference to having them aid in the passage of the Hatch bill, but so far have not heard from them. That bill has passed the House of Representatives at Washington, by a large majority, and is now before the Senate Judiciary Committee, of which Senator VEST is a leading member. From what I hear I fear that he will be opposed to the Hatch bill, as he does not think it proper for the Federal Government to use their taxing powers to prohibit nonowners selling your grain.

The Merchants' Exchange and Boards of Trade are fighting this measure, as it would largely reduce the commissions on their sales by "nonowners" (which are rarely ever delivered but settlements made). In other words, it is a simple bet with the advantages in the hands of the seller. It seems most unjust that nonowners should fix the price of grain and provisions, and the Hatch bill proposes to put the fixing of these prices back into the hands of owners or their authorized agents and those desiring to buy, making it a matter of actual trade between them.

I would be very glad if you would use your influence and write letters or night message to VEST of Missouri. The Constitution of the United States was overridden by Jefferson in the Louisiana purchase, and also by the General Government in taxing the issue of State banks 10 per cent, and now it is asked of them that they wipe out of existence these methods of "nonowners glutting the market with their offerings to deliver in the future at lower prices than the actual owner desires to accept." Surely a little stretching of the Constitution at this time will do no harm, and quite the reverse, be a great benefit, and unquestionably in my mind it will increase the value of every acre of farm land in the State of Missouri.

I fear the Southern members of the Judiciary Committee, PUGH of Alabama, COKE of Texas, VEST of Missouri, and GEORGE of Mississippi, may be against this measure, and I hope that enough letters will be written to them by men like yourself, whom I presume are thoroughly interested in everything that aids farm enterprise.

If you would send a night message to Senator VEST expressing your desires in this matter it might be well, as the committee reports this bill to the Senate on Thursday next.

If you should desire any further information in reference to the Hatch bill I would be glad to give it to you.

Hoping that you and your friends will take an active interest in this question, I remain,

Very truly yours,

JOHN WHITTAKER.

Mr. Whittaker testified before the House committee that he was the senior member of the house of Francis Whittaker & Sons, engaged in the selling of lard and hog products; that for fifty years that house has been so engaged in that business. In order to shut out all speculative purchases and give the exclusive monopoly to the pork-packers of the country, the Constitution is to be "stretched" through "night messages" to a member of the Judiciary Committee. [Laughter.]

Mr. President, what is to be the effect of this measure? It seems to me that the Congress of the United States, before exercising or proposing to put into operation this extraordinary legislation, should be very certain that a great emergency is upon the country. Nothing but the life of the state itself can justify Congress in interfering with the ordinary and legitimate methods of commerce by wresting the taxing power of the Constitution from its legitimate purposes and converting it into a police regulation.

I do not propose to go into the immense amount of testimony,

which simply amounts to opinion, as to what would be the effect of this bill. It is not my purpose to attempt even an analysis of the arguments that have been placed before the respective committees of the two Houses showing that the effect of this measure will be to increase the price of the necessaries of life to the people of the United States. I might stop my argument simply with the declaration, already made, that I believe this bill violates the spirit and letter of the Constitution.

But it is not an *ex parte* question as to the effect of this measure. We are told that speculative markets put down the prices of the farmers' products. The overwhelming mass of testimony from men engaged most largely in mercantile and commercial pursuits is against that statement. The experience of men, who like myself, are not experts is against it.

I affirm here and now that the same principle applies to stocks as to grain and other commodities; that a speculative market makes higher prices for future sales, whereas, when the stock market in New York is down, as it is now, lethargic and pulseless, as a matter of course prices fall. When there is speculation, when men are most anxious to become rich suddenly, then prices go up because transactions multiply.

How often have we heard it said that hard times make a rich harvest for lawyers? A greater fallacy was never exploded. Lawyers make nothing, comparatively, in bad times. In commerce, where trade is life, when men are hunting speculation and investment, then lawyers, like every other portion of the body politic, thrive and prosper.

No Senator, of course, is here to advocate gambling. No Senator is here to say that puts and calls, where the article is never to be delivered, constitute legitimate commerce. No court in this country has ever given its sanction to any such transaction. But when we are told that because 1,000 bushels of wheat pass through fifty hands in a single day it constitutes a crime, I am not prepared for the conclusion. You might just as well say that the $150,000,000 or $200,000,000 that pass through the New York clearing house every day shows that all the banks in New York are engaged in wholesale gambling. You might as well say that the whole country to-day is engaged in gambling.

Does actual money pass always from hand to hand in the transaction of business amongst the people of the United States, even outside of cities? Who does not know, who is worthy to make any sort of law, that but an inconsiderable portion of the business of this country is transacted for cash? Who does not know that our foreign business is not transacted with money? There is not gold and silver enough in the world to carry on our foreign commerce. It is done through bills of exchange and letters of credit.

The shipper or exporter who carries the grain of my constituents abroad and sells it, and brings back manufactured goods which he has bought with the proceeds of the grain, receives no gold. He has a letter of credit based upon warehouse receipts, and no paper or metallic money passes between the parties.

When we trade with South America we send our agricultural implements and now and then a steam engine that has been manufactured here. What do we receive in return? We receive coffee, and we pay for it, when we can not pay for it in goods manufactured here and shipped there, by letters of credit on Europe which we have obtained for the sale of our agricultural products there.

What would be thought of that statesman who would stand here and say that the New York Commercial Exchange or Board of Trade is a gambling institution because there is no actual payment of money from day to day? The president of that exchange before the House committee said that 8,000 bushels of wheat very often supplied fifty transactions, and legitimately. Who is there that would dare to say that in the mercantile exchanges of this country they are not required to deliver on "future" sales? In New York, St. Louis, Cincinnati, and Chicago the rules of the exchanges require that the buyer shall have the right to demand the article sold whenever he pleases. If a dealer there sells 5,000 bushels of May wheat the purchaser can demand the delivery of the actual article, and it is bound to be delivered.

Who has not heard of that celebrated transaction of my friend, Mr. Armour, of the city of Chicago, when he cornered—to use the commercial expression—pickled pork, had the whole of that commodity in the country substantially in his hands? He bought for future delivery to himself, and when the time came for delivery and the sellers came up and offered to pay the difference in price, he said "Oh, no, I want the pork; I don't want the money." And they were compelled to buy pork, which they had sold to Armour for $9.25 per barrel, at $18 per barrel; they could not get the pork anywhere else, and the result was that they were compelled to buy Armour's pork in order to meet sales to Armour himself.

Now, Mr. President, there are some witnesses who are worthy of credit and yet opposed to this bill. I think one of our colleagues is entitled to be heard. I refer to the Hon. MICHAEL D. HARTER, from the Fifteenth Ohio district, a member of the House. This gentleman is a practical miller and farmer. I take it he is a credible witness, otherwise the people of the Fifteenth Ohio district would not have put him where he is. He is a large miller, and here is his testimony upon this subject:

> Speculative prices, so far as they are effective and powerful, simply determine the future values of wheat, in which the farmer has no direct interest, and yet, even here, speculative values disprove the claims made by the friends of this bill, for every year at the season when the farmer is marketing his wheat in large quantities all future or speculative values are higher relatively than the cash value of wheat, which is always controlled by actual purchase and sale of the article itself. Of course, high speculative future values at this season of the year are always calculated to advance the cash or farmer's price for wheat.
>
> Let me illustrate this. At one mill where I am interested we are not only large buyers of wheat, but have great storage capacity, and this coming harvest we shall put into our warehouses about 600,000 bushels of wheat. If the price were to advance before it were ground into flour 10 cents per bushel, it would make us $60,000, but if it should decline 10 cents per bushel we should lose $60,000. Not being speculators, knowing that wheat speculation in the end results disastrously to most of the people who engage in it, we should be unwilling to buy such a vast quantity of wheat if we were not able to sell the figures against it, and thus protect ourselves against loss on our transactions. Therefore, if we had no future market in which we could sell this wheat we should buy very much less of it, and should not be able to pay the farmer within 10 cents per bushel as much as we pay him now, because we would have to have that additional margin to insure us against fluctuations in the market. What is true of us is equally true in varying degrees of every miller, warehouseman, and exporter in the United States, so that the passage of the Hatch bill would in the end surely reduce the number of buyers of cash wheat from the farmer and put down the price of the wheat that he had to sell.
>
> But I want now to prove still more clearly that so far as the dealing in futures has any influence upon the price of wheat it is to advance it. As I have said, it is the speculative dealing in wheat that fixes the price of future wheat, and now I want to show by a practical illustration how it is directly to the advantage of the farmer that this speculation should continue. But here is the illustration.
>
> Suppose we buy 600,000 bushels of wheat in August, September, and October. We find ourselves under the present system able to sell May wheat futures against all of it at an average of from 10 cents to 12 cents per bushel above the cash price. Let us say at only 10 cents. Now, remember that the cash price is the actual transaction price, the May price being the speculative future or option price. You will at once see the margin the transaction gives us. We have to hold the cash wheat for eight months. If we pay 80 cents per bushel for it and sell it for May delivery at 90 cents, we are obliged to lose the interest for eight months at 6 per cent. This costs us 3.2 cents per bushel.
>
> Insurance and other charges and expenses cost us less than 1.8 cents, so that the total expense to us is not over 5 cents a bushel for carrying the wheat until May, from which you see that the speculative price of wheat, which this Hatch bill seeks to destroy, is really 5 cents, at the season of the year when the farmer is deeply interested, above the cash or actual transaction price which the Hatch bill seeks to make the price for all wheat which the farmer sells. The farmer ought to see at once, therefore, that, so far as speculation in wheat affects him, it is altogether in his favor from every point of view, and constantly tends to advance the price which the buyer can afford to pay, and it is a mistake for any man to argue otherwise.

I give that testimony from a member of Congress, who is a practical miller, largely interested in mills, and from an agricultural district. He states this as a result of his personal experience.

Mr. WASHBURN. I remember that the statement was made some time ago that this bill was in the interest of millers.

Mr. VEST. I did not read all of Mr. HARTER'S statement because it refers to the Senator from Minnesota, but if he brings that in I am not responsible. Mr. HARTER goes on to say that he does not think it incumbent on him to vote for any bill to put money in his pocket, and that whilst he could make some money possibly under the operations of this bill if he could shut out all competition from speculative buyers, he does not propose to do it.

Mr. WASHBURN. I know there has been a good deal of this talk running in the newspapers, assuming that this bill is in the interest of the millers. I should like to understand under what provision of this bill the miller gets any advantage over anybody else in the world; how he occupies any different position from anybody else who wants to buy wheat. I have been trying to find out, and I have never had any clear explanation.

Mr. VEST. I am not an expert in these matters, Mr. President, and I give nothing upon my personal knowledge. I simply examine the testimony and the briefs.

Mr. CULLOM. Will the Senator from Missouri yield to me for a suggestion to the Senator from Minnesota?

Mr. VEST. Certainly.

Mr. CULLOM. I desire to ask the Senator from Minnesota whether he would be willing, in the perfection of section 3, after the word "wheat" to insert the words "flour, mill feed" in addition to what is there now?

Mr. WASHBURN. I am very glad to have an opportunity to explain what I think ought to be done in regard to that. In this bill we sought to put in that section 3 only such articles as are dealt in on the boards of trade in the way of gambling, selling short. Wheat is sold short, pork is sold short, raw cotton is sold short. Nine-tenths of the sales are fictitious, representing nothing, and we have sought to put in only just such articles as those where the prices are made artificially on the boards of trade.

As a matter of fact, flour can not be sold on the boards of trade in that way. Flour is sold by different brands. I have my brand, Mr. Pillsbury has his brand, Mr. HARTER has his brand, and so on; every brand of flour is sold on its merits, and it is not possible for any operator on the Chicago Board of Trade or anywhere else to go and sell his flour short. So that that amounts to nothing.

Mr. CULLOM. Would those words do any harm?

Mr. WASHBURN. It would do harm in just this way: We have to-day, we will say, 1,000,000 bushels of wheat in our elevators; we have an order from London to sell 100,000 barrels of flour or 10,000 barrels of flour to be delivered in thirty days. Of course we want to do it. We have the wheat, and that is a legitimate transaction to all intents and purposes. It would not at the time of making the sale be actual flour. Therefore it would be embraced. That seems to worry a good many gentlemen—I do not think it does Senators—but it seems to worry a good many people in this country. I have no objection to putting "flour" in, provided that unless the party selling the flour had wheat at the time. But there is nothing in that. It is a mere personal thing, because it happens that I have taken a deep interest in the passage of this bill, am a miller, and have been engaged in milling for a great many years. There is not the slightest point in it. At the same time, if any Senator will be happier to have it put in I shall have no objection if it goes in with the proviso I have suggested.

Mr. CULLOM. I only want to say a word. I have received a communication from business men to the effect that the same kind of speculation was carried on in flour and mill feed as in corn, etc. It was suggested to me that if this bill should pass such an amendment as that should be made to it, and I called the attention of the Senator to it, not because he is a miller, but because of the fact that some people think those words ought to be inserted.

Mr. WASHBURN. If the premises of the Senator from Illinois were correct, if mill feed and flour were sold on the board of trade for future delivery where it did not exist, if it was gambled in as wheat, then I would be the first man to have it placed in the bill. But from the nature of things it can not be for future delivery, any more than you might with the same propriety put in calico, the fabric made from cotton. No gambler or operator, whatever you may call him, is going to go on the market and sell the goods of the Wamsutta mills—that is a parallel exactly—because nobody can go and sell short the fabric of the Wamsutta mills or any other mills any more than he can sell flour short. The whole thing is a humbug from beginning to end, but if anybody will be happier on account of having it in the bill I shall certainly make no objection.

Mr. PADDOCK. I think the Senator stated that the practice has never obtained to his knowledge.

Mr. WASHBURN. It has never obtained. In the nature of things it can not obtain. It is an impossibility, because no man can go and sell property that I own and nobody else owns for future delivery, because he has to make a bargain with me before he can do it.

Mr. VEST. Mr. President, I am unable to see why anybody can not speculate in futures as to property that the Senator from Minnesota owns, if he takes the chance of getting it from him. While a man is gambling he may just as well take one chance as another. The only result of the statement made by the Senator from Minnesota is that he limits the transaction; that is all.

Mr. WASHBURN. It makes the transaction impossible.

Mr. VEST. There might only be 20,000 or 50,000 yards of calico and still there could be futures, and I undertake to say there have been futures in flour. Not long ago, in a committee where the Senator from Maine and myself examined a witness (the president of the Brazilian Steamship Line), he testified that he bought flour for future delivery in anticipation of his ships going out to Brazil, and he even paid the freight upon the flour from the Richmond mills up to New York in order to keep from landing at Newport News to take on the flour.

Mr. PADDOCK. Was not that for actual delivery—the delivery of actual flour?

Mr. VEST. But he bought it for future delivery.

Mr. WASHBURN. Of course we sell every day for future delivery—actual flour.

Mr. VEST. That is "future" under this proposed law.

Mr. WASHBURN. It is not "future" under this proposed law, because under this bill he is the owner of the property, and can sell all he has. I can sell my flour for future delivery.

Mr. VEST. Exactly. If the Senator will pay $2 license tax, and give a bond, and keep a book, and report every Tuesday under the House bill, and every month under his amendment, I suppose he might; but still it is "future."

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

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska.

Mr. VEST. Oh, yes; I will yield to anybody.

Mr. PADDOCK. Is it not true in respect to those products which are not the subject of trade in futures and options that they are less liable to sudden and rapid fluctuations? Take wool, for instance. Futures in wool are not dealt in; options in wool are not sold; but the law of supply and demand regulating it holds the price steady from month to month and year to year; fluctuations are very slow and very moderate, dependent entirely upon the supply and upon the demand.

Mr. VEST. I think myself that everything depends at last upon supply and demand. I have never dealt in these options and futures, and I can not answer any such question as that, but I am informed by Senators who know more about it than myself that there is a great fluctuation in the articles named by the Senator from Nebraska. As to wool, I saw a statement in yesterday's paper that it was contemplated in the produce exchange in New York to put on a market for wool exclusively.

Mr. PADDOCK. That never has been done, at any rate, and the fluctuations are very steady.

Mr. VEST. That is the proposition now, as I understand, to enable them to speculate in wool.

Mr. PADDOCK. The Senator cited authority from a letter awhile ago showing the case of a miller who would have bought 600,000 bushels of wheat at a time to store if he had not been afraid of future fluctuation. I ask him if the speculative element which has its basis in the sale of options and futures did not exist and the law of supply and demand controlled exclusively, whether that man and any other man would not be perfectly secure in making his purchases with the knowledge of the state of the market, what was the supply, and what was the possible demand? Would he not be absolutely safe in making his purchases according to his judgment in respect to those things?

Mr. VEST. Mr. President, I have forgotten the first half of the question. All I have to say in reply to it is that I quoted the absolute testimony of Mr. HARTER, one of our colleagues in the House of Representatives, who says he would not buy 600,000 bushels if he could not insure by selling a future against it.

Mr. WASHBURN. Just because in the existing condition of things nobody can buy it without, when some gambler in Chicago goes on the board of trade and makes an artifical price.

Mr. VEST. I am simply meeting the proposition that dealing in options and futures contracts and limits commerce with foreign nations and among the States. If it is admitted that Mr. HARTER was correct in saying he would not have bought 600,000 bushels but for the future, as a matter of course all I said is proved by his statement. It adds to the volume of commerce instead of restricting it. As to the risk that every man takes, my opinion is that men will go on taking that risk until the world is wrapped in millennial glory, and then you will find some man betting that the millenium is about to cease the next day. You can not eliminate this spirit of venture and enterprise and gambling, if you choose, especially among a people like those of the United States. You must remake them all over from top to bottom and from the inside to the outside. Men will persist in it, and they will evade the law, exactly as they will evade your law in regard to putting alcoholic stimulants out of their reach. If they want them they will find them somewhere, and they will use them. The acts of Congress will be *brutum fulmen*, as they have been in other countries, with this sort of legislation.

Why, this is not any new discovery. It was born again out of this Alliance business. Somebody who did not want to change the existing tariff taxation of the country supposed they could find some other tub to throw to the whale in order to postpone the real issue. Somebody said, "Why, here we will find a reason for the fall in farm products," exactly as the statistician of the Agricultural Department found it in the last canvass when he said the importation of agricultural products into the United States put down the price of farm products.

We brought in, I believe, 16 bushels of rye, and he said that put down the price of the whole product. We brought in 1,200 bushels of wheat and exported fifty odd million bushels, and he said that put down the price of the fifty odd million bushels. We brought in a few cattle from Canada to improve the breed and exported $23,000,000 worth of beef cattle to Europe, and he said that the few straggling bulls that came lowing over the Canadian border put down the price of beef in the foreign market.

So we have had these discoveries from time to time. One man says, give us more silver and farm products will go up. Another one says, stop gambling in options and products will go up. Supply and demand will regulate the price of products in

spite of all the gambling. As long as you have a system of taxation that puts the money of the country into the pockets of favored and protected classes, if you had money as abundant as the leaves in the forest it would go the same way.

This is not a new thing. Nobody is entitled to a patent on it. In 1610 this legislation was tried in Holland. That nation of merchants found it an absolute failure. They found out what they ought to have known long before they tried an experiment, that no statute can destroy the immutable and irresistible laws of commerce. It was tried in 1734 in Great Britain, our great commercial rival, the mistress of the sea, in Sir John Barnard's bill against options. Some of the sections of that bill are almost identical with the provisions of the pending measure.

For one hundred and twenty-five years that statute remained upon the British statute books a dead letter. No man ever availed himself of it except to evade a contract. No man ever thought of going into court to enforce it against anybody except to get rid of a bad bargain. In 1812 New York adopted the same sort of antioption bill proposed here now. That act was repealed in 1858, and yet in all the intervening time the merchants and dealers were interested in future sales amounting to many millions both upon the Stock Exchange and the Produce Exchange of the great city of New York.

In March, 1863, the statesmen who then controlled this country concluded they would stop the gambling in gold, and passed, under the leadership of Chief Justice Chase, then Secretary of the Treasury, the celebrated gold act, as it was called. It was passed in March, 1863, and remained a few weeks in existence, and gold went up from 25 to 45 per cent in the market. It was a mere delusion and fraud, and the act was unanimously repealed by Congress.

My friend from Delaware [Mr. GRAY] suggests to me that France made the transfer of *assignats* at one time punishable with death, but it did not affect the transfer. If the people wanted to use them and trade in them the statute amounted to nothing. The whole thing is but Dead Sea fruit, that will turn to ashes on agricultural lips.

Now, Mr. President, what will be the inevitable result of this bill if you pass it? You will drive all trading in futures out of this country and into foreign countries. You will drive it to Canada, and to Great Britain, and to Belgium, and to France.

Do you suppose that the Congress of the United States can make a statute have extraterritorial effect and purify the hearts and souls of all foreigners? Do you suppose you can keep your wheat from going to Europe and being gambled on there? What makes the price of American wheat to-day? The Liverpool market. What makes the price of your corn, although to not so large an extent? The European market. You simply propose now, like a blacksmith tampering with the fine machinery of a splendid watch, to tear in pieces the business of the whole country following this *ignis fatuus* of putting up the price of agricultural products.

The Senator from Minnesota asked me, why are millers brought into this? I did not entertain any personal object in what I said, for I had heard that the Senator from Minnesota has disposed of all the interest he had in mills. Whether he has or not is not material to the question. I hope if he did he has received a large price, for I am sincerely his friend, and when he asks me a question in debate I will answer it frankly. What is the interest of the miller and the pork-packer? Is it not to destroy competition?

Mr. WASHBURN. No, sir.

Mr. VEST. Is it not to bring the market down to his own basis if he can?

Mr. WASHBURN. Now, let me ask how, under this bill, it is brought down to his own basis?

Mr. VEST. I will answer the Senator.

Mr. WASHBURN. As long as the miller is a common purchaser with everybody throughout the whole world I do not see what preëmption he has on the market. For instance, in the two Dakotas and Minnesota, on the last crop, we weighed 150,000,000 bushels of wheat. We grind in Minneapolis 30,000,000 bushels of wheat. This wheat is going to the market all the while, to Liverpool and London, the actual wheat. I am not talking about gambling wheat, but the actual wheat is open to every market in the world, and every market is buying. Now, how the miller has an advantage over anybody else I have never yet been able to get through my head.

Mr. VEST. The only competition that the millers and the pork-packers have now is in the exchanges and the commission merchants, who are buying largely for future delivery. There is hardly a bushel of wheat that goes into the city of New York that is not sold there "on arrival," as they call it. That is to say, it is purchased in the country to be delivered in the city of New York at some future time for prices then prevailing. That, as a matter of course, if it amounts to anything, must put up the price of wheat, because it gives a market to the producer of wheat whether the wheat is to be delivered at once or in the future. The more of it that is sold the more competition is created. If this bill becomes a law you do away with all future delivery.

Mr. WASHBURN. Not at all.

Mr. VEST. Why not?

Mr. WASHBURN. Not at all. With anybody who owns wheat?

Mr. VEST. Yes, who owns wheat. In other words, if I do not own a bushel of wheat but I have the money to put up as the price that I will take it at from the producer, say 100,000 bushels of wheat in May at the May price, under this bill I am not enabled to do it. I can not do it because that is a future within the very meaning of the second section of the bill.

The whole operation of the bill will be to drive out the system of commerce which now prevails in this country and put the American producer in the hands of the foreigner, the price for his product to be fixed in a foreign port. We are told that the invariable effect of options and futures is to put down prices. I have a friend in the city of New York, retired from business, but a man of integrity, character, and intelligence. I wrote him, because I desired to have full information in regard to this subject, not from parties interested, but from men who I knew were not interested. Will the Secretary read the statement which I send to the desk?

The VICE-PRESIDENT. The statement will be read.

The Secretary read as follows:

In 1891 the exports of wheat from the United States were 129,638,934 bushels, of which 46,514,096 bushels left the port of New York.

The total receipts of wheat at New York in 1891 were 61,006,851 bushels, of which the unprecedentedly large crop of 1891 furnished 46,233,359 bushels, in the five months August to December 31, the August receipts alone reaching 10,609,400 bushels. Practically all of this wheat was bought "to arrive," for future delivery, necessarily so, in order to secure the grain and provide the freight therefor.

The methods used in successfully handling this grain would be illegal and impracticable under the "Hatch bill." The farmer parted with his wheat, and received the best prices of the year therefor, values being well sustained through the "futures" market, whilst the effect of marketing an equal quantity of wheat shipped or consigned under the old plan without the equalizing and maintenance of prices under the "future" system would have been disastrous—each boat load (of 8,000 bushels) would have followed the other at lower and lower prices.

Receivers of grain at the large markets send out bids each night for grain based on the closing prices of that day and good till noon the following day. The recipient of these bids makes corresponding bids to the farmers, who thus are enabled to get the current market price for their goods for arrival several weeks later. If the receivers bids are accepted, he goes into the market and sells a "future" against the goods. After arrival, or before, an exporter or miller buys the grain from the receiver who on selling the grain at once buys in his hedge, at all times keeping even on the market, neither long or short a bushel. Here the "future" has been traded in twice, and the exporter usually repeats the operation to protect himself from loss, making at least four trades out of this business transaction. "Switching" trades over from one delivery to a later one enormously swell the volume of business.

Of New York's enormous trade in wheat for export and for milling over seven-eighths is bought to arrive, for future delivery, and probably 95 per cent is based on exchanges of the futures for the cash wheat; that is, the receiver either himself buys in his hedge or the wheat-buyer does so and exchanges the "futures contract" for the cash wheat. This would be illegal under the "Hatch bill." The future system is used as a hedge against loss, as an insurance in fact, and if it were prohibited the volume of the export trade would be seriously diminished; sellers, in the absence of a "future" market, would have to take the best price they could get at the time; receivers, instead of being satisfied with one-eighth to one-fourth of a cent profit per bushel on the large amounts now handled, would insist on a ten to forty fold profit to protect them from risk on the smaller amounts they would handle, and this extra profit would come out of the producer, not the consumer in Europe. Grain men, people engaged in marketing the actual surplus grain of the country, without exception recognize the fact that the passage of the bill would inure to the benefit of the European consumer, and result in loss to the producer, besides the untold injury resulting to our export trade.

Europe, our best customer for wheat and flour, on an average requires only about 144,000,000 bushels of wheat and flour from non-European countries.

Of this quantity India alone shipped 56,578,000 bushels the past season, the Argentine Republic nearly 12,000,000 bushels, Canada 6,000,000 bushels, Chile 4,000,000 bushels, Australia perhaps 10,000,000 bushels, making a total, with other minor countries, of fully 100,000,000 bushels, or over two-thirds of the normal requirements, without a bushel coming from the United States. With such competitors, the export trade which has grown so successfully under the present system should be encouraged, or at least let alone, instead of being killed by the "Hatch bill."

A buyer for several large mills in New York relates that in January last the mills found it impossible to procure wheat on the spot or at the West, and thereupon went into the "futures" market and bought contracts for wheat for March and April delivery without knowing, or caring, or concern whether the sellers owned the wheat or not. At the proper time the wheat was delivered to them on the contract, paid for, and ground, which establishes the legitimacy of the operation.

As futures are as necessary as insurance to the handlers of the grain surplus of the country they may continue to be dealt in, in Montreal, for instance, and the trade and commerce of the country still further diverted to that port. The recent tendency of trade in that direction is very strongly marked, and the passage of the "Hatch bill" would be welcomed by the Canadians, as well as the European consumers.

Germany, after a thorough investigation of "futures" trading in that country, has refused to legislate against the system, holding it to be bene-

ficial to the country. Why should the Congress of the United States forbid similar customs in this country which have grown with, fostered, and protected the trade in its surplus farm products seeking a market? Already Hamburg is opening a cotton exchange on the prospects of the passage of the bill, and invites American trade.

The "Hatch bill" would force the trade in cereals from this country to Mark Lane in London, and the produce exchanges of Liverpool, Antwerp, Berlin, Paris, etc., and the European consumers would joyfully seize every possible advantage that might be offered to obtain their supplies at their own prices.

Since the Hatch bill passed the House, checking speculation in wheat, its price has fallen over 12 cents a bushel, recovering 3 cents of the decline on rumors that the bill would not pass this session, showing that speculation sustains, instead of depresses prices.

Mr. VEST. Mr. President, as I stated to the Senate, I have no personal knowledge on this subject, and I am dependent entirely upon evidence obtained from others. It has been stated repeatedly that the inevitable result of options and futures was to cause a fall in the price of agricultural products; that this was the logical result. I have a table which I caused to be prepared of the wheat market in the city of New York from January, 1887, to June, 1892, giving the price in the market of No. 2 red winter wheat. I will not undertake to read it. It gives the price for each month. I will give the average, however, under this system of options and futures to test the accuracy of the statement that the logical result of options and futures is to put down prices.

The average for this grade of wheat in 1887 was 88⅞ cents a bushel; in 1888 it was 97⅛ cents a bushel; in 1889 it was 88½ cents a bushel; in 1890 it was 98¼ cents; in 1891 it was $1.09⅜, and in 1892, for January, February, and March, April, May and June, being six months, it ranged from 94⅞ cents a bushel to $1.06¼ a bushel, showing that the market had fluctuated from year to year and from month to month, when if the sale of futures could have put it down, and if that was the controlling interest, inevitably and unquestionably the market would have fallen. I submit the table to be printed in the RECORD.

Monthly average prices of No. 2 red winter wheat per bushel at New York; total sales of wheat for the month on the New York Produce Exchange; exports from New York and from the United States monthly.

WHEAT.

Months.	Average price at New York.	Total sales at New York, futures and spot.	Monthly exports of wheat. From New York.	Monthly exports of wheat. From all United States ports.	Total sales include sales of cash wheat.
1887.		*Bushels.*	*Bushels.*	*Bushels.*	
January	$0.93⅛	87,329,150	3,181,860	8,110,892	
February	.91¼	116,973,950	2,809,967	5,916,289	
March	.91⅛	176,328,200	5,284,904	7,727,225	
April	.93⅛	154,676,600	3,115,659	6,524,209	
May	.92⅜	170,400,100	4,269,323	8,879,231	
June	.94⅜	199,541,000	6,473,456	12,326,534	
July	.83⅛	120,367,000	5,367,154	13,760,827	
August	.80⅜	96,698,000	5,768,728	14,036,320	
September	.80½	86,031,500	1,720,292	5,838,602	
October	.83 5/16	86,868,600	1,331,803	3,665,315	
November	.86½	233,109,000	1,570,291	3,995,862	
December	.91	199,474,000	992,552	4,347,335	
Yearly average and totals	.88⅞	1,727,797,100	41,885,989	95,128,641	
1888.					
January	.91 3/16	66,561,000	791,356	2,913,518	
February	.89⅜	76,167,000	1,966,009	4,838,392	
March	.90½	96,038,000	1,303,675	4,313,684	
April	.93 5/16	123,221,000	1,205,415	3,182,374	
May	.96⅜	171,833,200	1,076,206	2,049,366	
June	.90⅛	89,043,000	1,624,700	2,847,671	
July	.90 1/16	125,226,000	1,361,981	3,618,130	
August	.97 1/16	263,522,000	1,794,199	7,334,376	
September	.99 3/16	157,868,100	837,573	6,557,456	
October	1.11 1/16	224,505,200	63,800	4,545,216	
November	1.08⅛	114,954,000	199,460	3,343,157	
December	1.04⅞	49,203,000	384,868	3,988,580	
Yearly average and totals	.97⅛	1,558,141,500	12,609,242	49,531,915	
1889.					
January	0.98 5/16	78,070,600	101,161	3,174,201	
February	.97⅛	60,346,000	172,361	1,585,636	
March	.93¼	176,625,300	506,371	2,840,961	
April	.86 1/16	152,587,960	863,442	2,902,123	
May	.83 3/16	53,700,150	1,506,000	3,467,233	
June	.83 1/16	146,761,150	1,425,701	3,037,060	
July	.88¼	83,508,000	1,105,885	3,241,395	
August	.88⅜	34,821,500	1,582,862	6,835,033	
September	.85⅝	65,160,000	621,791	3,893,272	
October	.84⅝	146,565,000	819,670	4,296,054	
November	.84 7/16	66,435,000	920,700	4,218,411	
December	.85½	58,567,000	1,289,160	6,099,599	
Yearly average and totals	.88⅛	1,123,148,600	10,916,604	45,610,978	

Monthly average prices of No. 2 red winter wheat per bushel, etc.—Continued.

WHEAT.

Months.	Average price at New York.	Total sales at New York, futures and spot.	Monthly exports of wheat. From New York.	Monthly exports of wheat. From all United States ports.	Total sales include sales of cash wheat.
1890.		*Bushels.*	*Bushels.*	*Bushels.*	
January	$0.87⅜	52,531,000	833,180	3,905,675	1,379,000
February	.86⅜	80,024,000	843,810	4,800,470	1,696,000
March	.89⅞	116,938,000	1,135,815	4,842,732	1,890,000
April	.94 1/16	245,139,000	1,540,976	4,538,153	3,115,000
May	1.00 5/16	138,475,000	1,116,100	4,394,036	1,355,000
June	.95⅝	66,547,000	1,109,730	3,322,937	2,355,000
July	.97⅞	95,218,000	2,395,666	4,475,808	3,106,000
August	1.05⅜	137,625,000	1,345,824	5,440,107	2,121,000
September	1.03 1/16	94,914,000	182,888	2,049,336	1,274,000
October	1.07½	76,435,000	383,740	3,250,935	1,747,000
November	1.04⅜	90,138,000	542,791	3,399,430	1,810,000
December	1.05 1/16	44,343,000	1,119,426	4,851,961	1,143,000
Yearly average and totals	.98¼	1,238,327,000	12,549,946	49,271,580	22,991,000
1891.					
January	1.07⅜	53,823,000	739,079	4,359,416	1,615,000
February	1.12⅜	71,062,000	619,357	3,900,699	1,262,000
March	1.15½	190,305,000	595,842	4,961,015	1,121,000
April	1.21⅛	287,597,000	1,144,399	5,003,401	3,869,000
May	1.14⅛	218,910,000	2,245,437	6,564,974	5,670,000
June	1.08 1/16	121,202,000	2,993,073	6,874,866	5,514,000
July	1.01 1/16	124,616,000	4,120,423	9,668,718	9,422,000
August	1.07⅜	169,732,000	7,134,062	22,104,229	9,578,000
September	1.04⅝	118,814,000	8,238,514	20,374,778	5,129,000
October	1.05½	146,076,000	4,893,622	14,344,290	7,405,000
November	1.07 1/16	117,424,000	6,560,123	15,409,121	7,552,000
December	1.07	72,711,000	7,230,165	16,073,427	5,374,000
Yearly average and totals	1.09⅜	1,692,272,000	46,514,096	129,638,394	63,511,000
1892.					
January	1.04½	93,997,000	3,717,613	13,170,715	5,442,000
February	1.03½	154,577,000	3,144,054	8,832,155	7,602,000
March	1.02½	142,280,000	3,018,615	8,370,464	6,420,000
April	.99 5/16	190,717,000	2,514,702	8,856,570	7,727,000
May	.97 1/16	134,954,000	5,654,235	10,767,791	6,349,000
June	.94⅞	85,643,000	5,810,161	9,265,085	6,633,000
Totals, six months		802,168,000	23,859,380	59,262,780	40,173,000

If it be possible for the sale of futures and options to put down the market, the testimony is overwhelming on behalf of the friends of this bill, if it amounts to anything at all, that this is the result of dealing in options and futures. Then why is the market ever permitted to go up at all? If it is the interest of the bears to put it down and they have it within their own hands to put it down by selling phantom wheat and phantom cotton why do they not follow the inevitable result of their own self-interest and continue the depression?

But, Mr. President, I do not appear here as a witness, nor an advocate but as a Senator of the United States anxious to do what I believe the Constitution places upon me as a duty and what is the inevitable result of my own examination both as a matter of conscience and judgment.

I return for a single instant to the legal aspect of the case, which is amply sufficient for me. I voted against the oleomargarine bill and I have never regretted it. I was told then that the political guillotine was in full view, and my election to the Senate was pending. I voted against it and spoke against it with all the power I could command, and distributed that speech among the people of Missouri. I went home and told them why I voted against it, and the Democrats of Missouri said I had done right; that although they might have differed with me in regard to the bill, with my convictions I could not as an honest Senator vote otherwise. Of all the acts that President Cleveland ever did I criticised more severely than any other his message in which he vetoed the bill and then signed it. It was undemocratic; it was a prostitution of the revenue power under the guise of a police power. In my judgment, and I have never changed my opinion, it destroyed the fundamental doctrine upon which our party stands.

This bill is worse. It is a bold, naked, legislative highwayman, booted, spurred and masked as a revenue collector, when in reality it is a police officer. There is no pretense that the eleven operating sections of the bill would raise a dollar. They are framed for the purpose of stamping out what is considered a deleterious practice in the States of the Union. If that can be done, lotteries, faro banks, brothels, infectious diseases, all subjects of police power can be taken up by Congress and disposed of without consulting the States. Other Senators may find that they can, under some sort of an excuse, vote for a bill like this;

I am unable to do so. Perhaps it is my fault, but still the truth remains.

In the case of Veazy Bank *vs.* Fenno, the court divided in regard to the power of Congress to tax out of existence the State banks by a tax of 16 per cent.

Mr. GEORGE. Will the Senator give the name of the dissenting judges?

Mr. VEST. Nelson and Davis. Nelson delivered the dissenting opinion of the court. As a matter of course I am not here to appeal from the decision of the majority. I am a lawyer and acquiesce in the decision of the majority of the court, but all the opinions and tenets of my life have been with the minority. I agree with the Senator from South Carolina [Mr. BUTLER] in his able address here the other day upon State banks when he said he doubted the power of Congress to destroy by taxation. I not only doubt it, but I deny it. If Congress can tax out of existence anything in any of the States which comes within the police power of the States, then we have a Congressional absolutism, and the old Federal party was right when it declared that Congress could do anything that was necessary for the general welfare.

Mr. BUTLER. Yet the court in that instance, if the Senator will allow me, did decide that Congress had the right to employ the taxing power to destroy it.

Mr. VEST. I have read the decision again and again very carefully. Nowhere in the opinion of Chief Justice Chase in the Veazy Bank *vs.* Fenno does he say in so many words that the power to tax is a power to destroy. It is true he says that the judiciary will not undertake to put limitations upon the taxing power of Congress; and I agree with the Senator from South Carolina that the inference can be drawn that he means that the taxing power could go to any limit whatever.

But the Senator from South Carolina and myself do not belong to the political school that believes in any such thing. The same old contest is going on now that originated between Hamilton and Jefferson as to whether this Government has anywhere an illimitable power of taxation. Jefferson denied it, because, without going into the old argument rehashed a thousand times, if it be true that under the general-welfare clause of the Constitution Congress can impose any amount of taxation, then it follows irresistibly that there are no limitations in the Constitution upon that taxing power. To show that Chief Justice Chase even did not go that far, I quote from his opinion:

> There are, indeed, certain virtual limitations, arising from the principles of the Constitution itself. It would undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.

Mr. President, when I took up this bill with every hope that I could support it I asked myself, first, the question after reading it, is this a bill to raise revenue or is it a bill for police purposes? I could give to myself but one answer. Unquestionably, indubitably, it is an exercise of police power. What police power is sought to be exercised? The police power that exterminates a certain species of gambling in the States, confined to the products of a State between the citizens of a State. I then asked myself the other question, has Congress the power to go into a State and exercise a police power without the consent of the State authorities in regard to a subject like this? I could not again give myself but one answer.

Now, I am told that this option and future dealing limits and obstructs commerce among the States and with foreign nations. My own observation teaches me that this can not be so. On the other hand, it increases transactions. The letter I have read shows, it seems to me beyond question, that if we pass this bill we limit our foreign trade, and unquestionably we would limit transactions between citizens of the respective States.

Mr. COKE. Will the Senator allow me to interrupt him?

Mr. VEST. Certainly.

Mr. COKE. Suppose Congress decides otherwise, and says that this future and option gambling does obstruct interstate and foreign commerce, then is there any jurisdiction? Is not that a question for the decision of Congress on the evidence?

Mr. VEST. Exactly, and I am arguing the point that it seems to me beyond question [the evidence proves no such thing. I grant the power of Congress to remove any obstruction to commerce among the States and with foreign countries. I know that the Supreme Court has gone to the furthest limit in two decisions, at least, in regard to obstructions to foreign commerce and commerce among the States; but when the evidence is presented to me in my own actual observation I can come to no other conclusion (and I speak for no one but myself) but that it is no obstruction. How can it be an obstruction unless every other transaction can be called an obstruction to commerce among the States? There is nothing in it except an indirect effect at best, and who can undertake to say that when I sell to a neighbor in Missouri *for* future delivery to be delivered to him at some day afterwards I am obstructing commerce with Illinois or with Kansas? It seems to me that the statement of the proposition shows that it is absolutely impossible.

Mr. President, I believe with Chief Justice Chase that there are limitations in the Constitution. I believe that the police power as to the subject mentioned in this bill rests with the States and not with the Federal Government, and so believing I should trample upon the convictions of my lifetime and do injustice to my own conscience and judgment if I gave indirectly even any support to a measure of this kind. It can not be amended because it is vicious in principle. It can not be made better because fundamentally it is wrong. It is an attempt to meet a popular demand, and that demand in my judgment not based upon the real condition of affairs existing in this country.

Mr. WASHBURN. Mr. President, I will detain the Senate just a moment, because the Senator from Louisiana [Mr. WHITE] desires to go on. I feel that I should say just at this moment one thing. The Senator from Missouri stated at one point in his speech that it was the interest of the miller to have a low price of wheat. That is not the case. It is not the interest of any manufacturer, and I appeal to my friend from Rhode Island [Mr. ALDRICH], or anybody who knows about manufacturing. It is not in their interest to have a low price on raw material, but it is their interest to have a high price and a firm price. It is the interest of every manufacturer that he should not manufacture on a declining market, but the higher the raw material the stronger and brisker the trade and the larger the profits, invariably. What no manufacturer wants is a declining market. No manufacturer of wheat wants to buy his wheat on the markets of the world on the basis of supply and demand and then have some market-wrecker go on the boards of trade and by artificial methods knock that price out from under him.

That is what the miller wants and that is what any manufacturer wants. He is willing to stand on the laws of supply and demand and take his chances, as we formerly did.

Mr. HARTER says he does not buy wheat and carry it. Of course he does not. Nobody dare do it for a moment; but in the early times, before these vicious practices were introduced, all manufacturers carried a reasonable amount of the raw material that they manufactured. To-day it is impossible. Every principle of business is undermined and destroyed by this vicious practice.

I simply desire now to put myself on record so far as the question of raw material is concerned. It is not in the interest of any manufacturer, whether in cotton or wool or wheat, to have a low price of the raw material.

Mr. GEORGE. I should like to ask the Senator a question.

Mr. WASHBURN. Certainly.

Mr. GEORGE. When did this dealing in futures of wheat commence up in the Northwest?

Mr. WASHBURN. It originated in a small way about twenty-five years ago.

Mr. GEORGE. When did it become a controlling factor?

Mr. WASHBURN. It became bad about ten years ago, and has been going from bad to worse until the present time.

Mr. GEORGE. How long has the Senator been in the milling business?

Mr. WASHBURN. Oh, fifteen or twenty years.

Mr. GEORGE. Did the Senator find out that before this future-delivery business commenced his business throve more easily and better than it has done since?

Mr. WASHBURN. Very much. It is now the most difficult thing to do business at all. It is hardly safe to attempt to do business. They are bedeviled and harassed all the time. It is an impossibility to do legitimate business, to protect yourself at all. If you buy wheat to carry, and if you have it in your bin you have got to go among these people and sell short to protect yourself. Then you have to buy it in when the time comes, paying commissions to these people twice over. It is robbery from beginning to end. But the Senator from Missouri seems to think it is a good thing, and I will not attempt to convert him. Can I?

Mr. VEST. No.

Mr. WASHBURN. I do not think I can.

Mr. VEST. It is not worth while.

Mr. WASHBURN. He thinks it is a good thing, and the judgment of the great mass of the farmers of this country he seems to think is of no account. I surely shall not be able to convince him to the contrary; but I believe in the instincts of the million. I believe that the 25,000,000 farmers in the country know something. I believe their instincts are better to be trusted than these people who hover around the exchanges in Chicago and New York. So far as I am concerned, I am willing to follow their instincts rather than others whose interest lies in an entirely different way.

Mr. VEST. When the Senator wants to come to my State we will discuss the instincts, or I can go to his. I want to ask him

a question. I wish to ask him if it is not true that an English syndicate has bought a large mill and elevator interest in his State and in Dakota?

Mr. WASHBURN. It is.

Mr. VEST. When was that purchase made?

Mr. WASHBURN. Two or three years ago.

Mr. VEST. And they made that purchase and paid a large price?

Mr. WASHBURN. They paid a fair price; not very large.

Mr. VEST. Notwithstanding the options had made the business so difficult. That is all.

Mr. WASHBURN. Of course the mills made a reasonable amount of money.

Mr. VEST. Mr. Pillsbury is the agent of that syndicate?

Mr. WASHBURN. Certainly he is. What is there about that? I know there was a great clatter made about it.

Mr. VEST. Here is what there is in it. I take it that men who come here and invest hundreds of millions, who are the best business men in the world, know as much about this matter as the Senator from Minnesota, and would not put their money into a transaction that was endangered by options and futures.

Mr. WASHBURN. There is no "hundreds of millions" about it. That is a very extravagant statement.

Mr. VEST. How many millions I do not know.

Mr. WASHBURN. Seven or eight millions.

Mr. VEST. That is a considerable nest egg in my State.

Mr. WASHBURN. It is a very considerable property. It has since proved reasonably profitable, as it did before.

Mr. PADDOCK. There is a large amount of real estate?

Mr. WASHBURN. Enormous. It is the whole water power of the Falls of St. Anthony.

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

Mr. WASHBURN. Certainly.

Mr. WHITE. Does the Senator think that Mr. Pillsbury's judgment as to whether the present system is better than the former system would be worth having?

Mr. WASHBURN. It ought to be.

Mr. WHITE. If Mr. Pillsbury declares that the present system was better for the farmer than the former system would the Senator think that his judgment on that subject was as good as the Senator's?

Mr. WASHBURN. No; I should think he was entirely off his base.

Mr. VEST. We have his testimony to that effect.

Mr. WASHBURN. I should not have any respect for such an opinion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9284) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and for prior years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. HOLMAN, and Mr. DINGLEY managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 1775) to fix the compensation of keepers and crews of life-saving stations.

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

A bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico at the mouth of Ropes Pass, in the State of Texas; and

A bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Fla.

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

A bill (H. R. 6262) fixing the fees of jurors and witnesses in the United States courts in certain States and Territories; and

A bill (H. R. 7974) to authorize the construction of a bridge over the Tennessee River at or near Deposit, Ala.

JURISDICTION IN LAND PATENTS.

Mr. MITCHELL. I desire to have a conference committee on Senate bill 1111. I ask that the amendments of the House of Representatives be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representative to the bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States."

Mr. MITCHELL. I move that the Senate disagree to the amendments of the House of Representatives and ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MITCHELL, Mr. PLATT, and Mr. PUGH were appointed.

LIQUOR TRAFFIC IN INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes.

Mr. PLATT. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT, Mr. MITCHELL, and Mr. PUGH were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 6262) fixing the fees of jurors and witnesses in the United States courts in certain States and Territories was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 6183) to amend the national-bank act in providing for the redemption of national-bank notes stolen from or lost by banks of issue was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 7974) to authorize the construction of a bridge over the Tennessee River at or near Deposit, Ala., was read twice by its title, and referred to the Committee on Commerce.

RETAIL PRICES AND WAGES.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the resolution submitted yesterday by Mr. ALDRICH, reported it with an amendment and asked for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That there be printed for the use of the Senate 20,000 extra copies of the Senate Report No. 986 on retail prices and wages, together with appendices A, B, and C.

Mr. COCKRELL. That is the resolution submitted yesterday and referred to the Committee on Printing?

Mr. MANDERSON. It is.

Mr. COCKRELL. How many copies does it provide for?

Mr. MANDERSON. I propose to move to strike out "20,000" and insert "16,000," finding that that number can be printed for $480, which is within the rule, on behalf of the committee.

Mr. HAWLEY. I wish to inquire of my colleague on the committee whether of this additional number the evidence submitted is to be printed?

Mr. MANDERSON. I understand not. The usual number of copies of the evidence has been ordered printed, and this is to print an extra number of the report.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out "twenty" and insert "sixteen" before "thousand;" so as to make the resolution read:

Resolved, That there be printed for the use of the Senate 16,000 extra copies of the Senate report No. 986 on retail prices and wages, together with appendixes A, B, and C.

The amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. CHANDLER. Mr. President——

Mr. WASHBURN. I shall have to call for the regular order, and will yield the floor to the Senator from Louisiana [Mr. WHITE] on the pending bill.

Mr. CHANDLER. I ask unanimous consent to call up the bill (S. 3240) to facilitate the enforcement of the immigration and contract-labor laws of the United States.

The VICE-PRESIDENT. The Senator from Minnesota calls for the regular order.

Mr. CHANDLER. I will say to the Senator from Minnesota that I will not press my request if Senators are ready to speak on the pending bill.

Mr. WASHBURN. The Senator from Louisiana is ready to go on. I have no objection to yielding to the Senator from New Hampshire, if it will take but a moment.

Mr. CHANDLER. It will take but a little time.

Mr. COCKRELL. We must go to the Calendar under the agreement we had before. We can dispose of all the unobjected House bills this evening.

Mr. PROCTOR. Mr. President——

The VICE-PRESIDENT. The Chair understands that the

Senator from Louisiana is not ready to speak. The Senator from New Hampshire has been recognized. Does he yield to the Senator from Vermont?

Mr. COCKRELL. Allow me to suggest to the Senator from New Hampshire now that we go on with the unobjected House bills as we did yesterday.

Mr. WASHBURN. No, I object. There are gentlemen who are ready to speak to-night on the antioption bill.

COMMITTEE SERVICE.

Mr. PROCTOR. The Senator from Minnesota yields to me for a simple request. I ask to be excused from further service upon the Committee on Private Land Claims.

The VICE-PRESIDENT. The Senate has heard the request made by the Senator from Vermont. He will be excused if there be no objection. He is excused.

Mr. MANDERSON. I ask unanimous consent that the Chair fill the vacancy thus created upon the Committee on Private Land Claims.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska? The Chair hears none. The Chair names the Senator from Rhode Island [Mr. DIXON] to the position in the membership of the committee made vacant by the resignation of the Senator from Vermont [Mr. PROCTOR].

ORDER OF BUSINESS.

Mr. CHANDLER. I now ask the Senator from Minnesota, if no Senator is ready to speak on the pending bill, to allow me to call up Senate bill 3240.

Mr. WASHBURN. I understand that the Senator from Virginia [Mr. DANIEL] desires to go on, and I yield the floor to him.

Mr. CHANDLER. If the Senator from Virginia desires to go on I will not ask the consideration of the bill at the present time.

Mr. COCKRELL. I call for the regular order.

Mr. DANIEL. Matters seem somewhat complicated. I do not want to delay business at all.

Mr. CHANDLER. I do not understand that the Senator from Missouri wishes to call for the regular order unless some Senator is anxious to speak to-day.

The VICE-PRESIDENT. The regular order is the antioption bill. The Senator from Minnesota, the Chair understands, has yielded the floor to the Senator from Virginia. Is the Senator from Virginia ready to speak upon the bill?

Mr. DANIEL. I am ready to go on, sir.

DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. Pending that, I ask that the action of the House of Representatives on the deficiency appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9284) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and for prior years, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. In the absence of the Senator from Maine [Mr. HALE], who has charge of this bill, I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

TENNESSEE RIVER BRIDGE AT KNOXVILLE.

Mr. BATE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6091) to amend "An act to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.," approved August 9, 1888, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

WM. B. BATE,
G. G. VEST,
WM. P. FRYE,
Managers on the part of the Senate.
S. R. MALLORY,
JOHN J. O'NEILL,
JOHN LIND,
Managers on the part of the House.

The report was concurred in.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. FRYE. Mr. President——

Mr. WASHBURN. I call for the regular order.

The VICE-PRESIDENT. Does the Senator yield to the Senator from Maine?

Mr. FRYE. I wish to make a report.

Mr. WASHBURN. Very well. I will yield for routine business.

Mr. FRYE, from the Committee of Commerce, to whom was referred the bill (H. R. 9581) to provide for the improvement of the outer bar of Brunswick, Ga., reported it without amendment.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the joint resolution (S. R. 102) to provide for the construction of a wharf as a means of approach to the monument to be erected at Wakefield, Va., to mark the birthplace of George Washington, reported it without amendment.

Mr. MANDERSON, from the Committee on Indian Affairs, to whom was referred the bill (S. 2068) extending relief to Indian citizens, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1541) granting a pension to C. G. McKnight, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 7296) granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6142) for the relief of J. D. King, reported it without amendment, and submitted a report thereon.

ADDITIONAL BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 3463) to fix the limit of cost of the United States post-office building at Buffalo, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN introduced a bill (S. 3464) authorizing the Secretary of War to remove the charge of desertion from the military record of H. Clay Coude; which was read twice by its title and referred to the Committee on Military Affairs.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H.R. 7845) defining "options" and futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. CHANDLER. I now ask the Senator from Minnesota, if no one desires to proceed at this time——

Mr. COCKRELL. I call for the regular order.

Mr. WASHBURN. I am sorry I can not yield. I should like to yield to the Senator from New Hampshire, but I can not. I call for the regular order.

Mr. COCKRELL. There is an amendment pending. Let it be reported and let us have a vote upon it, if nobody is ready to discuss the bill.

Mr. WASHBURN. I understand the Senator from Virginia [Mr. DANIEL] is ready to go on.

Mr. DANIEL. Mr. President, I have no sympathy with mere gamblers and speculators. If this were a measure legitimately and constitutionally aimed at any practice of gambling in food products or others matters of necessity amongst the people, I should vote for it.

I am opposed to this bill, however, because to any plain, honest mind that looks at the Constitution and reads it according to its letter and according to its spirit, it seems to me it must be obvious that it is a false pretense by which jurisdiction is claimed over a subject-matter which it does not belong to Congress to concern itself with.

THIS BILL DISINGENUOUS AND DISHONEST.

I am well aware that there is considerable popular sentiment in favor of a measure to be enacted by the Federal Congress to break up fictitious transactions in farm products. Whether, if this were done, it would result in the beneficence which is claimed by the advocates of this measure is a problem; but let one opinion or another upon that subject be correct, it is plain to my mind that this is a disingenuous and dishonest bill, which, under mere false color of doing one thing, designs and intends to do another.

In using this strong language, Mr. President, permit me to disclaim any reflection whatsoever upon any of the learned and enlightened gentlemen who advocate this measure. I am obliged to call things by their right names, because the gist of the argument against this bill rests upon what it is rather than upon what it claims to be; and in using these adjectives to describe it I mean no manner of invidious animadversion upon those minds

who can see these things differently and who can satisfy their consciences according to what they see or seem to see.

The petitions which have been forwarded to Congress upon this subject and the colloquies in debate between Senators who have discussed it, are all directed to the securing of an act of Congress to prevent gambling in agricultural products.

THIS BILL DOES NOT DENOUNCE OR PRETEND TO INTERDICT FICTITIOUS TRANSACTIONS—IT LICENSES THEM.

This bill is not a bill which either denounces or in any way interdicts gambling in agricultural products. It is based in its theory, it is based in its language, it is based in the devious and insincere method with which it approaches the subject, by the preacknowledgment in the mind of the penman who wrote the bill and in the arguments of those who advocate it, that it is a question upon which Congress has no legitimate jurisdiction, and it attempts to disguise itself under the cloak of a revenue officer and to steal surreptitiously into a province where it knows and proclaims it has no right to enter.

THIS BILL OVERRIDES AND WIPES OUT STATE LINES.

Mr. President, if the theory of this bill be true, all the lines which part the Federal and State governments are mere lines of imagination. You have no more right under the color of a license tax to enact a license tax which you do not profess or desire to collect, in reference to the subject-matter that is dealt with, than you have as to the administration of justice or as to the administration of police or in any other affair that concerns the local autonomy of a State.

If the theory of this bill be correct, under the pretense of requiring a license for marriage you may invade the States of this Union and then enact uniform laws of marriage and divorce; under pretense of granting a license to a real-estate agent, and under the avowed declaration that the selling of lots and the indulging in booms depreciates the price of land, you may take charge of all the real estate that lies between the Atlantic and Pacific Oceans and between Canada and Mexico and plant the foot of Federal jurisdiction where, until this hour, it had never been conceived it was appropriate for it to enter.

I do not conceive that the farmers of our country are going to find any such relief from this measure as is held forth to them by those who have heretofore refused every substantial measure of relief that they have asked, who have taxed them higher in response to their appeals for lower taxation, and who have denied to them the coinage of their ancient metallic hard money, when they have sought it as a measure of increased financial facility.

I do not believe, when men who are genuine in their faith in a constitutional government, and who intend as far as in them lies to preserve it according to its fair intendment and its just spirit, go before the people and explain to them this measure, and how it has been advocated and boosted by those who have denied to them substantial relief, they are going to allow themselves to be amused by such a colored toy.

THIS BILL TAXES BONA FIDE SALES OF AGRICULTURAL PRODUCTS BY ACTUAL OWNERS THEREOF.

Mr. President, this bill, in the language of its advocates—not on its own language—pretends to interdict gambling in food products which are not owned by either buyer or seller. That is but one of the items of the bill when we come to look at it in the concrete. Up to the twelfth section of this bill it does deal in licenses and penalties with persons who propose to sell things that they have not or to buy things that the seller has not. But after we cross the line of the twelfth section we find that under color of aiming at the gamblers it has gone down upon the farm and into the household and into the shop, and has required the free American citizen, who has right under his hand and by his side, as he looks upon it, the requisition that he shall get a license to sell the food product which is his own possession, as much as the book that is in your library or the knife that is in your pocket.

It occurs to me, Mr. President, that the genius of some other gambler than he who deals in the phantom stocks of the stock exchange has put his finger in there, and that, under color of aiming at the gambler, a greater speculator than he who throws away a few thousand dollars to-day or to-morrow upon the stock exchange is endeavoring to bring under his eye and within the jurisdiction of his calculation not only the food products which may be bartered upon the stock exchanges, but all which is upon the farm and in the elevator and in the storehouse, and to prepare himself for that great transaction which is much more perturbing to the market than the daily transactions of the exchange, to prepare himself to corner the whole market, and to make bigger differences in prices than any of the ordinary transactions of the stock exchange will ever effectuate.

This bill is a contradiction of itself, its latter half contradicts its first half. If the design be, as is pretended by those who wish to appeal to the moral element of society and to get the ear of the farmer—if its designs be simply to forbid meretricious transactions, why have they required a license if one farmer shall sell to another any overplus of stock which he may have on hand and which he did not use?

THE BILL IS UNCONSTITUTIONAL.

So much, Mr. President, at the threshold of this discussion. It would be a sufficient answer to this bill that it was unconstitutional, and I so believe. I shall not here contend that the Supreme Court of the United States would pronounce it unconstitutional. Some gentlemen consider that they have compassed all constitutional discussion when they declare that such and such a thing would not be denounced by a court as unconstitutional.

CONGRESS ITSELF IS THE SUPREME AND FINAL JUDGE OF CONSTITUTIONAL QUESTIONS LEFT TO ITS DISCRETION.

There are a great many unconstitutional things which can happen in this country which no United States court and no State court has any jurisdiction to take cognizance of. There are many things of which, in the very nature of our Government, the legislator in the State and the Representative and the Senator are appointed and made by the Constitution the sole and final judges of the constitutionality, and when someone says in respect to a decision of the court that it has held a certain act constitutional, he often means only that the court has said it has no jurisdiction to pronounce it otherwise. Now, to illustrate: All political questions, questions which relate to the internal policy of the Government, questions which depend upon motive, upon design, upon conscience, the Supreme Court has decided over and over again that in that class of cases the question of constitutionality rests with the legislative body, and that it has no jurisdiction to hear and to determine them.

A court in determining whether or not an act of this nature is constitutional, can only do one thing; it can only look at the abstract, naked power with which the Constitution has invested the legislator and then look at the act of the legislator, and if the abstract, naked power, which the people have reposed in the Congress to be exercised by it with certain motives, with certain purposes, with certain designs be there, and the act does not transcend that abstract power, the court say we can not asperse the integrity of a coördinate branch of the Government because, if that were permissible, the executive, the judicial, and the legislative powers would be no longer independent of each other.

Mr. President, in the sense that there is no higher officer who can undo the act embodied in this bill if it is passed, I admit that to my mind it appears there is no higher body in this country than the Senate itself to determine the constitutionality of this bill. If there were a higher body which could supervise and criticise our action, if we were sitting under the sanction of superiors who might correct our error, if we made one, then I can imagine that a Senator might readily yield a light doubt, or even a serious one, to the demand of the public, to the persuasion of colleagues, to the suggestion of public policy in whatever direction it might approach him, and might take consolation to himself that, if he erred, there was a supreme power above him which might correct his error and prevent the Constitution of his country from being infringed; but when we realize that there is no power beyond us which can revise our action, that if we do err the Constitution is fatally infringed in a point which no one can cure it, do we release ourselves from care in the inspection of this measure, or do we impress more deeply upon ourselves the responsibility of the trust which has been confided in us? To my mind it puts every Senator upon the highest plane of honor that man can be placed upon. The people of the whole country have trusted him, and have trusted him alone, without a master to override or overrule his conduct, and if sincerity and honesty and integrity in man be not forthcoming under such circumstances, then it is vain for any people ever to hope to create a republican government which will preserve them.

Mr. MITCHELL. Will the Senator yield to a question?

Mr. DANIEL. With pleasure.

Mr. MITCHELL. The Senator from Virginia believes that if this bill as it stands were enacted into a law and brought before the Supreme Court of the United States that tribunal would hold that it was constitutional?

Mr. DANIEL. I should suppose that that court would say that it had to regard this as a bill to raise revenue, because Congress said so. I believe, however, if you would put in a whereas to this bill the truth as to the motive inspiring it, the court would say the truth of the whereas destroys the integrity of what follows. Therefore this is one of the bills which has come into this body without a whereas.

JUDICIAL COURTS CAN NOT IMPUGN LEGISLATIVE MOTIVES.

Now, I will go on to explain distinctly what I mean by saying the bill is unconstitutional. The people have given to the Congress of the United States the power to establish post-offices and post-roads. The United States Congress has a right anywhere it pleases and where it conceives it to be desirable for the pub-

lic good to establish a post-office and a post-road. Now, *arguendo*, I will put a question to my honorable colleague who has asked me as to the decision of the court. Suppose there was a place where he wanted to benefit the property of another and where there was no post-office needed and no post-road either now or in any prospective cognizable future, and suppose that, for the purpose of benefiting that man's property, and not with a view to subserving the Government of the United States in its legitimate sphere, he were to offer a bill to establish a post-office and post-road there where it was not needed and wanted, what would the court say?

The court would say "Congress has power to establish this post-office and post-road, and has done it. We have no right to inquire into motives." But if in point of fact the post-office and post-road were not wanted, and if in point of fact the Congress which voted it did it for the sole purpose of aggrandizing the property of the person benefited thereby, is there any one who would contend that honest, ingenuous, truth-telling, and straightforward trustees of the people had done that thing?

OUR CONSTITUTIONAL AUTHORITY IS TO "LAY AND COLLECT TAXES," NOT TO LAY TAXES SO AS NOT TO COLLECT.

Mr. President, here is the power which is given to us in respect of this matter:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The words "lay and collect" are associated. It is not "lay or collect," but the idea to be gathered from the text is dependent upon the two words "lay" and "collect," and your power is to lay the tax and collect it. It is not the mere power to lay the tax, not the mere power to collect one or to lay it without collecting, but it is the power to define and gather a tax which is the citizen's contribution of his share to the support of government. You lay a tax here with the knowledge in your own mind, with a purpose in your own mind, with a fixed determination and object in your mind proclaimed to the Senate and to the world that you do not intend to collect it, do not want to collect it, but want to break up something which is evil by merely laying and never collecting it.

Mr. President, there may be no chancellor who can put on the ermine and dismiss the trustee who would thus abuse a power confided to him, but if there were a chancellor in court of equity and any trustee were to carry out the orders of his court in that disingenuous and dishonest manner, he would not stay trustee longer than the order to rescind his appointment could be drawn.

Mr. PUGH. We legislate so as to make it impossible to collect.

Mr. DANIEL. In other words, your levy is repugnant to the condition of your power. It would be a bad deed if it disclosed its object upon its face, if not bad before the Supreme Court, because the court says it can not asperse your motives, and believes you to be the thing that you declare yourself in enacting the legistion.

Mr. President, my distinguished friend from Minnesotta [Mr. WASHBURN] read discursively from the essay of Judge Cooley upon the tax power, in which the judge in this essay went on to declare that Congress in enacting laws sometimes looked at other things than revenue, and that it had become the practice of tax-levying statutes to do that thing. I have no doubt it has become the practice, and I have no doubt also that there are cases in which all governments do make certain discriminations, the main object, however, always to be subserved being the collection of revenue, the laying and collection of the tax.

I find in Judge Cooley's work on Constitutional Limitations, which is a great work, and one which I have often consulted, a paragraph which the Senator from Minnesota did not quote, and one which, as it seems to me, is much more pertinent and apt in this discussion. On page 57 he says:

Constitutionally, a tax can have no other basis than the raising of revenue for public purposes, and whatever governmental exactions have not this basis are tyrannical and unlawful.

And after reading this sedate conclusion of that eminent jurist upon this subject, whose counsel the Senator invoked, might I not be pardoned if I added, "Oh, most righteous judge!"

THE PEOPLE DECEIVED AS TO THE TRUE CHARACTER OF THE BILL.

Let us examine this bill a little. My eloquent and able friend from Missouri [Mr. VEST] has so analyzed its provisions and has so discussed the policy connected with it that I feel as if I should but repeat a twice-told tale in much less attractive phrase than he has done if I attempted to go over it; but I feel that it is just and proper that I should explain the reasons for my vote in order to vindicate that vote here before my colleagues and before the constituents who have intrusted me as their trustee.

I well recall, as does that Senator, a few years ago—it is not many—when the bill to bring oleomargarine within the police powers of the revenue by levying a tax upon it was before Congress. There was just as much clamor at that time for that bill in the State which I have the honor here in part to represent as there is for this one now. The sedate conclusions of the people upon subjects which have been discussed before them are very generally correct, and at all times to be treated with the utmost respect, but we all know how easy it is for classes and sects of men who imagine themselves to be somewhat parted in their interests from their fellows to get up an idea that a certain thing is evil to them, and, without ample discussion, to adopt the first remedial measure which is suggested.

I think much of the clamor for this bill has been generated in this manner. I have never heard the subject discussed upon the hustings in our State, and when it has been discussed in petitions and arguments which we have found laid upon our table and in the press, it has been discussed rather with reference to its avowed objects than according to its structure and its legal aspects.

CONGRESS HAS NO POWER TO INTERFERE WITH THE INTERNAL TRADE AND BUSINESS OF A STATE.

I will read a paragraph from a decision of the Supreme Court, in 9 Wallace, page 41, in which Chief Justice Chase, delivering the opinion of that court, defines in a measure what are the legitimate objects of Congressional legislation with reference to an internal-revenue law.

The syllabus of the case is as follows:

1. The twenty-ninth section of the internal-revenue act of March 2, 1867, (14 Statutes at Large, 484), which makes it a misdemeanor, punishable by fine and imprisonment, to mix for sale naphtha and illuminating oils, or to sell or offer such mixture for sale, or to sell or offer for sale oil made of petroleum for illuminating purposes, inflammable at less temperature or fire test than 110° Fahrenheit, is in fact a police regulation, relating exclusively to the internal trade of the States.

2. Accordingly, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation.

Now, as to what the Chief Justice said—I read from United States *vs.* Dewitt, 9 Wallace, page 43:

The questions certified resolve themselves into this: Has Congress power, under the Constitution, to prohibit trade within the limits of a State?

That Congress has power to regulate commerce with foreign nations and among the several States and with the Indian tribes the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms, and as a virtual denial of any power to interfere with the internal trade and business of the separate States, except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

Then, applying that doctrine to the particular item here, the Chief Justice went on to show that these penal provisions and these declarations as to the mixture of oil were merely put in under the color of a revenue law and were not associated with the levy and collection of the tax, and held the penal statute and all the provisions as to the mixing of these oils to be entirely unconstitutional.

The predicate of that opinion is the doctrine upon which I stand, and I reassert here that it may rise up over and above all the other elements of this discussion, that Congress has no power to regulate the internal trade in a State, and it has never been considered within its jurisdiction to interfere with the business of the separate States.

Mr. President, if you look at the animus of this bill, you know, and there is not a man who advocates it who does not know and does not declare, that the object of framing it is to interfere with the internal trade and commerce of the separate States of this Union, and the mere shadowy and shabby pretense by which the invader expects to escape his own responsibility and the denunciation of the supreme law is that he has disguised himself in the robe of the tax-collector, and is going down there to lay a tax which he never expects and never desires to collect. If these stock gamblers are as dishonest in their transactions as this transaction is dishonest upon its face, God pity the poor farmers who are at their mercy.

CAUSE OF FALLING PRICES OF AGRICULTURAL PRODUCTS.

Mr. President, it has been contended by the Senator from Minnesota and by others that the great fall in the values of wheat, of corn, of oats, of bacon of lard, and of other products which are the result of toil in, the field, has been produced by stock-gambling transactions, or rather by dealings in options and future deliveries of those products. The record refutes that doctrine. It may have had an evil tendency; I am inclined to think it has. I have no doubt that it assists to befog and becloud genuine transactions, and that it is an evil in itself; but why should we look for such remote and incidental causes for the decline of the values of land and of all which it produces when we have plain and obvious causes before us? Will the Senator from

Minnesota pretend that the great decline in the value of farming lands in Ohio, or in Pennsylvania, or in Maryland, or in Northern Virginia, right on our border, has been the result of these stock-gambling transactions? Has that produced all this evil? If it has produced all this evil, has it produced it gradually or has it done it by a sudden plunge and shock?

I will read a little from the able speech of the Senator from Minnesota:

The price of wheat—

Says the Senator from Minnesota—

has steadily declined from the highest point on the last crop to the present time, 34 cents a bushel.

That was about a third of the value of the wheat crop. The Senator tells us himself that these transactions have been going on for twenty-five years. It seems to me I remember to have read of them in the newspapers and to have seen the decisions of the courts respecting them ever since I came to the bar. They are no new thing. How was it that these deleterious and pernicious transactions have been going on in this country for a quarter of a century and that they suddenly came to a climacteric and knocked down the price of wheat 34 cents in one year? That is a little sudden and surprising.

I will agree with the Senator that the decline of prices in this great product has not been brought about by natural causes. I think with him that that is evident, but has the Senator forgotten that the McKinley bill came along just about that time and that the fall of prices eventuated just after it was getting its work well in? That was not a natural cause, but curious enough it is one which has entirely escaped the Senator's attention. What is more remarkable than that, it appears that owing to the result of famine in Europe and to the great demand for American products, of which since the McKinley bill went into operation we have sold a larger proportion to foreign markets than ever before.

HIGH TAXES AND RESTRICTED FINANCE THE CAUSES OF DEPRESSION.

I acknowledge that a good many prophets on the Democratic side were very much disappointed in this result. I propose to discuss this subject with absolute candor as far as I can discern it. A great many thought and a great many said that it would injure our foreign trade in agricultural products, and that, as a result of the injury of foreign trade, prices would go down; but an unwonted demand by coincidence of the famine in Europe came for our food products. We have displayed before us on our desks the tables of the statisticians, which show that we sold $300,000,000 of breadstuffs to Europe last year.

Let me ask a question in return. How is it that as the demand for our breadstuffs in Europe has increased, and the supply has not correspondingly advanced, that the price has continuously declined? It must be because our agriculturists have not the opportunity through the operation of the McKinley bill to buy the things they need in the cheapest markets where they must sell. It must be also, as it is my firm belief, because the monetary system of this country is so deranged and so operated that our currency does not grow as our people and our products expand.

To the McKinley tariff and to the refusal of Congress alike to remonetize the ancient dollar of our fathers, which subserved our purposes for eighty years, to the contraction continuously of the national-bank circulation, and the refusal of Congress to allow the States to do any banking for themselves, to an absolutely restricted condition of finance, you are at last faced with the problem that the most productive, the most progressive, and the most fruitful nation in the world is dying of poverty amidst its plethora of riches.

Mr. President, I shall not go further into the details of this bill, except that I shall move at the proper time to strike out the twelfth and thirteenth sections. I will enter that motion now with a view to having it voted upon at a later season.

I will read the twelfth section, because here is a section which has nothing to do with your gamblers of the stock exchange.

Mr. PUGH. Will the Senator from Virginia yield to me?

Mr. DANIEL. Certainly.

Mr. PUGH. The hour is getting late, and it is now about the time we usually adjourn.

Mr. CULLOM. Before the Senator makes a motion to adjourn will he allow me to move an executive session? I am anxious that an executive session shall be held for a few minutes this evening.

Mr. PUGH. With great pleasure.

Mr. CULLOM. 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 eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 21, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 20, 1892.

SURVEYOR OF CUSTOMS.

John C. Hotchkiss, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa. Office created by the act of Congress approved April 7, 1892.

POST CHAPLAIN.

Rev. Charles W. Freeland, of Virginia, to be post chaplain, July 18, 1892, vice Lindesmith, retired from active service.

Rev. Joseph E. Irish, of Wisconsin, to be post chaplain, July —, 1892, vice McWatty, retired from active service.

PROMOTIONS IN THE ARMY.

Col. Eugene A. Carr, Sixth Cavalry, to be brigadier-general, July 19, 1892, vice Stanley, retired from active service.

Infantry arm.

Capt. Charles C. Hood, Twenty-fourth Infantry, to be major, July 4, 1892, vice Benham, promoted.

First Lieut. Hobart K. Bailey, Fifth Infantry, to be captain, July 4, 1892, vice Lyman, retired from active service as major.

First Lieut. Charles J. Crane, Twenty-fourth Infantry, to be captain, July 4, 1892, vice Hood, promoted.

Second Lieut. Harry Freeland, Third Infantry, to be first lieutenant, July 4, 1892, vice Bailey, promoted.

Second Lieut. Frank G. Kalk, Third Infantry, to be first lieutenant, July 4, 1892, vice Mills, retired from active service as captain.

Second Lieut. David J. Baker, jr., Twelfth Infantry, to be first lieutenant, July 9, 1892, vice Dodge, appointed regimental adjutant.

Sergt. Wilbur E. Dove, Company E, Twelfth Infantry, to be second lieutenant.

CONFIRMATION.

Executive nomination confirmed by the Senate July 20, 1892.

RECEIVER OF PUBLIC MONEYS.

Joseph C. Painter, of Walla Walla County, Wash., to be receiver of public moneys at Walla Walla, Wash.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 20, 1892.*

The House met at 11 o'clock a. m. Prayer by the Rev. J. H. CUTHBERT, D. D.

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

ESTABLISHMENT OF NEW RAILROAD ROUTES.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting, in response to House resolution of the 15th instant, information relating to the establishment of new railroad post routes, etc.; which was referred to the Committee on the Post-Office and Post-Roads.

JEROME H. BIDDLE.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 3310) for the relief of Jerome H. Biddle.

Mr. ROCKWELL. Mr. Speaker, I ask that the amendment of the Senate be read and concurred in.

The SPEAKER. The amendment will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Amend the bill by inserting after the word "passage," in line 8, "as of date November 19, 1862, on the ground of being a minor under the age of 18 years, and having enlisted without his father's consent or knowledge and against his will, and being prevented by his father from completing his service."

Mr. ROCKWELL. I move to concur in the Senate amendment.

Mr. DINGLEY. Before that is done will the gentleman please state the effect of the amendment?

Mr. ROCKWELL. The effect is simply to explain why the charge is removed, because this boy, under the age of 18 years, was not permitted by his father to complete his term of enlistment.

Mr. DINGLEY. It does not change any material part of the bill?

Mr. ROCKWELL. None whatever.

The Senate amendment was concurred in.

CIRCUIT AND DISTRICT COURTS, DISTRICT OF WEST VIRGINIA.

The SPEAKER also laid before the House the bill (S. 3454) fixing the time for holding circuit and district courts in the district of West Virginia.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent for the present consideration of that bill, and will make this statement. We passed a bill for this purpose, and the enrolling clerk made a mistake as to the time when the court would be held, making two courts fall on the same date. I ask unanimous consent to pass this bill to correct that defect.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That hereafter the circuit and district courts of the district of West Virginia shall be held each year, at Wheeling, on the 1st day of April and the 20th day of September; at Clarksburg on the 15th day of April and the 1st day of October; at Martinsburg on the 15th day of October; at Charleston on the 1st day of May and the 10th day of November; and that the circuit court shall be held at Parkersburg on the 10th day of January and the 10th day of June.

SEC. 2. That all acts and parts of acts in conflict with this act are herein repealed.

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. CULBERSON, a motion to reconsider the last vote was laid on the table.

REFERENCE OF SENATE BILLS, ETC.

The SPEAKER also laid before the House a bill and resolution of the Senate of the following titles; which were severally referred as indicated, namely:

A bill (S. 1424) for the relief of the Atlantic Works, Boston, Mass., which was referred to the Committee on War Claims, and the Senate concurrent resolution providing for the printing of 10,000 additional copies of Executive Document No. 41, Fifty-first Congress, first session, to the Committee on Printing.

The SPEAKER also laid before the House the bill (S. 3195) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona.

Mr. ROCKWELL. I ask unanimous consent that that bill be permitted to lie on the table for the present.

There was no objection.

ORDER OF BUSINESS.

Mr. COMPTON. I ask unanimous consent for the present consideration of the bill H. R. 5084.

Mr. WATSON. Mr. Speaker, I call for the regular order.

Mr. COMPTON. I appeal to the gentleman to withdraw that demand for the present. I was cut off yesterday by the same call. The bill I have is a perfectly just measure, very small in amount, and will not take three minutes.

Mr. WATSON. I have been cut off myself for the last six months.

Mr. COMPTON. Not by me.

Mr. WATSON. And there ought to be some reciprocity about this matter. We have not been treated fairly on this side.

Mr. COMPTON. You have certainly not been treated unfairly by me.

Mr. DAVIS. I have been cut off myself twice within the last few days.

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

The committees were called and no reports presented.

CORRECTION.

Mr. CUMMINGS. Mr. Speaker, I ask to make a correction of the RECORD. Yesterday I introduced, or presented for reference, a petition from residents of my district and other districts in New York against the closing of the World's Fair on Sunday. No mention of it was made in the RECORD. I would not call your attention to the matter were it not that it looks as though I had neglected my constituents. I intended, if I had had an opportunity, to speak upon the question then under consideration and proposed to introduce the petition in the course of my remarks.

The SPEAKER. The correction will be made.

QUESTION OF PRIVILEGE.

Mr. QUTHWAITE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. OUTHWAITE. I send to the Clerk's desk a letter, which I ask to have read first.

The Clerk read as follows:

[Law office of Allan Rutherford (late Third Auditor, United States Treasury), attorney and counsellor at law, Atlantic Building, 928 and 930 F street northwest, room 123. Practices before the Supreme Court of the United States, Court of Claims, Claims Commissions, and the different committees of Congress, and all Departments of the Government.]

WASHINGTON, D. C., *July 13, 1892.*

DEAR SIR: I am pleased to inform you that I have at last secured the passage of the hospital corps bill by Congress, and its approval by the President, the rate of pay being $18 per month. The history of this legislation is briefly as follows: At the commencement of the present session I had two bills introduced for the relief of the hospital corps; one in the House and one in the Senate, both being identical in their provisions, the rate of pay being fixed at $19 per month. The Senate bill (552) was passed by the Senate without amendment, but in the House, when the House bill (329) came up, the Senate bill, which had passed the Senate, was substituted for it, and it was then amended by reducing the original amount to $18. At first I was inclined to fight this amendment, and endeavor to secure the original amount, but after consultation with officials in the Surgeon-General's Office and members of the military committees, I concluded that it would be best to accept it.

The fight, though, did not end there; another difficulty had to be overcome in the Senate Military Committee, where the bill had gone for concurrence in the House amendment. A member of that committee was opposed to the amendment, and in favor of having this bill attached to the one to increase the efficiency of the noncommissioned officers of the Army, and was sanguine that by such procedure both measures could pass, but I knew only too well that such an arrangement would tend to defeat not only one, but both measures, and so I sought by all means in my power to overcome this opposition and am glad to say that I succeeded.

I have not kept each individual member of the corps advised of the condition of affairs, except whenever they wrote me for information, but I have kept the committee of the corps that solicited my retention in the matter fully posted of all changes occurring in it.

I have your agreement for a fee of $10, in consideration of my services in presenting this bill, payable within thirty days from the signing of the act by the President, which would make it due August 12, 1892. You would confer a great favor by remitting this amount by money order or registered letter as soon after that date as convenient.

Yours, respectfully,

ALLAN RUTHERFORD.

Mr. OUTHWAITE. Mr. Speaker, I have called the attention of the House to this peculiar communication because I believe it evilly affects the dignity and integrity of its proceedings. When that bill, about which this letter was written, was pending, I received a letter from a member of the hospital corps, in which he stated that he had received a communication from a man in Washington that money from the privates of the hospital corps was necessary in order to pass the bill. I wrote to him, informing him that no money was necessary to influence legislation in any direction upon this measure, and that if he received any further communication I should be obliged to him if he would forward the same to me. This letter just read was returned to me in pursuance of that request.

I have two purposes in calling the attention of the House, and through the RECORD of this House the attention of the country, to this piece of knavery and fraud.

This letter and the preceding letter of which I spoke are of a character which reflect injuriously upon the dignity and integrity of the members of the House. Their author deserves severe rebuke. Such letters send forth to the country the insinuation that legislation is bought and sold here, and that money procures the passage of meritorious public acts. It was a deception and a fraud practiced upon the men of the hospital corps. In this letter the writer says that he has secured the passage of the hospital corps bill by Congress and its approval by the President. He had no more to do with the passage of this act than had the page boys upon the floor of this House. He had not as much as they. He had nothing whatever to do with the passage of it. His statement that at the commencement of this session he had the bill introduced in the House is absolutely false.

Mr. HENDERSON of Iowa. What bill is this?

Mr. OUTHWAITE. House bill 329.

Mr. HENDERSON of Iowa. Referring to what?

Mr. OUTHWAITE. For the relief the hospital corps of the Army, providing for an increase of the pay of its men. The bill (H. R. 329) is one that I myself introduced. I had never heard of Allan Rutherford, the writer of this letter, before that time. I never had any communication with him directly or indirectly concerning the passage of the bill. The bill was introduced because I had introduced it in previous Congresses, wherein it had been reported favorably, and I believed that it ought to pass. I have inquired as to his declaration that he consulted or advised with members of the Military Committee, and so far as I can learn he had no communication with any member of the committee upon the subject. I have inquired whether he had any consultation with officers of the Surgeon-General's office, and find that his statement in that regard is equally false. The bill was submitted to the Department by the committee, as is customary in such cases, and the Department made its recommendations. Mr. Rutherford did not and could not have had any influence either for or against the bill. It stood upon its own merits.

I desire that the facts concerning this bill may be known as I am informed that this case does not stand alone so that there may be a rebuke and a check to this kind of knavery and fraud. Men here at Washington, watching the progress of legislation affecting a large body of the public or private individuals, send out communications to the men who may be advantaged by the passage of a bill, to the effect that their valuable services and influence can be had, but that money is necessary to secure its passage. In some instances, they obtain from these men agreements to pay them money when the passage of the bill has been secured. I trust that no one who has been deceived by this man in this manner will pay him one dollar of the money which he now demands. I am informed that the War Department will take the matter in hand and have it investigated. With this statement I think the matter is sufficiently placed before the House——

Mr. CUMMINGS. May I ask my friend a question?

Mr. OUTHWAITE. Certainly.

Mr. CUMMINGS. Is not this a clear case of obtaining money under false pretenses?

Mr. OUTHWAITE. If he has secured any money, it is a clear case of obtaining money under false pretenses, and it is a clear case of a fraudulent use of the mails. I hope that the United States officials will take cognizance of it and proceed to prosecute accordingly.

PERSONAL EXPLANATION.

Mr. DOCKERY. Mr. Speaker, I desire to submit a brief personal explanation. In a letter from Henry S. Landis, which was read by my friend from Kansas [Mr. SIMPSON] on the 13th instant, in relation to the opening of the Cherokee Strip, the following occurred:

MEDICINE LODGE, KANS., *July 7, 1892.*

MY DEAR FRIEND: Some little time ago there appeared in the New York Times, and shortly after in the Kansas City Times, an article pretending to be an exposé of a deal between certain parties in authority and the cattlemen on the Strip for the protection of the latter; and I think Representative DOCKERY stirred the matter more or less in the House.

I simply desire to say that the correspondent is in error. I have never "stirred the matter" in the House or elsewhere, because I have no information concerning the question, and this is the first time as I recall that the alleged "deal" has been called to my attention.

ORDER OF BUSINESS.

Mr. BURROWS. Mr. Speaker, I offer the following report from the Committee on Rules:

The Clerk read as follows:

Resolved, That subject to the right to consider matters which are privileged under the rules and special orders the Speaker may, upon the adoption of this order and daily thereafter during the remainder of the session immediately after the call of committees for reports, call the committees in regular order for one hour, upon which call each committee on being named shall have the right to call up for consideration any bill reported by it on a previous day on either of the Calendars mentioned in the rules, and whenever any committee shall have occupied the said hour for one day it shall not be in order for such committee to designate any other proposition until all the other committees shall have been called in their turn.

Mr. BURROWS. Mr. Speaker, the object of this report, or this rule, is to provide for a call of committees the balance of the session in regular order. Upon that call of each committee, that committee is entitled to call up any bill, previously reported, it may designate, and occupy one hour, in which time the committee may call up as many bills as they desire to call up, and can dispose of within the hour. At the expiration of the hour the next committee is called, in regular order; and it is believed that under the operation of this rule, beginning now and continuing until the close of the session, we will be enabled to call every committee, and thus give to each committee an opportunity to call up bills to which there is no objection, thereby securing the passage of a large number of important measures.

Mr. BUNN. I desire to ask the gentleman from Michigan a question.

Mr. BURROWS. Certainly.

Mr. BUNN. Does that relate to private business—to call up bills on the Private Calendar, the same as in the second morning hour?

Mr. BURROWS. It authorizes any committee to offer any bill on the call of that committee.

Mr. BUNN. Then it relates to the House Calendar as well as to the Union Calendar?

Mr. BURROWS. It enables committees to call up any bill reported and on the Calendar.

Mr. HENDERSON of Iowa. Will the gentleman permit me to ask him a question?

Mr. BURROWS. Certainly.

Mr. HENDERSON of Iowa. Will there have to be, under that rule, action of the committee authorizing its chairman to call up a bill, or will it be in order for a gentleman in charge of a bill in the committee to call it up?

The SPEAKER. The Chair will state to the gentleman from Iowa that this provision is copied from the hour rule now in the rules. So far as the Chair is informed the language has always been in that rule that the chairman and the committee arrange among themselves, not formally as a committee, but as among themselves, what shall be called up.

Mr. HENDERSON of Iowa. The reason why I ask the question is this: For instance, the Committee on the Militia, a majority of them, authorized the gentleman from California to call up the bill organizing the national guard, and on the point of order being made the Chairman *pro tempore* held that that would not be sufficient.

The SPEAKER. But that was under a motion to suspend the rules; and the rule has been that where the privilege is given to a committee, the committee, as a committee, had to act. This rule gives the privilege to the chairman to call up a bill; and the Chair understands that under the practice the rule has been that the members of the committee among themselves arrange what bill shall be called up.

Mr. BURROWS. But, Mr. Speaker, I do not understand under this rule it is necessary to have a formal meeting of the committee.

The SPEAKER. The Chair does not understand that that is the practice. The chairman can call up a bill by the consent of a majority of the committee. The chairman will be recognized to call up the bill, and he will yield to the gentleman in charge of the bill. The privilege is not given to a committee as a committee.

Mr. HENDERSON of Iowa. And any member authorized by the majority of the committee is supposed to call up the bill.

Mr. BURROWS. Certainly.

Mr. HENDERSON of Iowa. I think it would be well for the House to understand that now, so that we may not have any misunderstanding.

The SPEAKER. There has been no practice, so far as the Chair is informed, that requires official action of a committee as a committee under this rule.

Mr. HENDERSON of Iowa. But, suppose a point of order is made against a gentleman that the majority of the committee are not willing to have it called up. Suppose one member should call up a bill, and a point of order is made that he had not been authorized to do it on the part of a committee.

The SPEAKER. The only embarrassment that might arise from that would suggest itself to the Chair is this: that if it is determined that any member of a committee may rise in his place under the call and seek recognition, the Chair would be forced to determine which one of the members of the committee he should recognize. The rule has been to recognize the chairman of the committee, giving the chairman the right to call up such bill as he chose.

Mr. DINGLEY. But only such bills as are authorized by the committee. It may be possible that the majority may agree upon a bill which is opposed by the chairman. I think that there ought to be a distinct understanding, otherwise there may be some confusion.

Mr. HENDERSON of Iowa. But, Mr. Speaker, the chairman of the committee may be hostile to a measure, while the majority of the committee may favor it. Will it be deprived of the right to consider the bill which has the approval of the majority of the committee because the chairman is adverse to it?

The SPEAKER. The Chair can only say to the gentleman from Iowa that the rule is in the exact language of the rules that have been in existence for some years respecting calls of committees in the second morning hour. Now, if there are decisions and precedents on that point, the Chair does not know of them, but will look them up.

Mr. DOCKERY. Mr. Speaker, I suggest, in order that business may be conducted in an orderly manner, the interpretation of the rule ought to be this, that the business shall be presented by or through the chairman, unless the committee at a formal meeting, the chairman being hostile to the measure, shall have directed some other member of the committee to present it.

Mr. BINGHAM. The chairman being hostile or absent.

Mr. O'NEILL of Missouri. Or unless the committee shall have directed the order in which bills shall be called up.

Mr. HOPKINS of Illinois. Mr. Speaker, would it not be better to have the resolution express that in terms, and not leave it to subsequent interpretation which might lead to confusion?

The SPEAKER. There can be no confusion about it. This is the old rule of the House, which has prevailed for many years and has never given rise to any confusion.

Mr. DINGLEY. Mr. Speaker, has it not been always held under the old rule that where a member of a committee seeks to call up a bill and the point of order is raised, it must be shown that the majority of the committee concur in desiring the consideration of the measure?

The SPEAKER. The Chair is not informed as to that; not having looked at the precedents.

Mr. DINGLEY. That is what I have always understood to be the rule, and I think it ought to be so.

The SPEAKER. The object of the rule is to permit the committees, which have reported a good many matters in which the members are interested, to which there is little or no opposition, and of which the House might be able to dispose of half a dozen or more in an hour, to have an opportunity for the consideration of such measures. Of course it is not supposed that any measure to which there is any considerable opposition can be disposed of in the hour; but the idea is that this rule will give an opportunity to dispose of many matters to which there is no serious objection.

Mr. DINGLEY. I think the rule reported is a very excellent one indeed; only it is desirable to know just how the authority

is to be given to a member of a committee to call up a bill. If it is understood that the chairman may call up any bill he sees fit, then the chairman may, if he pleases, set aside the wishes of the majority of the committee; but if it is understood that any member of a committee who is authorized by the committee, either in formal meeting or in writing, may call up a measure, no trouble can arise, and I think that has been the construction of the old rule.

The SPEAKER. The Chair thinks there can be no reasonable objection to permitting the majority of a committee to designate what measures shall be called up.

Mr. DINGLEY. Certainly not.

Mr. BURROWS. Without a formal meeting.

The SPEAKER. The Chair thinks there can not be any objection to a construction of the rule which permits the majority of the committee to designate what measures shall be called up.

Mr. BURROWS. That was the intention of the rule.

Mr. LANHAM. Mr. Speaker, I did not hear the reading of the rule distinctly; does it refer to public bills or to private bills?

Mr. BURROWS. To bills, both public and private, on all the Calendars. Mr. Speaker, I demand the previous question.

Mr. DINGLEY. Mr. Speaker, before the gentleman does that I want to make another suggestion. I understand that all privileged matters are excepted. That ought to be understood. For example, in the last hour or two of this session, after having agreed upon the hour of adjournment, would this rule cover the whole of the time, or would it leave untouched the right to move a suspension of the rules? It is important to preserve the right to suspend the rules for any exigency that may arise.

Mr. DOCKERY. Mr. Speaker, the point suggested by the gentleman from Maine ought to be made clear, because the right to suspend the rules ought to be preserved beyond question.

The SPEAKER. The Chair suggests that any difficulty on that point might be avoided by changing the word "shall" in the rule to the word "may." The rule provides that, "subject to the right to consider matters which are privileged under the rule and special orders, the Speaker shall, upon the adoption of this order, call the committees for reports." If the word "may" were substituted for "shall" it would obviate the difficulty suggested, and if it became necessary in any case to suspend the rules the Chair would simply decline to call the committees, that power being vested in him by the special rule.

Mr. BURROWS. I demand the previous question, Mr. Speaker.

Mr. ENLOE. Before the previous question is put I want to ask whether the adoption of this order will give us three morning hours. We have two now under the rule.

The SPEAKER. The Chair will state to the gentleman from Tennessee that this rule provides for a morning hour for the call of committees for reports.

Mr. ENLOE. Yes. Otherwise the second morning hour would come in at that time; but this comes in between the first and the second morning hour, as I understand.

The SPEAKER. The intention is that the rule shall apply all day, except as it may be interfered with by privileged matters.

Mr. McRAE. This does not interfere with the privilege of any measure?

The SPEAKER. Not at all. That exception is made in the rule. The gentleman from Michigan [Mr. BURROWS] demands the previous question.

The previous question was ordered, and the resolution was adopted.

ORDER OF BUSINESS.

Mr. O'NEILL of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. O'NEILL of Missouri. I want to ask to have to-morrow evening set apart for the consideration of business reported from the Committee on Interstate and Foreign Commerce. I have seen several members of the Committee on Rules on the subject and I do not think there is any objection to the request.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] asks unanimous consent that there be a session to-morrow evening, beginning at half past 7 o'clock, for the consideration of bills reported from the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. CUMMINGS. I object.

Mr. O'NEILL of Missouri. That kills the life-saving bill.

Mr. CUMMINGS. Well, the object of the committee is to get up the New York and New Jersey bridge bill. The life-saving bill is all right.

Mr. O'NEILL of Missouri. I want to get up the life-saving bill. That is what I want to get up.

ORDER OF BUSINESS.

The SPEAKER. Under the order just adopted, the Chair will proceed to call the committees. Each committee, when called, is entitled for one hour to the right of way for measures presented by it which have been previously reported and are upon any Calendar. When any committee has occupied an hour the next committee will be called, and so on through the list, subject to privileged matters and special orders.

SALE OF INTOXICANTS IN THE INDIAN COUNTRY.

Mr. CULBERSON (when the Committee on the Judiciary was called). I call up the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes, touching the sale of intoxicants in the Indian country, and for other purposes.

The bill was read as follows:

Be it enacted, etc., That section 2139 of the Revised Statutes be amended and reënacted so as to read as follows:

"SEC. 2139. No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under charge of any Indian superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, wine, beer, or intoxicating liquor of any kind into the Indian country, shall be punished by imprisonment for not more than two years, and by a fine of not more than $300 for each offense. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority in writing from the War Department, or any officer duly authorized thereunto by the War Department."

SEC. 2. That section 2140 of the said Revised Statutes be amended and reënacted so as to read as follows:

"SEC. 2140. That if any superintendent of Indian Affairs, Indian agent, or subagent, or commanding officer of a military post has reason to suspect or is informed that any white person, Indian, or other person is about to introduce or has introduced any ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of any kind into the Indian country in violation of law, such superintendent, agent, subagent, or commanding officer may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person or Indian to be searched; and if any such spirits or ale, beer, wine, or intoxicating liquor or liquors of any kind is found therein, the same, together with the boats, teams, wagons and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader his license shall be revoked and his bond put in suit. It shall, moreover, be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits, ale, beer, wine, or other intoxicating liquor or liquors found in the Indian country, except such as may be introduced therein by the War Department, and in all cases arising under this, the preceding, and the next succeeding section, Indians shall be competent witnesses."

SEC. 3. That section 2141 be amended and reënacted so as to read as follows:

"SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery, brewery, or other establishment of whatever character for manufacturing or keeping for sale any ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of any kind whatever, shall be liable to a penalty of $1,000; and the Superintendent of Indian Affairs, Indian agent, or subagent within the limits of whose agency any distillery, brewery, or other establishment of whatever character for manufacturing ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of any kind is set up or continued shall forthwith break up and destroy the same."

The United States court in the Indian Territory shall have jurisdiction for the trial and punishment of all crimes and offenses committed in said Territory in violation of the privisions of this act.

The amendment reported by the committee was read, as follows:

Strike out sections 2 and 3 and add to section 1 the following:

All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county then in any county adjoining such reservation, and, if in the Indian Territory, before the United States court commissioner or commissioner of the circuit court of the United States residing nearest the place where the offense was committed who is not for any reason disqualified; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes of the United States. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense.

Mr. CULBERSON. I call for the previous question.

Mr. DINGLEY. Before the gentleman does that, I would like to have some explanation of the change which this bill proposes to make in the existing statute, and especially whether a change is made in the provision allowing an officer of the United States to give a permit for the introduction of intoxicating liquors into the Indian Territory. Does the bill as now proposed to be passed give an officer such authority without instructions from the War Department?

Mr. CULBERSON. It does not change the law at all in that respect.

I wish to state briefly that by a statute passed in 1833 it was made unlawful to introduce into the Indian country ardent spirits except, perhaps, under an order of the War Department. From the passage of that act until within two years, it was uniformly held that beer and other malt liquors were included in the terms "ardent spirits." But within the past two years some of the courts having jurisdiction over that country have held that the phrase "ardent spirits" does not embrace beer. Consequently, the Indian Territory is now overrun with beer shops; and the officers of the Government insist that unless the law be amended

as now proposed, it will be impossible to maintain order in that Territory.

Mr. BUCHANAN of New Jersey. Will the gentleman permit a question? It was difficult in the confusion to understand the exact terms of the bill as read from the desk. Does the bill as it now stands prohibit the introduction of beer into the Indian Territory?

Mr. CULBERSON. Yes, sir.

Mr. BUCHANAN of New Jersey. The reason I ask the question is this: When on a visit to that section some time since, I saw whole trains laden with St. Louis beer going down to Texas. Will the passage of this bill cut off your supply?

Mr. CULBERSON. I can not hear the gentleman.

Mr. BUSHNELL. I wish to inquire of the gentleman from Texas whether under the provision now proposed there will not be much greater expense to the Government than if we leave the law as it is? Under this bill it will be necessary to send the marshal to the Indian Territory to arrest these offenders; and this officer, as well as the district attorney, will have to be paid 10 cents a mile as traveling expenses for attending to this business.

Mr. CULBERSON. The provision which the gentleman has in mind applies specially to the State of Wisconsin.

Mr. BUSHNELL. I am not quite satisfied with the propriety of this proposed change in the law.

The previous question was seconded; and under the operation thereof the amendment reported by the Committee on the Judiciary was agreed to.

The question being taken on ordering the bill as amended to a third reading, there were—ayes 120, noes 7.

Mr. BUSHNELL. No quorum.

Tellers were ordered; and Mr. BUSHNELL and Mr. CULBERSON were appointed.

The House again divided; and the tellers reported—ayes 167.

Mr. BUSHNELL. I will not insist on a further count.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CULBERSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had insisted upon its amendments to the bill (H. R. 7520) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes, disagreed to by the House of Representatives, had asked for a conference with the House on the bill and amendments, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

It also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4365) for the relief of Nell Fisher;

A bill (H. R. 1105) for the relief of Henry S. Cohn, late of the One hundred and sixth Ohio Volunteers.

A bill (H. R. 5377) granting a pension to Mary Isabella Hutchison.

A bill (H. R. 3496) for the relief of A. S. Lell, and a bill (H. R. 2713) in relation to the execution of declarations and other papers in pension claims.

It also announced that the Senate had passed with amendments the bill (H. R. 7720) to authorize the construction of a bridge across the Savannah River, asked a conference with the House on the bill and amendments, and had appointed Mr. VEST, Mr. SAWYER, and Mr. CULLOM as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 5941) to build a bridge across the Tennessee River between a point in Whitesburg precinct, in Madison County, and Morgan County, in the State of Alabama, asked a conference with the House on the bill and amendments, and had appointed Mr. VEST, Mr. SAWYER, and Mr. CULLOM as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendment the bill (H. R. 8122) to prohibit the use of "one-horse" cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes, asked a conference with the House on the bill and amendment, and had appointed Mr. MCMILLAN, Mr. HARRIS, and Mr. PERKINS as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendment the bill (H. R. 5997) to amend section 2 of an act approved May 14, 1880, being an act for the relief of settlers on public lands, asked a conference with the House on the bill and amendment, and had appointed Mr. PADDOCK, Mr. CAREY, and Mr. PASCO as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 3115) for the relief of Clement Reeves; in which concurrence of the House was requested.

It also announced that the Senate had passed the bill (S. 3418) making Saturday a half holiday for banking and trust company purposes in the District of Columbia; in which concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1105) for the relief of Henry S. Cohn, late of the One hundred and sixth Ohio Volunteers;

A bill (H. R. 4365) for the relief of Neil Fisher;

A bill (H. R. 3496) for the relief of A. S. Lee; and

A bill (H. R. 5377) granting a pension to Mary Isabella Hutchison.

JURISDICTION OF POLICE COURT, DISTRICT OF COLUMBIA.

Mr. CULBERSON. I now call up for consideration the bill (S. 3011) to amend "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891, and yield to the gentleman from Louisiana [Mr. BOATNER].

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891, be amended as follows: Strike out all of section 2 of said act and in lieu thereof insert the following:

"SEC. 2. That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trials shall be by jury, unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury. In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be $50 or more, or imprisonment as punishment for the offense may be thirty days or more, the accused shall demand a trial by jury, in which case the trial shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year."

SEC. 2. That section 1060 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended so that said section shall read:

"SEC. 1060. The clerk and the deputy clerks, and such other officers of the court as may be assigned by the judges of the court for that purpose, shall have the power to administer oaths and affirmations."

Mr. BOATNER. I ask that the report accompanying the bill be read, which fully explains it.

The report (by Mr. BOATNER) was read, as follows:

The Committee on the Judiciary, having had under consideration the bill (S. 3011) entitled "An act to amend an act to define the jurisdiction of the police court of the District of Columbia, approved March 3, 1891," report:

The bill proposes to amend section 2 of said act in the following particulars:

(1) To permit parties under prosecution in the police court of the District of Columbia to waive a trial by jury "in all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial."

Under existing law the accused can not in such cases waive a trial by jury.

(2) In all cases in which the accused would not, by the force of the Constitution, be entitled to a jury trial, the trial shall be by the court, unless in cases where the fine may be $50 or the imprisonment thirty days the accused may demand a jury trial and it shall be accorded.

Under the present law this class of cases must be tried by a jury unless the accused waives it.

(3) In default of payment of fine and costs the court may commit the defendant for a term of imprisonment not to exceed one year. No means is provided by existing law for the enforcement of sentences of this kind.

(4) Section 1060 of the Revised Statutes relating to the District of Columbia is proposed to be amended so as to authorize the clerk, the deputy clerks, and such other officers as may be assigned by the court to administer oaths and affirmations.

The proposed amendment will facilitate the administration of justice and dispatch of business without impairing in any way the rights of persons under prosecution or depriving them of any proper means of defense, and the passage of the act is therefore recommended. The section of the act proposed to be amended is annexed as a part of this report.

"SEC. 2. That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury. And also in all prosecutions in which such persons would not be by force of the Constitution of the United States entitled to a trial by jury, but in which the fine or penalty may be $50 or more, or imprisonment for thirty days or more, the trial shall be by jury unless the accused shall, in open court, expressly waive such trial by jury and consent to a trial by the judge, in which case the trial shall be by such judge, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced on the verdict of a jury.

"In all cases not hereinbefore in this section provided for the trial shall be by a judge."

Mr. BOATNER. I ask the previous question on the bill.

The previous question was ordered, under the operation of which the bill was read a third time, and passed.

On motion of Mr. BOATNER, a motion to reconsider the last vote was laid on the table.

LEGALIZING DEEDS AND RECORDS, INDIAN OFFICE.

Mr. CULBERSON. I now call up the bill (S. 1793) to legalize the deeds and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office, and yield to the gentleman from Indiana [Mr. BYNUM], who will explain the bill.

The bill was read, as follows:

Be it enacted, etc., That the recording of all deeds and papers heretofore made and done in the office of the Commissioner of Indian Affairs be, and is hereby, confirmed, approved, and legalized; and said record heretofore made shall be deemed, taken, and held to be good and valid and shall have all the force and effect and be entitled to the same credit as if it had been made in pursuance of and in conformity to law. But shall have no effect whatever upon the validity or invalidity of the deed or paper so recorded, and shall be no evidence of constructive notice to any persons not actually knowing the contents.

SEC. 2. That the Commissioner of Indian Affairs is hereby empowered and directed to continue to make and keep a record of every deed executed by any Indian, his heirs, representatives, or assigns, which may require the approval of the President of the United States or of the Secretary of the Interior, whenever such approval shall have been given, and the deed so approved returned to said office.

SEC. 3. That the Commissioner of Indian Affairs shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve, and copies of any public documents, records, books, maps, or papers belonging to or on the files of said office, authenticated by the seal and certified by the Commissioner thereof or by such officer as may, for the time being, be acting as or for such Commissioner, shall be evidence equally with the originals thereof.

SEC. 4. That the Commissioner of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of 10 cents per hundred words, and $1 for copies of maps or plats, and the additional sum of 25 cents for the Commissioner's certificate of verification, with the seal of said office; and one of the employés of said office shall be designated by the Commissioner as the receiving clerk, who shall give bond in the sum of $1,000, and the amounts so received shall, under the direction of the Commissioner, be paid into the Treasury of the United States; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government or by any Indian who shall satisfy the Commissioner by satisfactory legal evidence that he or she is not able, by reason of poverty, to pay such fees, nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish.

Mr. BYNUM. Mr. Speaker, the only effect of the bill now under consideration is to legalize certain records in the Indian Office, and to authorize and empower the Commissioner of Indian Affairs to have and use a seal in the authentication of copies of such records.

In many of the grants of lands to Indians between 1816 and 1867, the approval of the President or Commissioner of Indian Affairs was necessary in order to enable them to convey title. These deeds were submitted to the Indian Office, were approved by the proper authorities, and recorded; but in many instances the original deeds have been lost without being recorded in proper records of the State. Persons are now applying for certified copies of these deeds and the approvals of the same, and are informed that there is no provision of law by which they can be furnished; nor is there any law on the statute which legalizes the records in that office. This bill legalizes about 10,000 pages of the records of deeds, and authorizes, as I have said, a seal to be prepared and used by the Commissioner in the authentication of copies of the same. It is strongly recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. HENDERSON of Iowa. These deeds or copies of deeds are not made *prima facie* evidence under the provisions of this bill?

Mr. BYNUM. I will state to the gentleman that this does not in my judgment enlarge the powers of evidence as far as these papers are concerned, but simply legalizes the records of the deeds, and approvals of the conveyances, and enables the Commissioner to furnish certified copies under seal.

I demand the previous question.

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

On motion of Mr. BYNUM, a motion to reconsider the last vote was laid on the table.

SUITS AGAINST THE GOVERNMENT.

Mr. CULBERSON. I will call up now Senate bill 1111, to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," and yield to the gentleman from New York [Mr. RAY].

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That in addition to the jurisdiction conferred upon the Court of Claims and the district and circuit courts of the United States by sections 1 and 2 of the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," the Court of Claims shall have jurisdiction to hear and determine claims, so establish or enforce the rights of claimants to patents from the United States for lands to which the claimant may be entitled under any law or grant of the United States; and where the value of such claim does not exceed $5,000 the United States district courts shall have concurrent jurisdiction with said Court of Claims, and where the value exceeds $5,000 the circuit courts of the United States shall have concurrent jurisdiction with said Court of Claims: *Provided*, That no suit shall be maintained against the United States under this act unless the same shall have been brought within six years after the passage of this act if the right shall have heretofore accrued, or otherwise within six years after the right shall have accrued for which the suit is brought.

SEC. 2. That upon the filing in the office of the Commissioner of the General Land Office of a duly certified copy of any final judgment or decree establishing the right of a claimant to a patent for public land, a patent shall be issued in accordance with said judgment or decree.

Mr. DOCKERY. This appears to be a bill that ought to be explained with some particularity. It strikes down the bar of the statute of limitations, and opens up a new avenue for litigation and liability on the part of the Government.

Mr. RAY. Mr. Speaker, this Senate bill proposes to extend the jurisdiction of the Court of Claims to the hearing and determination of claims to establish the right of claimants to patents for land to which the claimant may be entitled, and also to enforce the right of claimants to patents from the United States to lands to which such claimants may be entitled under any law or grant of the United States and gives to the district courts of the United States concurrent jurisdiction in such matters with certain provisos, one of which is—

That no suit shall be maintained against the United States under this act unless the same shall have been brought within six years after the passage of this act, if the right shall have heretofore accrued, or otherwise within six years after the right shall have accrued for which the suit is brought; and all persons having an interest in the subject-matter of the controversy adverse to the plaintiff shall be made parties defendant.

Now, sir, the bill came from the Senate without two provisions which we added to it in the Committee on the Judiciary, and which were deemed advisable and necessary. One is a provision that a suit brought in the district court of the United States shall be brought within the jurisdiction where the lands, the title to which is in question, or some part thereof, shall be located, and a second amendment provides that all persons having an interest in the subject-matter of the controversy, adverse to the plaintiff, shall be made parties defendant. In other words, we regard it as wise and proper that when these matters come into the courts, a final ending shall be made of the disputed questions, and that all parties known to have an adverse interest shall be made parties and have an opportunity to present their claims and assert their rights. We also confine the jurisdiction of this class of cases when a suit is brought in the United States court to the district courts.

We are of the opinion that suits regarding disputed titles to lands should be within the jurisdiction of the Court of Claims of the United States, and that the district courts of the United States should also have jurisdiction of those questions, and that it should be possible, in those cases where the parties think it proper and best for claimants to go into the district courts of the United States, in the district where the land or some part is situated and have such questions of title settled. As the law now stands, as I understand it, they are compelled to come here to Washington to litigate these matters and settle them in the Interior Department, and when they come here the matters are not litigated in any legal or proper form, but more than half of these disputed questions are tried upon letters and affidavits, and in a manner that does not commend itself to the judgment of lawyers, or to the judgment of men of good common sense.

Mr. HENDERSON of Iowa. Do you mean to say that they are only litigated now in the Land Office?

Mr. RAY. I do not mean to say positively that they are litigated exclusively in that way, but too much so, and I think exclusively in the Interior Department.

Mr. HENDERSON of Iowa. The United States courts have jurisdiction of these questions now, have they not?

Mr. RAY. No, they do not; and, as I understand it, no court has jurisdiction, and they are tried here in the Land Office in the Interior Department.

Mr. HENDERSON of Iowa. Is there any statute of limitations now?

Mr. RAY. I think not. None that I am aware of; there may be. I suppose the Department observes some limitation.

Mr. HENDERSON of Iowa. This is an enlargement of the Tucker act, is it not, in one sense, giving the United States district courts larger jurisdiction?

Mr. RAY. Yes, sir; it is.

Mr. BOWERS. It is simply bringing this class of cases into line with ordinary cases at law.

Mr. RAY. It brings disputed land claims within the jurisdiction of the courts of the United States, where they may be tried in a legal manner under legal forms, before a judge, and if necessary before a judge and jury.

Mr. HENDERSON of Iowa. Should not the United States circuit courts also have jurisdiction, as well as the district courts?

Mr. RAY. If you should extend the jurisdiction to that court, you would have a clash of jurisdiction where there was a question as to the value of the land.

The Senate bill provided:

And where the value of such claim does not exceed $5,000, the United States district courts shall have concurrent jurisdiction, etc.; and where the value exceeds $5,000 the circuit courts of the United States shall have concurrent jurisdiction with said Court of Claims.

Mr. HENDERSON of Iowa. That covers my question.

Mr. RAY. We made a change in that respect by these amendments, because if we did not confer this jurisdiction solely upon the district courts you might get a litigation into the circuit court, and if it turned out on the trial that the value of the land was less than $5,000, the circuit court would be ousted of jurisdiction, and the parties would be thrown out, and the trial so far as it had gone would be unavailing. Therefore the Judiciary Committee regarded it as wise and proper to confine this jurisdiction to the district court of the United States within whose jurisdiction the land, or a part of it, shall be located.

Mr. BUSHNELL. Then the value of the land does not affect the jurisdiction one way or the other?

Mr. RAY. Not as we have amended the bill.

Mr. CATE. What is the necessity for giving any jurisdiction to the Court of Claims? That court sits here in this city. If you give jurisdiction to the local courts where the land is situated what is the necessity for any jurisdiction on the part of the Court of Claims?

Mr. RAY. There are two reasons. The Court of Claims can dispose of a great many of these disputed questions where the parties would not see fit or desire to go into the United States district court. In the Court of Claims the parties will not incur nearly as great an expense. The parties might be residing in this city or where it might be handier for them to resort to the Court of Claims, and many of these claims the Department itself might see fit to have adjudicated in the Court of Claims.

Mr. CATE. Does your act transfer the claims now pending before the Interior Department to the Court of Claims?

Mr. RAY. It does not.

Mr. CATE. It leaves them where they are?

Mr. RAY. It leaves pending litigations right where they are.

Mr. CATE. Does it give a plaintiff who wants to raise a question concerning land, say in Texas or Arkansas, the right, instead of going into the local court where these parties reside who are made defendants, who may be numerous, and may be heirs, to force them to come here and adjudicate the matter in the Court of Claims in preference to the local court?

Mr. RAY. No, I do not think he can, because he could not get service on the parties. There is no question, Mr. Speaker, but what this act will result in the furtherance of the ends of justice and aid all litigants who have disputed land claims to be adjudicated. I can see no good reason why all such persons should not have the right to go into the courts of the United States and there, under established and well-settled rules of law, have a fair and impartial trial before a court and a jury. I can see many good and substantial reasons why such right should be given, and the Committee on the Judiciary was unanimous in reporting this bill. The rights of the Government and of all individuals will be protected, and in my judgment the ends of justice will be best served by the enactment into law of the provisions of this bill. It is a wonder to me that its provisions have not been made the law of the land long before this.

Mr. HENDERSON of Iowa. Will the gentleman allow me right there, in the line of the question of the gentleman from Arkansas, to ask him a question? As I remember the reading of the bill, suit must be brought in the United States district court, within whose jurisdiction all the land, or some part of it, is situated?

Mr. RAY. In the district within whose jurisdiction the land or some part thereof is located.

Mr. HENDERSON of Iowa. That would practically exclude the Court of Claims from most of these cases.

Mr. RAY. No, I think not. If the party sees fit to go to the United States court, then this simply grants jurisdiction; and if the party sees fit to go to the Court of Claims, that court having original jurisdiction, will hear the case. Jurisdiction being concurrent in two or more courts, the one first obtaining it will retain it.

Mr. HENDERSON of Iowa. Does it not require them to go to the district court where some portion of the land is?

Mr. RAY. Only where the claimant sees fit to bring his action in the district court. In that case the claimant must bring the suit in the district court within whose jurisdiction the land, or part of it is located.

Mr. HENDERSON of Iowa. One question more. Has this bill been submitted to the Secretary of the Interior?

Mr. RAY. The officers of the Department have been consulted, and, as I understand, have approved the bill. It passed the Senate and met the approval of the Interior Department when considered there.

Mr. Speaker, unless some gentleman desires to be heard on the bill, I move the previous question on the bill and amendments.

The previous question was ordered on the bill and amendments.

Mr. OATES. Mr. Speaker, if amendments are in order, I desire to offer an amendment.

The SPEAKER. The previous question has been ordered on the bill and amendments.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RAY, a motion to reconsider the vote by which the bill was passed, was laid on the table.

MAY TERM FOR UNITED STATES COURT, EASTERN DISTRICT OF SOUTH CAROLINA.

Mr. CULBERSON. Mr. Speaker, I call up the bill (S. 2968) to provide for a May term of the district court the United of States for the eastern district of South Carolina.

The bill was read, as follows:

Be it enacted, etc., That there shall be a term of the district court of the United States for the eastern district of South Carolina, to be holden on the first Monday in May in each year, in the city of Charleston, which term shall be in lieu of the term now provided by law for the first Monday in April in each year.

Mr. OATES. Mr. Speaker, this bill is a very simple one. It suits all parties in interest, and there can be no objection to it.

I desire to offer an amendment to this bill embracing a general proposition, if there is no objection to it. I want to explain to the House the reason for it, and I ask the Clerk to read it.

The Clerk read as follows:

And that judges of United States circuit and district courts may hear and determine all matters and make all orders in equity which may now be done in chambers in vacation as well as in term time, saving all rights of appeal of the respective parties.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I am disposed to raise the point of order against that amendment, that it is not germane to the bill; but I will hear the explanation of the gentleman from Alabama.

The SPEAKER. The point of order will be reserved.

Mr. OATES. Mr. Speaker, I have recently been informed by a judge of the United States district court, a very intelligent gentleman, that much trouble is experienced by the judges in deciding and making orders in equity which are allowed to be made in chambers in term time in vacation. When the court is in vacation they can not make these orders which are usually grantable as a matter of course in term time, and this amendment is simply to allow them to make such orders as are grantable in chambers in vacation as well as in term time, saving all rights of parties litigant.

Mr. HENDERSON of Iowa. In all cases?

Mr. OATES. In equity cases, as a matter of course, saving all rights of parties litigant.

Mr. HENDERSON of Iowa. The equity court is always open.

Mr. OATES. It is a simple convenience to the judges, to allow them to make such orders in vacation as are granted in term time. That is the whole scope of it.

The SPEAKER. Does the gentleman desire to say anything on the point of order? The gentleman from New Jersey makes the point of order that the amendment is not germane to the bill.

Mr. OATES. I would like to hear if the gentleman from New Jersey has any objection to the amendment?

Mr. BUCHANAN of New Jersey. I have objection to the amendment, Mr. Speaker. I will say frankly that we are having a very peculiar experience in respect to criminal matters in our State courts being taken before the United States courts, and without having an opportunity to examine this matter, which is a general amendment, being sprung upon it in this way, I shall have to object.

Mr. OATES. I can not hear the gentleman.

The SPEAKER. Does the gentleman from Alabama desire to be heard on the question of order?

Mr. OATES. I do not care anything about it. I was simply offering it at the instance of this judge I have spoken of, and if there is any objection to it I do not desire to embarrass the bill.

The SPEAKER. The Chair sustains the point of order.

Mr. OATES. I withdraw the amendment.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OATES, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF DIRECT TAX TO THE STATE OF WEST VIRGINIA.

Mr. CULBERSON. Mr. Speaker, I call up for consideration the Senate joint resolution (S. R. 9) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the governor of the State of West Virginia, under the provisions, conditions, and limitations of the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," which act was approved March 2, 1891, the sum of $181,306.93, less the sum of $27,328.18, which was paid to the governor of the State of West Virginia on the 25th day of August, 1891, to be held in trust for the citizens and inhabitants of said State, notwithstanding any claim by the Government of the United States against the State of Virginia.

SEC. 2. It is further provided that the Secretary of the Treasury be, and he is hereby, requested and instructed in respect to the bonds of Virginia held by the United States to make such settlement with the State of Virginia as a majority of the bondholders of that State have accepted, or may accept through the bondholders' committee, and upon the receipt of such securities of Virginia as may be issued and apportioned to be received in lieu of the Virginia bonds held by the United States, shall deliver them to the State of Virginia.

Mr. BURROWS. Mr. Speaker, I make the point of order that this bill should be considered in the Committee of the Whole.

Mr. CULBERSON. I yield the floor to the gentleman from Virginia [Mr. BUCHANAN].

The SPEAKER. The gentleman from Michigan makes the point of order that this bill must be considered in Committee of the Whole.

Mr. BUCHANAN of Virginia. I do not think that is correct. The money has already been appropriated.

Mr. BURROWS. But it has not been paid.

Mr. BUCHANAN of Virginia. It has been held because the accounting officers of the Treasury have claimed that there was a debt of the State of Old Virginia to the Government. They think that this ought to be a set-off against that debt.

Mr. BURROWS. I understand that that is so; but that does not in any way affect the point of order, that the matter should be considered in Committee of the Whole.

Mr. BUCHANAN of Virginia. I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

Mr. BURROWS. Mr. Speaker, I think that this is important, and that the bill should go into the Committee of the Whole for consideration.

Mr. HENDERSON of Iowa. That would throw it out of this order, would it not? If that is not in order, we can go ahead and consider matters that can be taken up in the House.

Mr. BURROWS. It could be considered in the Committee of the Whole.

The SPEAKER. The order provides that bills on all the Calendars can be considered. Of course it is subject to the rule of the House as to appropriations.

Mr. BURROWS. Very well, then we would have to go into Committee of the Whole, and there are only two minutes more remaining for the Committee on the Judiciary.

Mr. BUCHANAN of Virginia. Mr. Speaker, how much time is there remaining?

The SPEAKER. Six or seven minutes.

Mr. BUCHANAN of Virginia. I would say that this bill passed the Senate unanimously.

Mr. BURROWS. I would suggest that you call up some other bill, because I will have to insist on the consideration of this bill in the Committee of the Whole.

Mr. BUCHANAN of Virginia. I withdraw the bill if there is to be objection to it, as it can not be disposed of in the hour given our committee.

FEES OF JURORS AND WITNESSES IN CERTAIN UNITED STATES CIRCUIT COURTS.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 6262), reported as a substitute for House bill 5136, fixing the fees of jurors and witnesses in the United States courts in certain States and Territories.

The bill was read, as follows:

Be it enacted, etc., That jurors and witnesses in the United States courts in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, and Colorado, and in the Territories of New Mexico, Arizona, and Utah, shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

Mr. CULBERSON. Mr. Speaker, I yield to my colleague on the committee, the gentleman from Kansas [Mr. BRODERICK].

Mr. BRODERICK. Mr. Speaker, I ask to have the report read.

The report (by Mr. BRODERICK) was read, as follows:

The Committee on the Judiciary having had under consideration House bill 5136 find that the fees allowed in the Western States and Territories to jurors and witnesses in the United States courts are not uniform, Congress having made special provision in some instances; that jurors and witnesses have to travel long distances, and frequently by stage or private conveyance, and that the actual cost of traveling in this way is about 10 cents per mile; that the cost of traveling by rail is from 4 to 5 cents per mile.

The committee is of opinion that the cost of traveling is about the same in all this region, and that the fees should be uniform, and therefore report the bill back with a substitute for same and recommend that the substitute be passed.

Mr. DOCKERY. Does this bill involve any additional charge upon the Treasury?

Mr. BRODERICK. No, sir. Mr. Speaker, I yield now to the gentleman from Wyoming [Mr. CLARK].

Mr. CLARK of Wyoming. Mr. Speaker, I will simply say that this bill is intended to equalize the fees of jurors and witnesses in the Territories named in it, and unless some gentleman desires to ask a question I will not occupy the time of the House in discussing the measure or the necessity for it.

Mr. OATES. Mr. Speaker, with the permission of the gentleman from Wyoming, I desire to say in behalf of this bill that it is simply intended, as he states, to equalize the fees. I was a member of the subcommittee that examined the subject very carefully. They found that in some cases the fees had been too high and in others too low, and this bill is designed to adjust and equalize them.

Mr. BRODERICK. The bill was introduced in the first place by the gentleman from Wyoming [Mr. CLARK], applying only to his own State, but after consideration of the matter by the subcommittee, they concluded that there ought to be a uniform rule applying to all of that mountain and intermountain region, and hence they reported this substitute for the original bill, making it apply to all that part of the country.

The bill was ordered to be engrossed, and read a third time, and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

The original bill (H. R. 5136) was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3415) to remove the political disabilities of William S. Walker, of Atlanta, Ga.;

A bill (S. 1958) to submit to the court of private land claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes;

Joint resolution (S. R. 46) providing for an investigation relative to the "slums of cities;"

A bill (H. R. 3971) to provide for the opening of alleys in the District of Columbia; and

A bill (H. R. 8533) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

SOLDIERS OF THE MEXICAN WAR.

The SPEAKER. Senate bill No. 1675, granting an increase of pension to soldiers of the Mexican war in certain cases, has been on the Speaker's table, and will now be referred to the Committee on Pensions.

YELLOWSTONE PARK INVESTIGATION.

Mr. McRAE. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on Public Lands to report back the testimony taken in the matter of the investigation of the management of the Yellowstone Park, and the cancellation of certain leases with the accompanying bill. I ask that the bill, report, and testimony be printed, that the minority have leave to file their views, and to be printed when filed, and that the consideration of the matter be postponed until next session of Congress, with whatever privilege of consideration reserved when called up as if then presented for immediate consideration.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 9597) to punish crime and to regulate the granting and forfeiture of leases in the Yellowstone National Park, and for other purposes.

The SPEAKER. This bill will be read a first and second time, printed and put upon the Calendar; the report of the committee with the accompanying testimony will be printed, and also the views of the minority when filed, and the bill will retain any privilege that may attach to it until called up.

FURTHER CONTINUANCE OF THE PUBLICATION OF THE REVISED STATUTES.

Mr. ELLIS, from the Committee on the Revision of the Laws, reported back favorably the bill (H. R. 9223) for the further continuance of the publication of the Revised Statutes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RECEIVERS OF NATIONAL BANKS, ETC.

Mr. COBB of Missouri (when the Committee on Banking and Currency was called). Mr. Speaker, I call up the bill (H. R. 7213) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876.

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes, approved June 30, 1876," is hereby amended so as to read as follows:

"SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of the Revised Statutes of the United States, and when, as provided in section 5236 thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims, and all expenses of the receivership and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto. At such meeting the shareholders shall determine whether the receiver shall be continued and shall wind up the affairs of such association, or whether an agent shall be elected for that purpose, and in so determining the said shareholders shall vote by ballot in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value and number of shares shall be necessary to determine whether the said receiver shall be continued or whether an agent shall be elected. In case such majority shall determine that the said receiver shall be continued, the said receiver shall thereupon proceed with the execution of his trust, and shall sell, dispose of, or otherwise collect the assets of the said association, and shall possess all the powers and authority, and be subject to all the duties and liabilities originally conferred or imposed upon him by his appointment as such receiver, so far as the same remain applicable. In case the said meeting shall, by the vote of the majority of the stock in value and number of shares, determine that an agent shall be elected, the said meeting shall thereupon proceed to elect an agent, voting by ballot in person or by proxy, each share of stock entitling the holder to one vote, and the person who shall receive votes representing at least a majority of stock in value and number shall be declared the agent for the purposes hereinafter provided, and whenever any of the shareholders of the association shall, after the election of such agent, have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of each and every claim that may thereafter be proved and allowed by and before a competent court, and for the faithful performance of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper, and upon the execution and delivery of such instrument to the said agent the said Comptroller and the said receiver shall by virtue of this act be discharged from any and all liabilities to such association, and to each and all the creditors and shareholders thereof. Upon receiving such deed, assignment, transfer, or other instrument, the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof, for the benefit of the shareholders of such association, and he may in his own name, or in the name of such association, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was carried on, and shall at the conclusion of his trust render to such district or circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the sureties upon said bond. At such meeting, held as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians of minors and trustees of other persons may so act and sign for their ward or wards or *cestui que trust*. The proceeds of the assets or property of any such association which may be undistributed at the time of such meeting or may be subsequently received shall be distributed as follows:

"First. To pay the expenses of the execution of the trust to the date of such payment.

"Second. To repay any amount or amounts which have been paid in by any shareholder or shareholders of such association upon and by reason of any and all assessments made upon the stock of such association by the order of the Comptroller of the Currency in accordance with the provisions of the statutes of the United States; and

"Third. The balance ratably among such stockholders in proportion to the number of shares held and owned by each. Such distribution shall be made, from time to time, as the proceeds shall be received and as shall be deemed advisable by the said Comptroller or said agent."

Mr. COBB of Missouri. Mr. Speaker, I ask that the report be read.

The report (by Mr. COBB of Missouri) was read, as follows:

The Committee on Banking and Currency, having had under consideration the bill (H. R. 7213) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, do report the accompanying bill as a substitute therefor and recommend the passage of the substitute, and that the original bill do lie upon the table.

The provisions of the bill hereby favorably reported are substantially those contained in the original bill, the alterations therein having been made to perfect the provisions contained in the bill as originally introduced. This bill is intended to remedy certain defects in the provisions of the national-bank act relating to receiverships and distribution in cases of dissolution.

As originally passed, the national banking act provided for the distribution by the Comptroller of the Currency of the assets of the bank, first, to the creditors of the bank and to the holders of its notes, and second, of the residue, if any, to the shareholders of the association or their legal representatives in proportion to the stock held by them respectively. By section 3 of the act of 1876 this provision of the law was so altered as to require that after the payment of the debts of the bank and securing the circulation thereof, the Comptroller of the Currency should call a meeting of the stockholders, at which meeting an agent should be elected, and upon his filing security the Comptroller and the receiver were to turn over to the agent all the property and assets of the bank remaining undistributed. This agent was authorized to sell the property of the bank as he might be directed by the stockholders. A practical difficulty has been developed by reason of this provision that the agent should dispose of the property as directed by the stockholders, to wit, that purchasers of property, and particularly real property, from the agent, refuse to take title upon the ground that the evidence that his sale is in accordance with the directions of the stockholders is not attainable and can not be preserved.

In one case which has been called to the attention of your committee, a very large amount of valuable real estate is entirely unsalable because of this unnecessary restriction.

Your committee, therefore, recommend the passage of this bill providing that the stockholders may, if they choose, continue the receivership and close up the affairs of the bank by means of the receiver and the Comptroller of the Currency, or if they prefer they may elect their own agent, and when so elected he is vested with absolute power to dispose of the property as their voluntarily selected trustee.

Of course he is left subject to the right of any person interested in the funds to question his acts, and to call him to account for any abuse or mis use of his powers.

Another defect in the national-bank act, which it is intended by this bill to remedy, relates to the distribution of the proceeds realized by the sale of the property of the bank to and amongst the shareholders after the payment of the debts and the securing of the circulation of the bank.

There is no existing provision which authorizes the Comptroller to distribute the money so remaining among the shareholders. By this act he is authorized to make such distribution in case the receivership is continued. The act originally provided that the remaining assets and property of the bank, after the payment of its debts and the securing of its circulation, shall be distributed to and amongst the shareholders of the bank proportionately to the number of shares held by them respectively. Under this provision shareholders who have not paid assessments levied to restore the capital of the bank, or to liquidate the claims of its creditors, have asserted their right to share in the ultimate residue of the property of the bank in the same proportion as shareholders who have paid such assessments. The inequity of such a distribution will be entirely plain to any disinterested person. There is, however, in the law no authority given to anybody to refund to the shareholder the amount which he has paid by reason of such assessments before distributing the residue among all the shareholders.

The bill, the passage of which your committee now recommends, provides that after the creditors of the bank are all paid and its circulation all secured, that then, if there remain any residue after paying the expenses of administering the trust, it shall be first applied to returning to the stockholders who have paid such assessments the amount so paid by them, with interest, or so much thereof as such residue may be sufficient to pay. When these payments are all made, the bill provides for the distribution of the residue to and amongst the shareholders of the bank in proportion to the value of their respective shares. This distribution should be made upon the basis of the value, because shares of the banks are not always of equal value, and in some instances the shares have not been fully paid up, and the owners of shares not fully paid should, in the opinion of your committee, share in the proceeds of its property only in proportion to the amount they have paid in on their shares and not in proportion to the number of shares held by them irrespective of the question whether they are fully or only partially paid for.

The substitute referred to in the report (H. R. 7724) is as follows:

Be it enacted, etc., That section 3 of an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, is hereby amended so as to read as follows:

"SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of the Revised Statutes of the United States, and when, as provided in section 5236 thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto. At such meeting the shareholders shall determine whether the receivership shall be continued and the receiver wind up the affairs of such association, or whether an agent shall be elected for that purpose, and in so determining the said shareholders shall vote by ballot or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value shall be necessary to determine whether the said receivership shall be continued or whether an agent shall be elected. In case such majority shall determine that the said receivership shall be continued, or in case said stockholders shall neglect or refuse to elect an agent or file a bond as hereinafter required, for the period of four months after the date of the notice of the Comptroller calling a meeting of shareholders as above provided, then the said receiver shall thereupon proceed with the execution of his trust and shall sell, dispose of, or otherwise collect the assets of the said association and shall possess all the powers and authority and be subject to all the duties and liabilities originally conferred or imposed upon him by his appointment as such receiver, so far as the same remain applicable. In case the said meeting shall by the vote of a majority of the stock

in value and number of shares determine that an agent shall be elected, the said meeting shall thereupon proceed to elect an agent, voting by ballot, in person, or by proxy, each share of stock entitling the holder to one vote, and the person who shall receive votes representing at least a majority of stock in value shall be declared the agent for the purposes hereinafter provided, and whenever any of the shareholders of the association shall, after the election of such agent, have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of each and every claim that may thereafter be proved and allowed by and before a court of competent jurisdiction so far as the assets may be sufficient, and for the faithful performance of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper, and upon the execution and delivery of such instrument to the said agent, the said Comptroller and the said receiver shall by virtue of this act be discharged from any and all liabilities, except for fraud and malfeasance, to such association and to each and all the creditors and shareholders thereof. Upon receiving such deed, assignment, transfer, or other instrument, the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof, for the benefit of the shareholders of such association, and he may in his own name, or in the name of such association, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the proceeds of the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was carried on, and shall at the conclusion of his trust render to such district or circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the sureties upon said bond. At such meeting, held as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians of minors and trustees of other persons may so act and sign for their ward or wards or *cestui que trust*. The proceeds of the assets or property of any such association which may be undistributed at the time the meeting herein provided for is called, or may be subsequently received after the payment of all debts of such association, shall be distributed as follows:

"First. To pay the expenses of the execution of the trust to the date of such payment;

"Second. To repay ratably, with interest, any amount or amounts which have been paid in by any shareholder or shareholders of such association, upon and by reason of any and all assessments made within two years before the appointment of the receiver to pay any deficiency in the capital stock of such association, or by reason of the enforcement of the personal liability of such shareholder or shareholders in accordance with the provisions of the statutes of the United States; and

"Third. The remainder ratably among such stockholders or their legal representatives in proportion to the par value of shares held and owned by each. Such distribution shall be made, from time to time, as the proceeds shall be received and as shall be deemed advisable by the said Comptroller or said agent."

Mr. COBB of Missouri. Mr. Speaker, it will be observed that the report accompanies House bill 7724, reported by the committee as a substitute for the original bill, which has been read. The bill reported by the committee simply provides that in case of the failure of a national bank which is in the hands of a receiver, after the outstanding issues of the bank and all its debts have been paid both to the Government and to the depositors, the residue, if any, may be put under the control of the shareholders of the bank. Under the present law the Comptroller of the Currency or the receiver is compelled to wind up the entire affairs of the bank, very frequently to the detriment of the shareholders. This bill simply gives the shareholders the privilege, after all debts are paid, of taking possession of the property and turning it over to an agent or letting it remain in the hands of the receiver, as they may elect.

Mr. BUCHANAN of New Jersey. Will the gentleman permit a question?

Mr. COBB of Missouri. Yes, sir.

Mr. BUCHANAN of New Jersey. As I understand, at present it is the duty of the receiver, where the assets of the bank are not sufficient to meet its liabilities, to order an assessment upon the capital stock, and, in case that assessment is not paid, to bring suit for the payment thereof. Now, does this bill take charge of the affairs of the bank before or after that proceeding?

Mr. COBB of Missouri. After that; not until all the creditors are paid.

Mr. BUCHANAN of New Jersey. So that the agent of the bank will not have to bring those suits?

Mr. COBB of Missouri. He will not.

Mr. OATES. Will the gentleman from Missouri yield for a moment?

Mr. COBB of Missouri. Certainly.

Mr. OATES. Mr. Speaker, the gentleman from Missouri has very kindly yielded to me. I want to offer an amendment to this bill.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. COBB of Missouri. I did not yield for an amendment.

Mr. OATES. I trust the gentleman will not object to it.

Mr. COBB of Missouri. Yes; I object to any amendment at present, but I will let the amendment be read.

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

Amend by adding at the end of the bill: "And that section 3412 of the Revised Statutes of the United States be, and the same is hereby, repealed."

Mr. OATES. This simply repeals the section of the Revised Statutes which imposes a prohibitory tax on the State banks.

Mr. COBB of Missouri. I decline to yield for that amendment.

Mr. WALKER (to Mr. OATES). Do not do that. This is a very important bill.

Mr. OATES. Oh, I know the gentleman from Massachusetts [Mr. WALKER] objects to the amendment, but this is the national Democratic platform. [Laughter.]

The SPEAKER. The Chair desires to understand. Does the gentleman from Missouri [Mr. COBB] yield for this amendment?

Mr. COBB of Missouri. No, sir.

The provisions of the bill under consideration are substantially those contained in the original bill, the alterations therein having been made to perfect the provisions contained in the bill as originally introduced. This bill is intended to remedy certain defects in the provisions of the national-bank act relating to receiverships and distribution in cases of dissolution.

As originally passed, the national banking act provided for the distribution by the Comptroller of the Currency of the assets of the bank, first, to the creditors of the bank and to the holders of its notes, and second, of the residue, if any, to the shareholders of the association or their legal representatives in proportion to the stock held by them respectively. By section 3 of the act of 1876 this provision of the law was so altered as to require that after the payment of the debts of the bank and securing the circulation thereof the Comptroller of the Currency should call a meeting of the stockholders, at which meeting an agent should be elected, and upon his filing security the Comptroller and the receiver were to turn over to the agent all the property and assets of the bank remaining undistributed.

This agent was authorized to sell the property of the bank as he might be directed by the stockholders. A practical difficulty has been developed by reason of this provision that the agent should dispose of the property as directed by the stockholders, to wit, that purchasers of property, and particularly real property, from the agent, refuse to take title upon the ground that the evidence that his sale is in accordance with the directions of the stockholders is not attainable and can not be preserved.

In one case which has been called to our attention a very large amount of valuable real estate is entirely unsalable because of this unnecessary restriction.

This bill provides that the stockholders may, if they choose, continue the receivership and close up the affairs of the bank by means of the receiver and the Comptroller of the Currency, or, if they prefer, they may elect their own agent, and when so elected he is vested with absolute power to dispose of the property as their voluntarily selected trustee.

Of course he is left subject to the right of any person interested in the funds to question his acts and to call him to account for any abuse or misuse of his powers.

Another defect in the national-bank act which it is intended by this bill to remedy relates to the distribution of the proceeds realized by the sale of the property of the bank to and amongst the shareholders after the payment of the debts and the securing of the circulation of the bank.

There is no existing provision which authorizes the Comptroller to distribute the money so remaining among the shareholders. By this act he is authorized to make such distribution in case the receivership is continued. The act originally provided that the remaining assets and property of the bank, after the payment of its debts and the securing of its circulation, shall be distributed to and amongst the shareholders of the bank proportionately to the number of shares held by them respectively. Under this provision shareholders who have not paid assessments levied to restore the capital of the bank, or to liquidate the claims of its creditors, have asserted their right to share in the ultimate residue of the property of the bank in the same proportion as shareholders who have paid such assessments. The inequity of such a distribution will be entirely plain to any disinterested person. There is, however, in the law no authority given to anybody to refund to the shareholder the amount which he has paid by reason of such assessments before distributing the residue among all the shareholders.

The bill provides that after the creditors of the bank are all paid and its circulation all secured, that then, if there remain any residue after paying the expenses of administering the trust, it shall be first applied to returning to the stockholders who have paid such assessments the amount so paid by them, with interest, or so much thereof as such residue may be sufficient to pay. When these payments are all made, the bill provides for the distribution of the residue to and amongst the shareholders of the bank in proportion to the value of their respective shares. This distribution should be made upon the basis of the value, because shares of the banks are not always of equal value, and in some

instances the shares have not been fully paid up, and the owners of shares not fully paid should share in the proceeds of its property only in proportion to the amount they have paid in on their shares and not in proportion to the number of shares held by them irrespective of the question whether they are fully or only partially paid for.

I fail to see, Mr. Speaker, how any member, whatever his views may be on our present banking system, can urge any valid objection to the bill under consideration. It is a much-needed safeguard, not only to bankers and holders of bank stocks, but to depositors and the business community in general.

We all realize that our banking and financial system needs serious consideration, and it is to be hoped at no remote day we may enact a general law that will be alike just to all classes and all sections. It is our duty to the people to work to that end. I consider this a step in that direction.

Mr. Speaker, I now yield five minutes to the gentleman from Arkansas [Mr. CATE].

Mr. CATE. Mr. Speaker, it is not necessary to add anything further after the reading of the report and the statement of my colleague on the committee, the gentleman from Missouri [Mr. COBB]. This is simply an amendment to the act of 1876, which was an amendment to the original banking law. It provides for the appointment of an agent and gives him more definite powers after the payment of the debts of the national bank, meaning by debts those that are due to the depositors and the holders of the circulating notes.

As originally passed, the national-banking act provided that the Comptroller of the Currency should distribute the assets of the bank first to the creditors, next to the noteholders, and the residue, if any, to the shareholders of the association, or their legal representatives in proportion to the stock held by them respectively. By the act of 1876 this provision was altered so as to require that after the payment of the debts of the bank and the redemption of its circulation, the Comptroller of the Currency should call a meeting of the stockholders at which time an agent should be selected; and it was provided that this agent should sell the real estate belonging to the bank. A difficulty arose in this respect; the agent was authorized to make this sale of real estate according to the direction of the shareholders; but there was no way of establishing the fact that the sale was in accordance with such direction, and hence arose trouble in assuring to purchasers an unimpeachable title.

This bill obviates that difficulty by providing that the stock holders may continue the comptroller and receiver in charge at their election, or they may appoint this agent. In the one case the comptroller and receiver wind up the affairs of the bank; in the other, the agent, if selected, has authority to sell the real estate and convey it absolutely by deed without respect to any express direction of the stockholders. Thus, any possible defect in the title is obviated. That is one provision of the bill.

Mr. HENDERSON of Iowa. I wish to inquire what is the attitude of the Treasury Department in regard to this matter.

Mr. CATE. I understand the measure is indorsed by the Comptroller of the Currency.

Mr. COBB of Missouri. It is recommended by the Comptroller of the Currency.

Mr. BLAND. Does the bill make any change in regard to the security of the depositors?

Mr. CATE. It does not affect that at all.

A further provision of the bill, Mr. Speaker, is designed to meet another difficulty which has arisen under the existing law. The law, as it now stands, provides that after the debts and liabilities of the bank have been met, the residue of the assets shall be divided equally among the shareholders. Now, when assessments are made to meet the liabilities of the bank, some of the shareholders may pay their assessments, and others may not; but under the law, as it now stands, the residue of the assets, after discharging the debts and liabilities of the banks, is to be distributed among the shareholders in accordance with the number of shares held by them, irrespective of the fact whether they have paid their assessments or not.

This bill provides that in such a case the stockholders who have paid their assessments shall have that money returned to them with interest, and the balance, if any, shall be divided equally among the shareholders—according to the value of their respective shares—not according to the certificates of the stock; so that if some stockholders have paid up their stock in full, and others have not, this balance is to be divided among them ratably in accordance with the amounts they have paid in. In short, the bill provides for an equitable distribution of the assets of the bank among the stockholders after the creditors of the institution have been paid, and in this way we propose to obviate some of the hardships of the existing law.

Mr. COBB of Missouri. I yield ten minutes to the gentleman from Kentucky [Mr. DICKERSON].

Mr. DICKERSON. Mr. Speaker, this bill does not affect the creditors of the bank at all. It does not change, so far as the United States and the creditors of the bank are concerned, the law which now regulates the settlement of a bank's affairs. It applies simply to the distribution of the assets of the bank among its stockholders after the creditors of every description have been paid. At present when a bank is insolvent the stockholders may be required under the law of the United States to pay an assessment in amount equal to the par value of their shares. But after such assessments have been made there is no provision of law under which in the distribution of the assets there can be paid over to the stockholders property subsequently gathered in; so that the stockholders necessarily lose what they pay by way of assessment to enable the bank to meet its liabilities.

The present law has been suggested by a condition of circumstances occurring in connection with the failure of a bank in Chicago. The bank became insolvent and was put in the hands of a receiver, but at the time he took charge of its affairs he could not find assets sufficient to pay the debts and therefore levied on the stockholders an assessment of a certain amount upon their shares; I do not remember the amount. A large number of them paid this assessment; a few of them did not. At that time some real estate in the suburbs of Chicago belonging to the bank was regarded as comparatively worthless; but since the settlement this property has become of very great value—enough to provide quite a large distribution among the stockholders. Sufficient to reimburse the shareholders the amount paid on assessment and a large per cent on the whole number of shares.

Now, they want to sell the property and distribute it. They want to distribute it upon equitable grounds, first providing that the shareholders, who paid in on their assessments, should first be reimbursed, and afterwards the remainder should be distributed pro rata amongst the shareholders generally, which seems to me to be an entirely unobjectionable provision.

There is another defect which it is intended to correct by the provisions of this bill. When a bank becomes insolvent and the receiver settles its affairs in so far as the creditors are concerned, the law arbitrarily requires the Comptroller of the Currency to call a meeting of the stockholders and requires them to go through the form and incur expense of an election as to whether they would continue the receivership of the bank, or elect an agent to control its affairs.

This bill lodges with them a discretion to act without any interference of the Comptroller when he certifies that all of the liabilities of the institution have been adjusted. As I said before, it also provides that shareholders who paid in their assessments shall be fully reimbursed before the shareholders who paid nothing shall receive any part of the distribution of the fund remaining after the liquidation of the indebtedness of the bank. It does not affect the present banking law up to the point where all of the creditors and the United States are entirely satisfied. After that it puts the affairs in the hands of the stockholders.

There is another proposition to which the gentleman from Arkansas referred, and I will allude to it briefly in this connection. There are infants, imbeciles and lunatics, and others who own property in these insolvent banks, and who can not as stockholders pass title. It costs a considerable sum of money in many instances to gather up through all parts of the United States, and in some instances even beyond the Territorial limits of the United States, these persons in order to bring them before the court or secure their consent to have a sale made, or legal proceedings taken by which a title to real property may be passed. This bill seeks to make it possible to pass a title in such form that will be unobjectionable, by permitting the agent to convey the title, and thus remove any cloud or any question of doubt which may arise from the bank's record. This can not readily be done now, and the difficulty of correcting this feature casts a cloud upon the title. We are endeavoring in this bill to provide a remedy for these several defects.

I ask the previous question.

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

On motion of Mr. COBB of Missouri, a motion to reconsider the last vote was laid on the table.

REDEMPTION OF STOLEN NATIONAL-BANK NOTES.

Mr. DICKERSON. I am directed by the Committee on Banking and Currency to call up for consideration the bill (H. R. 6183) to amend the national-bank act in providing for the redemption of national-bank notes stolen from or lost by banks of issue.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the Revised Statutes of the United States, as contained in sections 5226, 5227, 5228 5229, 5230, 5231, and 5232, shall apply to all national-bank notes that have been or may be received by any national bank, whenever such notes are alleged to have been lost or stolen and put in circulation with or without forged signatures.

The committee recommend the adoption of the following amendment:

Strike out all after the word "States," in line 4, and insert, "providing for the redemption of national-bank notes, shall apply to all national-bank notes that have been or may be issued to, or received by, any national bank, notwithstanding such notes may have been lost by or stolen from the bank and put in circulation without the signature or upon the forged signature of the president or vice-president and cashier."

Mr. DICKERSON. The report accompanying this bill is quite lengthy, and will probably require some ten or fifteen minutes to read. I can make a brief statement which will probably cover all of the ground.

Under the present banking law the notes issued by national banks are issued, as you are aware on the deposit of bonds and money in the Treasury of the United States to secure their redemption. It has been held by the Treasury Department that where these notes, when delivered to national banks have been stolen and put in circulation after they have been signed by the president of the bank or cashier, that the bank is bound to redeem them, and that the United States is also bound to redeem them because they are then the notes of the bank. They have held, however, that where these notes were delivered to the banks' agent, either the express company or an official of the bank and have been stolen or lost and are put in circulation before they were signed by the officials of the bank, that technically they are not the notes of the bank and under the law can not be redeemed.

The result has been, notwithstanding the fact that the United States holds in the Treasury a sum for their redemption, that the bank can not redeem and the United States will not redeem them, so the Government of the United States practically appropriates the money that has been lodged in the Treasury for their redemption, and the loss falls upon the holder of the note. The Government is an absolute gainer to that extent, and the party who holds the note loses the amount. Its loss falls upon the person who is entirely innocent of any knowledge that the note has not been properly issued.

Mr. DAVIS. Let me ask the gentleman will a note not signed pass at all? Does it not require the signature to pass it?

Mr. DICKERSON. The people of the country receive these notes on the faith of the guaranty of the United States, and rarely look to see whether they are signed or not.

Mr. DAVIS. Does the gentleman mean that they pass without signature?

Mr. DICKERSON. They have been passed in that way. But, as I was saying, the people largely do not know that the bank officials are required to sign the notes at all.

Therefore, they take them, upon the faith of the skillful engraving, the quality of material used, and the signature and stamp of the Treasury. They do not inquire into the signatures of the bank officials. Now, as to the genuineness of the signatures of the bank officials upon a note that is issued by a bank in New York and circulating in Texas or in Kansas, it is absolutely impossible for the person to whom such a note is tendered to ascertain whether the signatures are genuine or not, and I do not believe any man in the House or in the United States ever looks at the signatures upon these bank notes, that is the signatures of the bank officials, to ascertain whether they are genuine or not. Therefore, the people are easily imposed upon, and you can circulate these bills and pass them with impunity.

If a thief robs a bank of these unsigned bills, he will not present them, of course, for redemption. He will not be the man who comes into view. He takes the money and passes it upon innocent people throughout the country, and when they present the notes at the bank, although every note may have passed from person to person and paid debts for months, the bank will refuse to redeem, the Government will refuse to redeem, and the Government retains the funds in its hands, and leaves the party with the unsigned note to lose the amount that he exchanged for it. Now, the fact that the bank receives this money almost complete, lacking only the signatures of its officers, of the genuineness of which the receiver of the note can not possibly be informed, and which he can not test, the committee thought that when the bank received the money in that condition, it ought to be held to the highest responsibility for the safe-keeping of the money, and its correct and regular issue.

We have believed that the law ought to raise a conclusive presumption against the banks, so that when the Comptroller of the Currency delivers the note, either to the express company, which is the agent of a bank, or to the officials of the bank, that they must be held to an absolute responsibility if they permit the notes to get into circulation in any form. We ought to hold the people safe from loss by reason of the bank's neglect and require the banks to meet it.

Mr. RAY. Would you advise the same rule, supposing the notes should be stolen from the Treasury Department after they were ready to go to the bank, or supposing they should be stolen in transit to the banks?

Mr. CATE. This rule applies after the receipt of the money by the bank.

Mr. DICKERSON. It can not be charged to the banks when stolen from the Treasury Department, because the notes are checked off at the instant they are delivered to the banks or to the agents of the banks, and therefore there is no chance for that; and none have ever been so stolen.

When you ask me whether the banks should be held to responsibility for notes stolen from the express company, I answer that if the bank makes the express company its agent it ought to be responsible for the act or negligence of its agent. It can send its president here in person to carry the notes back, or it can use any means it desires. It ought to be held responsible for the negligence of its agent; and more than that, if the express company loses these notes it is responsible to the bank and the bank would recover. The effect of this law as it now is is to require the innocent people of the country who take these notes to lose them, and permits the Government of the United States to retain the money in the Treasury that was deposited for the purpose of redeeming them and protecting the holder.

Mr. DOCKERY. They only lose them where the notes are not signed.

Mr. DICKERSON. Only where they are not signed or where the signatures are forged. I do not think the people of the country ought to be made to lose these notes when they take them upon the faith of the engraving and the work that is put upon them by the United States. If you allow the United States to hold this redemption fund after it has put a note in circulation upon the faith of its own engraving, you allow the Government of the United States to take advantage of its own wrong, because it has enabled the fraud to be perpetrated upon the people, by reason of its work on the notes.

Mr. RAY. Who has to stand this loss in the end, if you pass this bill?

Mr. DICKERSON. It will come out of nobody, because the Government takes the very money that it was to redeem the notes with. The bank would lose it ordinarily, but the bank can not get anything back now under the present law. The bank would lose it, because the bank is the only party that ought to be held liable both for the security of the notes in transit and the manner in which they shall get into circulation.

Mr. RAY. Somebody must lose in the end in such a case as this.

Mr. DICKERSON. Yes, let me be understood. The bank is required to deposit bonds or lawful money to secure the redemption of its notes. The Treasury holds the bonds and notes for that purpose and will retain the bonds or currency or a sufficient amount to redeem until they are actually redeemed. Now, if a holder of a forged note presents it to the bank for redemption it is refused, and when the bank refuses to redeem the Secretary of the Treasury will refuse. That leaves the invalid note in the hands of the innocent holder, the redemption fund in the Treasury—and the bank loses both its forged note and the fund held in the Treasury for redemption. Under the law this status could not be changed, so the Treasury gains the redemption fund, the bank loses that much, and the innocent holder loses what he exchanged for the bad note. Under this bill we require the bank and Treasurer to redeem, the bank loses no more, and the holder is held harmless.

Mr. BLAND. Mr. Speaker, as this bill seems to change a number of sections of the Revised Statutes, and as it is impossible just now to ascertain what those sections may be, I would inquire of the gentleman if his bill makes any alteration as to who shall be the gainer in the case of lost or destroyed notes.

Mr. DICKERSON. Nothing in the world.

Mr. BLAND. As the law now stands, the Government claims that, having issued the bank notes, if they are destroyed the Government itself will be the gainer, and not the bank. Now, I do not know whether that is the law or not.

Mr. DICKERSON. I do not concede the whole of that statement. If the banks shall have received the notes, and before they are signed they are destroyed by accident or fire, they can make proof and have a reissue, and get the funds deposited returned to them; but if they are signed and are lost, then the Government is the gainer. And this condition is not changed. It only places the notes in the hands of the bank, or their agent, and whether the signatures of the bank officers are forged or not signed, they are responsible for them.

Mr. OATES. Will the gentleman yield to me so that I may

offer an amendment relating to national banks, or will he hear it read?

Mr. DICKERSON. I yield five minutes to the gentleman from Massachusetts.

Mr. WALKER. Mr. Speaker, I hope the House will listen to me two minutes, which will be sufficient time in which to make the purpose of the bill clear. Whenever blank notes are issued by the Government and delivered by the Government to the agent of a bank—the express company—to be delivered by the express company to the bank, the Government holds the bank responsible for them from that moment, and they are charged up against its bonds deposited to secure the notes; but if these notes are stolen from the express company in their passage from the Government to the bank, the bank recovers of the express company their nominal value; then the innocent holders of those notes lose the value of them if forged signatures are given them and the thief issues them. The bank loses nothing, because of the bank being obliged in recovering its bonds to deposit an equivalent in currency, for it has been made whole by its agent who lost the notes, viz, the express company.

Now, according to the ordinary principles of law, a bank ought not to be liable to this loss, except they have executed these notes by signing them, making them full valid notes, on which they are liable, probably on that principle this bill ought not to pass; but if they become the property of innocent private persons, individually those individuals ought not to be made to suffer the loss on these notes which have been lost by the bank; for the loss of the bank has been made good by the express company. These notes have been executed fully, so far as the Government is concerned as against the bonds deposited by the bank, because the Government holds these notes to be fully issued, so far as it is concerned. Therefore, to the wage-workers, the workingmen, and the innocent holders, a bank ought to make them good, because at the time they were stolen from the express company they are charged to the bank as the bank's property. I hope all parties will vote for this bill.

Mr. SIMPSON. I understand that under this bill the bank is to redeem them?

Mr. WALKER. Yes, sir.

Mr. SIMPSON. The loss is all on the bank and not on the Government?

Mr. WALKER. The loss is to be all sustained by the bank if the notes are stolen before they reach the bank, the express company being the agent of the bank and not of the Government is held responsible for the loss by the bank.

Mr. SIMPSON. The Government takes the money of the bank that was to redeem them, and redeems them from the innocent holders.

Mr. WALKER. We want the banks to receive them, and we want them redeemed. The banks actually lose nothing, but simply protect the innocent holders of these notes.

Mr. DICKERSON. I now yield such time to the gentleman from Pennsylvania [Mr. WRIGHT] as he desires.

Mr. WRIGHT. Mr. Speaker, I desire to call the attention of the House to the fact that under existing laws national banks are not held to be bound to redeem any of their circulating notes received from the Comptroller of the Currency when stolen from them before being signed by the proper officials of the bank, but in such cases it has been customary for the bank officials to notify the Treasurer of the United States of the loss of such unsigned notes, whereupon the Treasurer as well as the bank refuses to redeem the same when presented for redemption by any person whomsoever. This has been done in one case where the notes in question were signed by the president of the bank but not by the cashier.

I hold here a five-dollar note of the Osage National Bank of Osage, Iowa, one of the $9,000 stolen from said bank by burglars on the night of May 5, 1866, before being signed by either the president or the cashier, and put in circulation with forged signatures. When the said bank renewed it charter it was required to deposit with the Treasurer of the United States legal-tender notes equal to all its outstanding circulation including the $9,000 unsigned notes stolen as before mentioned. A Government official in San Francisco, in making a remittance to the Treasury of the United States, sent in a number of the Osage bank bills—part of this $9,000. The Treasurer of the United States refused to redeem the same, and the amount thus sent in was promptly returned, and, I believe, deducted from the salary of the official, in which way it stands until this day. The notes when presented for redemption are marked so as to be thereafter useless as circulation.

Mr. BUSHNELL. And the holder loses them?

Mr. WRIGHT. And the holder loses them. This bill makes the bank responsible for them, and requires the bank to redeem them if they get into circulation in any manner after they get into the possession of the bank, whether signed or unsigned.

Mr. BUSHNELL. To see that they do not go out through negligence and cheat anyone?

Mr. WRIGHT. Yes, sir. This bill prevents any holder of a national-bank note from being cheated out of the face value thereof by reason of circumstances unknown to him and of which he should not be expected to be cognizant. But while such unsigned stolen notes are not bound to be redeemed to the holders thereof by such bank, yet by the operation of existing laws the bank can not secure other notes from the Comptroller of the Currency in lieu of ones claimed to be stolen, but is held accountable to the United States Government for the whole amount of the notes received from the Comptroller, including such stolen notes. And as the Government holds as security for all the notes issued to each bank United States bonds more than equal to all said outstanding circulation, and as the bank can not withdraw its bonds nor renew its charter nor retire from business without first depositing with the Treasurer of the United States legal tenders equal in amount to its entire outstanding circulation, including any notes which may have been stolen unsigned, it becomes apparent that in every case the bank must ultimately make provision for any and all its notes, whether signed or unsigned, and whether regularly paid out for value or stolen and put in circulation without value having been received by the bank.

Thus the Treasurer of the United States becomes, in fact, a trustee for the holders of the notes of such bank, with funds in his hands sufficient to redeem every dollar of circulating notes of the bank outstanding, whether signed or unsigned, including any which may have been stolen from the bank. Therefore as every bank must eventually redeem, or provide for the redemption of, its circulating notes signed or unsigned, and has no ultimate defense against being obliged to pay over to the Treasurer of the United States the face value of every unredeemed or outstanding note to such bank issued, it becomes apparent that the bank will not be protected from final loss by the refusal of the Treasurer to redeem such unsigned stolen notes when presented for that purpose. And as the Treasurer always has in his possession funds placed there by the bank for the specific purpose of redemption of such notes as required by law, it is also evident that the Government can lose nothing by redeeming all such notes to the holders thereof out of the trust funds held by the Treasurer for such specific purpose.

If the availability of such notes for circulating as money was in consequence of being properly signed, or in other words if the signatures of the officers of a national bank caused them to pass as money as freely as legal-tender notes of the United States, then perhaps the omission of the signatures might be taken into consideration to a certain extent. But it is a fact that it is not the signatures on such notes which make them circulate, but it is the form, the style, the engraving, the paper, and above all the fact plainly stated on every note that it is secured by deposit of Government bonds in the Treasury of the United States, which certificate is signed by the proper Government officials in manner provided by law. It is all this which makes the national-bank note pass from hand to hand as money without its holders ever stopping to ascertain even the name or location of the bank issuing it.

Since 1863 some four thousand national banks have been organized, and the officers thereof have in a majority of cases changed from time to time. This being the case, it is evident that it is an utter impossibility for any one to be able to distinguish whether the names signed to such notes are genuine or otherwise; and when a note has become somewhat worn and defaced it is impossible for the officers of a bank by examining the signatures to be certain that the names on their own issues are genuine or otherwise. Further, it may be considered an axiom that not one stolen bank note, with or without a signature thereto, ever has been or over will be presented to either the bank or the Treasury for redemption by any other than innocent holders.

This bill proposes to hold every possessor of a national-bank note to be an innocent holder and to require every bank to redeem every note of its issue signed or unsigned, and to require every bank to protect itself from such loss as in this way might arise by the usual care and caution given other moneys in its possession.

From a letter addressed July 19, 1888, by Hon. W. L. Trenholm, then Comptroller of the Currency, to the chairman of the Committee on Banking and Currency of the House of Representatives, I quote the following passages:

> Circulating notes stolen before signature may be placed in circulation by means of forged or false signatures, and in all probability the fraud will pass unnoticed by the public, since there are nearly ten thousand distinct signatures which may legitimately appear on national-bank notes, and no one pretends to keep the run of changes among that number of presidents, vice-presidents, and cashiers.
>
> From one point of view, therefore, it might be considered just to the public to require every bank to redeem all notes once issued to it, including notes stolen before signature, when these are presented for redemption by innocent parties who have taken them without notice.

Notes stolen after signature are the valid obligations of the bank and must be redeemed on demand, while under section 6 of the act of July 12, 1882, each bank must deposit lawful money to the full amount of the circulation issued to it, whether such circulation has or has not been signed by its officers. Hence the only difference between the two classes of notes is that the bank can be required to redeem the one class, and it may refuse to redeem the other upon presentation at its counter, but it must eventually provide for the redemption of both classes.

He states further:

When stolen notes presented at the Treasury for redemption are recognized they are stamped, so as to be discredited, and the bank is informed at once.

I also call attention to copy of a letter, dated February 10, 1882, from Hon. James Gilfillan, Treasurer of the United States, addressed to the Secretary of the Treasury, Hon. Charles J. Folger, omitting therefrom only such parts as do not refer to incomplete national currency received and in possession of banks:

TREASURY OF THE UNITED STATES,
Washington, February 10, 1882.

SIR: I am in receipt, by reference from you, of a letter addressed to you by L. A. Boynton, dated San Francisco, Cal., January 26, 1882, inclosing a note of the Osage National Bank, of Osage, Iowa, of the denomination of $5, numbered 2042—D561250, the redemption of which, he states, has been refused by the bank and by the Treasurer of the United States on the ground that it was stolen, and asking that, for the reasons given by him, you will order the redemption of the same.

The letter, note, and accompanying papers are herewith returned, with the information that the note is one of 1,800 notes of the Osage National Bank of the denomination of $5, bearing bank numbers 1751 to 2200, and Treasury numbers 560959 to 561408, which were stolen from the bank by burglars on the night of May 5, 1866, before being signed by either the president or the cashier, and put in circulation with forged signatures. Since July, 1874, 1,010 of these notes have been presented at this office for redemption and rejected under an opinion of the Solicitor of the Treasury that a national bank is not legally responsible for its unsigned notes so stolen and put in circulation, and may properly refuse payment thereof. This opinion is supported by a reference to the case of the Salem Bank *vs.* The Gloucester Bank (117 Mass., 11), in which it was held that the notes purporting to be issued by an incorporated banking company, which, after the cashier had signed them, had been stolen, and the signature of the president forged, were not binding on the company. The Osage National Bank has made application to Congress for relief, but no relief has been granted in this or any similar case.

Unsigned or partially signed notes have been stolen from five other national banks and put in circulation with forged signatures, all of which are rejected when presented for redemption at this office. The following is a list of these notes, accompanied by a statement of the particulars of the theft or loss in each case, so far as they are known to the Department:

The National Hide and Leather Bank of Boston, Mass.: Fifty-four sheets of the notes of this bank (bank numbers 11919 to 11972, and Treasury numbers 22910 to 22953) of the denominations of $10 and $20, of the nominal value of $2,700, were on April 6, 1875, stolen from the desk of the president in the bank. The president insisted that the notes were signed by him but not by the cashier, but so far as known both signatures were forged on all notes within the above numbers presented to this office. One hundred and twenty-nine of these notes, amounting to $1,630, have been rejected by this office.

The National Bank of Barre, Vt.: On the night of July 6, 1875, a package containing twenty-six sheets of unsigned notes of this bank of the denominations of $10 and $20 (bank numbers 911 to 936, and Treasury numbers 932805 to 932830), amounting to $1,300, was stolen from the bank by masked burglars. The package was received from the Comptroller of the Currency by express after the locking of the chronometer lock on the safe inside the vault, in which the money of the bank was kept, and was therefore left in the vault outside of the safe. The robbers compelled the cashier to unlock the door of the vault and stole the package of unsigned notes, but were prevented by the chronometer lock from opening the inner safe. Sixty-five of these notes, amounting to $790, have been rejected by this office.

The Merchants' National Bank of Albany, N. Y.: Between July 21 and August 6, 1877, eight sheets of unsigned notes of this bank of the denominations of $10 and $20 (bank numbers 759 to 766 and Treasury numbers 45195 to 45202), amounting to $400, were lost by or stolen from the president of the bank, who at that time was in the habit of taking the notes of the bank to his office outside of the bank for the purpose of signing them. The bank supposed the notes had been signed by the president until one of them was returned to it by this office in a package of redeemed notes fit for circulation, when it was found that the signatures of both the president and cashier were forged. Twelve of these notes, amounting to $150, have been rejected by this office.

The National Bank of Pontiac, Ill.: A package containing twenty-five sheets of this bank's unsigned notes, of the denomination of $5 (bank numbers 741 to 765, and Treasury numbers 252111 to 252125), of the nominal value of $500, was stolen from the counter of the bank November 19, 1878. Twenty-three of these notes have been rejected by this office. A bill having been introduced into Congress authorizing the Comptroller of the Currency to issue $500 in new notes to the bank to replace those stolen from it, the Secretary of the Treasury said in a letter to the Committee on Finance of the Senate: "As these notes were lost by the carelessness of the bank, and were in such a condition that the forgery of the signatures made them complete, it would seem that relief ought not to be granted, and that the notes stolen should be treated as if they had been completed, and the loss fall on the bank. There is no precedent for the relief sought for, and it would be a very dangerous one to establish." The committee reported adversely on the bill, and it was indefinitely postponed. (Forty-sixth Congress, second session, Senate Report 295.)

First National Bank of Detroit, Mich.: June 22, 1881, fifty-two sheets of $10 notes of this bank (bank numbers 4933 to 4984, and Treasury numbers 509210 to 509261), amounting to $2,080, were stolen by sharpers from the cashier's desk in the office of the bank, where the president and cashier were occupied in signing notes. The notes had been signed by the president but not by the cashier. Three of these notes have been rejected by this office under the opinion and decision already mentioned.

No new notes have been furnished to any of the above-named banks in lieu of those stolen, and the bonds pledged as security for their redemption remain on deposit with the Treasurer.

* * * * * * *

The Treasurer recommends that the national banks be required, either by order of the Department or act of Congress, to redeem all notes purporting to be of their issues furnished to them by the Department and receipted for by them to it. As the Department declines to issue to the banks new notes in the place of those stolen, or to surrender the bonds pledged for their redemption except upon the deposit of lawful money equal in amount to the circulation charged to them on its books, the banks would not suffer by the proposed requirement, while it would save much annoyance and loss to the public.

Very respectfully,

JAS. GILFILLAN,
Treasurer United States.

HON. CHAS. J. FOLGER,
Secretary of the Treasury.

I also desire to call the attention of the House to the following letter addressed to Hon. William Windom, Secretary of the Treasury, by Hon. J. N. Huston, Treasurer of the United States in 1889:

TREASURY OF THE UNITED STATES,
Washington, August 24, 1889.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, inclosing one from L. A. Boynton, of San Francisco, with which he transmits $55 in notes issued to the Osage National Bank, of Osage, Iowa, and alleged to have been stolen before they were signed, and asks to have them redeemed under section 6 of the act of July 12, 1882. You request me to furnish a full statement of the facts within my knowledge bearing upon the case, in order that the question of the redemption of the notes may be referred to the Solicitor of the Treasury.

Mr. Boynton's letter, the notes, and some accompanying papers are returned, together with copies of letters in the files of this office embodying the facts called for. It will be seen that these notes, with others of the same character, have been rejected when presented at this office for redemption, on the ground that they were not obligatory promissory notes of the banks. The authority for this appears to have been originally an opinion of the Solicitor of the Treasury, of which, however, the only record I can find is in the shape of references to it in the correspondence of this office, and later a ruling of the Secretary of the Treasury, promulgated before the enactment of the law under which Mr. Boynton makes his claim.

The section to which Mr. Boynton refers requires that the circulating notes of a national banking association, extending the period of its succession, "which shall have been issued to it prior to such extension, shall be redeemed at the Treasury of the United States," and that at the end of three years from the date of the extension the association shall deposit lawful money with the Treasurer sufficient to redeem the remainder of the circulation which was outstanding at the date of the extension. It is provided also that "any gain that may arise from the failure to present such circulating notes for redemption shall inure to the benefit of the United States." By section 5224 of the Revised Statutes, when the full deposit of lawful money is made, the association and its shareholders stand discharged from all liabilities upon the circulating notes, and the notes shall be redeemed at the Treasury.

Under these provisions the Osage National Bank applied for and obtained an extension of its corporate existence, and has been required to deposit in the Treasury lawful money sufficient to redeem all the circulating notes that were issued to it prior to the extension, including $9,000, of which those presented by Mr. Boynton are part, alleged to have been stolen before they were signed by the officers of the bank. The deposit was made without any reservation whatever of which I have any knowledge.

Mr. Boynton's demand raises the question whether it was not the intention of Congress that national-bank notes should be redeemed, not merely as the promissory notes of the banks, but as an issue of the Government. If there be any ground for this view, and the plain wording of the statute referred to, taken within the not less plain provisions of the law authorizing the deposit of bonds and the issue of circulating notes (sections 5159 and 5152, Revised Statutes), seems to me to furnish such, then it is at least doubtful whether the decisions under which stolen notes have heretofore been rejected are applicable to the present case. Upon this point I have the honor to request the ruling of the Department for my guidance.

The attitude of the Department in the past with reference to these notes has caused much dissatisfaction, as the records of this office amply show. It has not commended itself to the favor of the public or of bankers, not even to all of those who might have taken advantage of it, for several banks that have had unsigned notes stolen have made no protest against their redemption, and others have voluntarily authorized them to be redeemed. The feeling is generally prevalent that when circulating notes are delivered to a bank they become good money—good at least to the extent of the security held against them, and any attempt to discredit them in such a way as would impose loss upon innocent holders begets opposition. They bear upon their face the lawfully authenticated statement of the fact that they are secured by a deposit of United States bonds, with the addition that the bank will pay them on demand. The first statement certainly, if not the second, is made on the responsibility of the Government, and the general feeling is that the promise implied should be binding. This feeling has been much strengthened by Congress and the Department in refusing relief to banks that have suffered losses of unsigned notes. When, as was done by the law of 1882, the Government appropriates to itself the gain that may accrue from the failure to present notes for redemption, the principle that they are originally an issue of the United States seems to be definitely accepted.

A completed national-bank note seems to have a dual character; one which it derives from the pledge of bonds and the guaranty of the Government, and another which is given it by the signatures of the bank's officers. By virtue of the first it secures to the owner the benefit of the guaranty, and by virtue of the second it gives him in addition a claim against the assets of the bank. The two acts necessary to its perfection are separate, and each has its separate effect. It is my opinion, formed from a survey of the whole course of legislation on the subject, that the guaranty of the Government and the responsibility of the bank under it become binding and valid on the delivery of the notes to the bank, and that the obligations then incurred are not in any way dependent for their force on any subsequent act. That Congress intended that the notes should be signed is plain, and the reason likewise. The signatures add to the security. But I do not see upon what principle the omission of the signatures, from any cause whatever, can vitiate the effect of the pledge of bonds, or how the holder of a note not signed, who does not possess the promise of the bank to pay, can justly be deprived of the benefit of the guaranty, which he does possess.

If the national-bank circulation derives the character which gives it currency from the execution of the promises of the banks to pay in return for value received, the former rulings of the Department are doubtless sound, and the innocent holder of an unsigned note has no valid claim. But in that case the notes are commercial paper rather than money, and the public receives them subject to all the risks attending such paper. They are not in the best sense the national currency that Congress expressed its purpose of making them. At the same time the conduct of the Government in requiring the banks to deposit money for the payment of notes never signed or issued is unjust and oppressive, while the act of appropriating the profit that may arise from the loss or destruction of the notes partakes of the nature of confiscation. If on the other hand the notes acquire the essential qualities of their character as money when they are delivered to the banks,

then the Department has been wrong, and the holder of a stolen note has as good a title to its value as he would have if he held any other kind of money that had sometime been stolen.

Such notes would be a better national currency than simple promises to pay. In this view, moreover, the attitude of the Government toward the banks is just and consistent, with the exception that they have not been required to redeem the notes stolen from them, while the banks have no reason to complain, for their position is exactly the same as if in the place of unsigned currency they had received lawful money upon their deposit of bonds. It will hardly be contended that the notes actually circulate on the credit of the promise of the banks to pay. What gives them currency is the guaranty of the Government that the banks will pay. That guaranty and the value attaching to it they had when they were delivered to the banks, and it is not a doctrine likely to be acceptable to the common sense of justice to hold that this value is detached because the bank, through negligence or misfortune, failed to get the benefit of its full measure.

It is my opinion that all notes issued to national banks should be required to be redeemed, whether signed or not, and that the innocent holder who is refused is unjustly deprived of his rights. The whole course pursued by Congress, both in legislation and in refusing to grant relief to banks that have suffered losses of unsigned notes is consistent with this view. Congress, by making an appropriation for the redemption of incomplete national-bank notes stolen from the Treasury Department before they were issued to the banks (20 Stats., 218), is committed to the principle in the strictest application of which it is capable, and can not in justice recede from the position taken. The liability of the Government seems to be so well established that I believe it would be bad administration to persist longer in the attitude which the Department has heretofore maintained. I therefore respectfully urge that this whole subject be given the consideration which its importance deserves, and that the necessary steps be taken to reach a final and authoritative settlement of the question involved.

The list of the banks having stolen notes outstanding, payment of which is refused, with the date and amount of each theft, is as follows: The Osage National Bank of Osage, Iowa, May 5, 1866, $9,000; the National Hide and Leather Bank of Boston, Mass., April 6, 1875, $2,700; the National Bank of Barre, Vt., July 6, 1875, $1,300; the Merchants' National Bank of Albany, N. Y., between July 21 and August 6, 1877, $400; the National Bank of Pontiac, Ill., November 19, 1878, $500; the First National Bank of Atchison, Kans., September 3, 1888, $700; total, $14,600. Of this total the sum of $12,100 is covered by lawful money deposited in the Treasury under the act of 1882. The thefts from the Department, which occurred between the years of 1864 and 1868, affected three banks, as follows: The Third National Bank of New York, N. Y., $750; the First National Bank of Jersey City, N. J., $12,000; the National City Bank of Lynn, Mass., $4,500; total, $17,250. It is supposed that a considerable part of these notes were destroyed. There were recovered by the Department $1,150 of them, $5,000 were redeemed out of the appropriation of 1878, and $2,340 have been presented at this office since the exhaustion of the appropriation, leaving $8,760 of which nothing is certainly known. The First National Bank of Detriot, Mich., from which $2,080 in unsigned notes was stolen on June 22, 1881, subsequently went into liquidation, and after having been required to deposit lawful money for them authorized them to be redeemed.

Respectfully yours,

J. N. HUSTON,
Treasurer United States.

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

Mr. Speaker, the fact that a bank may not have received full value for notes lost or stolen, whether by misfortune or negligence, should not be a bar to their redemption, as it is the guaranty of the Government which makes them pass current, and not in any degree the signatures of the officers, as I have before stated. And even the promise of the bank to pay is of secondary importance to the certificate of the Government. As the value of the notes attaches through this Government guaranty the moment the notes come into the possession of the bank, it is obvious that the Government has no defense in equity or in common honesty against redeeming such notes signed or unsigned from the trust funds it holds specifically for that purpose. For the reasons I have given, and because it is right and just, I trust this bill will pass and become a law.

Mr. DICKERSON. Mr. Speaker, I move the previous question on the amendments and the third reading of the bill.

The amendments recommended by the committee were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

Mr. COBB of Missouri, by unanimous consent, obtained leave to extend in the RECORD his remarks on the bill (H. R. 7724) in relation to receivers of national banks.

LIFE-SAVING SERVICE.

Mr. PRICE (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, in the absence of the chairman of the committee, I am instructed to call up certain bills. I call up the bill (S. 1775) to fix the compensation of keepers and crews of life-saving stations, and I yield the floor to the gentleman from Missouri [Mr. O'NEILL].

The bill was read, as follows:

Be it enacted, etc., That hereafter the compensation of the keepers of life-saving stations shall be at the rate of $900 per annum, each, except that of keepers of stations known as houses of refuge, which shall be at the rate of $600 per annum, each, and the compensation of the members of the crews of the stations, during the time the stations are manned, shall be at the rate of $65 per month, each.

The committee recommended the following amendment:

Strike out all after the enacting clause and insert:

"That hereafter the compensation of keepers of life-saving stations shall be at the rate of $1,000 per annum, each, except that of keepers of stations known as houses of refuge, which shall be at the rate of $600 per annum, each, and the compensation of the members of the crews while actually on duty at the stations, during the time the stations are manned, shall be at the rate of $75 per month, each."

[House of Representatives, Fifty-second Congress, first session. Report No. 508.]

LIFE-SAVING SERVICE.

March 2, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JOHN J. O'NEILL, from the Committee on Interstate and Foreign Commerce, submitted the following report:

The Committee on Interstate and Foreign Commerce have considered bills H. R. 208 and H. R. 603, each entitled "A bill to amend and reënact section 5 of an act entitled 'An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck,'" and bill H. R. 272, entitled "A bill to determine and increase the pay of keepers of life-saving and lifeboat stations, and of crews of surfmen employed at the life-saving and lifeboat stations;" also bill H. R. 3969, having the same title as bills H. R. 208 and H. R. 603; also, resolution of the Kentucky Legislature and Senate bill 1775.

All these bills have in view the same object, which is to increase the compensation of keepers and crews of life-saving stations. The committee, after carefully looking into the matter, are satisfied of the propriety and necessity of a substantial increase of pay, not only as justly due to the men on account of the exacting and hazardous duties they perform, but also as absolutely necessary to maintain the efficiency of the service, and after due examination of the various propositions contained in the bills above enumerated, have prepared and herewith submit the accompanying amendment as a substitute for Senate bill 1775.

The following is a statement in brief of the considerations which have led the committee to their conclusions:

The keepers of life-saving stations are charged with the care and custody of their stations and of the Government property therein, and on occasions of shipwreck with the protection from plunder and pillage, for considerable periods, of the wrecked vessels with their valuable equipment and cargoes. They must be between the ages of 21 and 45 when appointed—the best portion of a man's life—and must devote the entire year to the service, being required to remain at the stations during both the active and inactive seasons. They must have sufficient education to keep the station journals and property accounts, conduct correspondence, and transact ordinary business.

In the matter of saving life from the perils of the sea the keeper performs by far the most responsible part. He commands the crew, steers the boat, and has absolute control of all the operations. At almost every wreck he has fearfully important questions to decide, and his decision must be made at once, under circumstances requiring the utmost coolness and self-control in the midst of excitement and with human life dependent upon its accuracy.

It is obvious that these officers should be familiar with lifeboats and life-saving appliances, skilled in the surf, and endowed with not only dauntless courage, but with unquestionably sound judgment. They should be the very best of their profession. The present rate of pay of keepers of stations where crews are employed is $700 per annum, except in a few special instances where $800 is allowed.

The committee believe that the rate of $1,000 per annum provided in the bill is not too much to secure and retain the services of men thoroughly qualified for these places.

There is a class of stations known as houses of refuge for the keepers of which the compensation provided in the bill is $600 per annum, the sum that is now paid. No change is recommended for the keepers of this class for the reason that the duties with which they are charged are by no means as exacting and responsible as those of the former class. Houses of refuge are located where the shipwrecked are likely to reach the shore in safety, but in need of food, clothing, and attendance. The keeper, besides being the custodian of the public property and of wreckage, is required to patrol the beach in times of danger and to rescue and succor such persons as may be cast ashore in the vicinity.

Crews are not maintained at these stations, and therefore the keepers are not subjected to the extraordinary dangers of boat service in the surf. Nevertheless their duties are often arduous, and their stations are generally so remote from other habitations that their life is a desolate one. It is understood, however, that there is comparatively little difficulty in finding suitable men for these places at the present rates.

The compensation now allowed by law to surfmen is $50 per month during the active season, which, on the Atlantic coast, includes eight months, viz, from September 1 to the 30th of the following April. From this meager sum they must supply their own food and clothing. The rate recommended by the committee is $75 per month during the active season. When the laborious and perilous duties these men are called upon to perform every day are considered, this rate is believed to be as small as with any view to justice can be named.

Besides the daily routine of station life, such as drill with the beach apparatus and with the boats in the surf, which latter is rarely if ever devoid of danger, the surfmen are required to maintain lookout duty during the day and patrol the beach through the night from dark to daybreak in all vicissitudes of weather. The hardships of patrol duty are not likely to be appreciated until one is informed of the difficulties and dangers incident to it. In some cases as many as 12 miles are covered by one man.

On some of the beaches the patrolman is at all times compelled to wade a considerable portion of his beat through small streams and inlets, and when the tide is unusually high and these streams are swollen to formidable proportions, his duty is never without danger to his life. It not unfrequently happens that he loses his way in the bewilderments of darkness and in the blinding fury of wintry tempests of snow and sleet, or stress of circumstances compels a detour from the usual course where unseen and unknown dangers await him, and he falls from a bluff or is precipitated into a gully or over driftwood or logs, sometimes incurring serious physical injury. There are instances where he has lost his life on the perilous pathway of patrol duty.

But the supreme dangers of the service and the ultimate test of fidelity and capacity occurs at shipwrecks. Putting out into the surf and storm is hardly less perilous than a charge upon the field of battle. The surfmen take their lives in their hands on every such occasion, and although the record shows that their skill and courage as a rule carry them through in safety, many have laid down their lives and many more have suffered permanent physical disability. So heroic and successful have been the efforts of these men that the Life-Saving Service of the United States confessedly stands at the head of all similar institutions in the world.

The nature of the duties and responsibilities imposed upon both classes to be benefited by this bill is more fully set forth in the accompanying communication of the General Superintendent of the Life-Saving Service, which is appended hereto and adopted as a part of this report, and to which attention is invited.

In addition to the foregoing considerations, which relate to the matter of increase as an act of justice to the keepers and crews, there remains still an another view of the case to be taken, and that concerns the maintenance of the efficiency of the service. For many years the service has maintained by universal acknowledgment the foremost place among all existing institutions of the kind, and the world-wide reputation of its achievements and completeness has reflected honor upon the nation. Shall we suffer this honored and efficient agency of humanity to fall into decay and demoralization by a denial of simple justice to the brave men whose integrity, fidelity, and heroism have made it what it is? That is the present danger.

Some of the best keepers and many of the most valuable surfmen have already left the service for better wages elsewhere, and this depletion of the ranks is constantly going on. The last annual report of the Secretary of the Treasury calling attention to the inadequacy of the compensation now allowed to keepers and crews, shows that upward of 30 per cent of the trained men of the lake districts have resigned their places for this reason.

The same embarrassment is encountered on the ocean coasts, only to a less startling degree. So serious is the situation in this regard upon the lakes that it has been found impossible in a number of instances to obtain men with any experience whatever, and if existing conditions are to continue, the substitution of inexperienced and inferior men must soon very decidedly impair the efficiency of the service. It is believed that the recommendations of the committee, if enacted into law, will effectually relieve this alarming feature, and enable the service to retain the veterans by whose constancy and courage thousands of lives and millions of property have been saved.

The passage of this bill, which, in the opinion of the committee, will be an act of justice to the men, as heretofore stated, would insure the continued efficiency of the service, which, laying aside the prime consideration of the rescue of human life, annually saves an amount of property exceeding many times in value the cost of its maintenance.

Mr. O'NEILL of Missouri. Mr. Speaker, the necessity for this legislation arises from the fact that in the Life-Saving Service it is impossible to retain competent and brave men at the small compensation now allowed.

The attention of Congress has been repeatedly called to this pressing necessity by the exceedingly efficient Superintendent of the Life-Saving Service, S. I. Kimball, who has seen the efficiency of the service impaired by the continual loss of many of his best men, and who assures us that he can not retain suitable men at the present rate of compensation.

Mr. DOCKERY. What increase of salary is proposed by this bill?

Mr. O'NEILL of Missouri. The House Committee on Interstate Commerce recommended an amendment fixing the pay of the surfmen at $75 per month, and the keepers of the stations, $1,000 per annum; but to avoid any danger to this bill we will not press the House amendment, but ask for the passage of the Senate bill, which proposes to increase the compensation to the men in the Life-Saving Service from $50 to $65 per month during the months when they are employed; and the keepers from $700 to $900 per annum.

Mr. DOCKERY. What will be the total increase carried by the bill?

Mr. O'NEILL of Missouri. The total increase carried by the bill for the 1,674 surfmen would be $201,075, and as to the keepers of the life-saving stations, who now receive $700 per annum, and who are required to be on duty during the entire year, the proposition is to give them $900 per annum. There are 254 keepers; the increase for them will be $32,300. The total increase for the entire service is $233,375.

Mr. SIMPSON. Does that include the lake Life-Saving Service?

Mr. O'NEILL of Missouri. It applies wherever the Life-Saving Service is established.

Mr. SIMPSON. But the men are not employed on the lakes during the winter season, inasmuch as the lakes are then frozen over.

Mr. O'NEILL of Missouri. This applies only to the months when they are employed. The men are paid by the month. They now receive $50 per month, and this proposes to pay them $65 per month.

Mr. SIMPSON. But the gentleman stated that the increase was to apply to the winter months.

Mr. O'NEILL of Missouri. I stated it in that way because the report referred to the winter months when the men are employed on the Atlantic coast. The season of danger is different on the lakes.

Mr. TRACEY. Mr. Speaker, I make the point of order that this bill, involving an appropriation, ought to be considered in Committee of the Whole.

The SPEAKER. The point comes too late. The rule provides that—

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations, of money or property, or requiring such appropriations to be made shall first be considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The gentleman will see that his point comes too late.

Mr. O'NEILL of Missouri. Mr. Speaker, I do not wish to detain the House longer on this question. When we realize the perils incident to the lives of these men, when we realize that it requires the strongest and bravest men for this kind of work, I believe that no member of this House will object to paying them the small compensation of $65 per month during the months when they are engaged.

Our Life-Saving Service is superior to that of any other country, and the marvelous courage and devotion displayed by the men whenever necessity has invoked their aid has won for them the affection and gratitude of our people. And I recognize that in this American House of Representatives they will not be denied this slight recognition which they merit.

Mr. Speaker, I believe the House is ready to vote on this question, and I move the previous question on the passage of the bill.

Mr. TURNER. Before the gentleman moves the previous queston, will he allow me an inquiry?

Mr. O'NEILL of Missouri. Certainly.

Mr. TURNER. Does the employment of these surfmen expose them to any more hardship or hazard than that to which ordinary sailors or seamen are subjected?

Several MEMBERS. Oh, yes.

Mr. COVERT. Infinitely more.

Mr. TURNER. But seamen have to encounter the storms of the ocean.

Mr. BUCHANAN of New Jersey. But they do not encounter the dangers incident to the junction of the sea and the shore.

Mr. COVERT. These men perform their service along the coast, where they have to contend against shifting sands and all the dangers incident to coast service.

Mr. TURNER. Will my friend from New York [Mr. COVERT], who has kindly given me this information, inform me also what is the usual pay of a seaman, either in the merchant marine or in the regular naval service?

Mr. O'NEILL of Missouri. I will state to the gentleman that the pay of these men in the Life-Saving Service, for the time they are employed, is only about equal to that of a common laborer.

Mr. TURNER. Fifty dollars a month, is it not?

Mr. O'NEILL of Missouri. They have to undergo a rigid examination before entering the service, and are only accepted between the ages of 21 and 45, the prime of life. Better men are required for this duty than for the work of an ordinary seaman, and they are employed only during certain months of the year, and those the months of greatest hardship and peril. They are required to launch their boats in the midst of heavy surf, of storm and peril. This is a service which these men enter voluntarily, and there is one thing which gentlemen should remember—these men, from whom the most extraordinary devotion and loyalty are expected in the discharge of their work—these men who, many of them having wives and children, must, when danger is imminent, leave the shore and encounter the perils of the deep in order to save the lives of those on shipboard—receive but $50 a month, less compensation than we pay to these little boys who serve as pages in this House.

Mr. DOCKERY. For how much of the year do they receive this salary of $50 a month?

Mr. O'NEILL of Missouri (not hearing the question of Mr. DOCKERY). They are stationed on lonely parts of the coast which they are compelled to traverse night after night through rain and sleet and snow. They are exposed to every danger imaginable.

Mr. CUMMINGS. And let me make this further suggestion, if they lose their lives in this service there is no provision for pensioning their widows or children.

Mr. DOCKERY. I hope my friend from New York does not mean to intimate that he favors a civil pension list.

Mr. GEISSENHAINER. In reply to the question of the gentleman from Georgia [Mr. TURNER], I wish to say that while the sailor has his pay entirely free from deductions, these men employed in the Life-Saving Service are obliged to furnish their own rations, clothing, and everything else necessary for their support.

Mr. WEADOCK. Mr. Speaker, with the permission of the gentleman from Missouri.

Mr. O'NEILL of Missouri. Certainly.

Mr. WEADOCK. In reply to my friend from Georgia, Judge TURNER, I wish to say that the occupation of the surfmen in the Life-Saving Service can not fairly be compared with that of the sailor. The sailor has fair weather part of the time, while the surfmen are constantly contending with stormy seas in order to save life and property.

At the request of Capt. Persons, in behalf of the service, on January 5, 1892, I introduced a bill (H. R. 208) increasing the compensation of keepers to $1,000 per annum and surfmen to $65 per month while employed. The gentleman from Missouri reported a substitute for that and other bills and the Senate bill now under consideration.

I want to see something done at this session for these brave men and the efficiency of the service, and I cheerfully concur in the action of the committee in calling up the Senate bill. No

words of mine are needed to convince the House of the justice of this bill, nor to inform the country of the effective bravery of the Life-Saving Service.

I thank the gentleman from Missouri for his courtesy.

Mr. HENDERSON of Iowa. And their work is located at the dangerous points of the coast.

Mr. HERMANN. And they must have special experience as surfmen, which is not required of ordinary sailors.

Mr. O'NEILL of Missouri. I call for the previous question.

The previous question was ordered.

The amendment reported by the Committee on Interstate and Foreign Commerce was read, as follows:

Strike out all after the enacting clause and insert:

"That hereafter the compensation of keepers of life-saving stations shall be at the rate of $1,000 per annum each, except that of keepers of stations known as houses of refuge, which shall be at the rate of $600 per annum each, and the compensation of the members of the crews while actually on duty at the stations, during the time the stations are manned, shall be at the rate of $75 per month each."

Mr. PAGE of Rhode Island. Mr. Speaker, the people of my district are very much interested in this matter, and I introduced a bill at this session, which is incorporated in the committee's report, allowing $75 per month. I think they should have that amount, but I shall vote for the amendment, as that will be some relief.

Mr. O'NEILL of Missouri. The committee desire to withdraw this amendment; they do not ask its adoption by the House.

The SPEAKER. But as it is the formal recommendation of the committee, it had better be voted on.

The question being taken, the amendment was rejected.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were on a division—ayes 97, noes 5.

Mr. SNODGRASS. No quorum.

Mr. O'NEILL of Missouri. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 39, not voting 140; as follows:

YEAS—149.

Alexander,	Crosby,	Hopkins, Ill.	Ray,
Amerman,	Cummings,	Hull,	Reilly,
Babbitt,	Curtis,	Johnson, N. Dak.	Reyburn,
Baker,	Cutting,	Jolley,	Robinson, Pa.
Bartine,	Dalzell,	Jones,	Scott,
Beltzhoover,	Daniell,	Ketcham,	Scull,
Bentley,	Davis,	Kribbs,	Seerley,
Bingham,	De Forest,	Lapham,	Shively,
Boatner,	Dixon,	Lawson, Va.	Simpson,
Bowers,	Doan,	Lawson, Ga.	Smith,
Bowman,	Dolliver,	Layton,	Snow,
Branch,	Dungan,	Lester, Va.	Sperry,
Brickner,	Dunphy,	Little,	Stephenson,
Brosius,	Durborow,	Loud,	Steward, Ill.
Brunner,	English,	Lynch,	Stewart, Tex.
Bryan,	Enochs,	Mallory,	Stone, C. W.
Buchanan, N. J.	Fellows,	Mansur,	Stone, W. A.
Bullock,	Fitch,	Martin,	Stout,
Bunting,	Forman,	McAleer,	Stump,
Butler,	Fowler,	McCreary,	Tarsney,
Bynum,	Geissenhainer,	McKaig,	Taylor, Ill.
Byrns,	Greenleaf,	Meredith,	Taylor, Tenn.
Cadmus,	Griswold,	Oates,	Taylor, V. A.
Caminetti,	Grout,	O'Ferrall,	Townsend,
Caruth,	Hall,	O'Neil, Mass.	Tracey,
Castle,	Hallowell,	O'Neill, Pa.	Van Horn,
Catchings,	Halvorson,	O'Neill, Mo.	Wadsworth,
Causey,	Hamilton,	Otis,	Warner,
Chipman,	Hare,	Owens,	Washington,
Clancy,	Harmer,	Page, R. I.	Weadock,
Clark, Wyo.	Harries,	Parrett,	Wheeler, Mich
Clarke, Ala.	Hatch,	Patton,	White,
Clover,	Haugen,	Payne,	Williams, Ill.
Cobb, Mo.	Hayes, Iowa	Pearson,	Wright,
Coburn,	Henderson, Iowa	Pendleton,	Youmans.
Coolidge,	Hermann,	Perkins,	
Coombs,	Hitt,	Powers,	
Covert,	Hooker, N. Y.	Price,	

NAYS—39.

Bailey,	Culberson,	Grady,	Moses,
Bankhead,	DeArmond,	Johnstone, S. C.	Snodgrass,
Breckinridge, Ark.	Dockery,	Kilgore,	Terry,
Bretz,	Donovan,	Kyle,	Tillman,
Brookshire,	Edmunds,	Lanham,	Turner,
Buchanan, Va.	Enloe,	Livingston,	Turpin,
Bunn,	Epes,	Long,	Watson,
Cobb, Ala.	Everett,	McRae,	Wheeler, Ala.
Cowles,	Fithian,	Montgomery,	Winn.
Crawford,	Forney,	Moore,	

NOT VOTING—140.

Abbott,	Bergen,	Bushnell,	Cooper,
Alderson,	Blanchard,	Cable,	Cox, N. Y.
Allen,	Bland,	Caldwell,	Cox, Tenn.
Andrew,	Blount,	Campbell,	Craig, Pa.
Arnold,	Boutelle,	Capehart,	Crain, Tex.
Atkinson,	Brawley,	Cate,	Dickerson,
Bacon,	Breckinridge, Ky.	Cheatham,	Dingley,
Barwig,	Broderick,	Chapin,	Elliott,
Beeman,	Brown,	Cockran,	Ellis,
Belden,	Burrows,	Cogswell,	Flick,
Belknap,	Busey,	Compton,	Funston,
Fyan,	Lagan,	Page, Md.	Stahlnecker,
Gantz,	Lane,	Patterson, Tenn.	Stevens,
Geary,	Lester, Ga.	Pattison, Ohio	Stockdale,
Gillespie,	Lewis,	Paynter,	Stone, Ky.
Goodnight,	Lind,	Peel,	Storer,
Gorman,	Lockwood,	Pickler,	Sweet,
Harter,	Lodge,	Pierce,	Taylor, E. B.
Haynes, Ohio	Magner,	Post,	Taylor, J. D.
Heard,	McClellan,	Quackenbush,	Tucker,
Hemphill,	McDonald,	Raines,	Walker,
Henderson, N. C.	McGann,	Randall,	Warwick,
Henderson, Ill.	McKeighan,	Rayner,	Waugh,
Herbert,	McKinney,	Reed,	Wever,
Hoar,	McMillin,	Richardson,	Whiting,
Holman,	Meyer,	Rife,	Wike,
Hooker, Miss.	Miller,	Robertson, La.	Willcox,
Hopkins, Pa.	Milliken,	Rockwell,	Williams, Mass.
Houk, Ohio	Mitchell,	Rusk,	Williams, N. C.
Houk, Tenn.	Morse,	Russell,	Wilson, Ky.
Huff,	Mutchler,	Sanford,	Wilson, Wash.
Johnson, Ind.	Newberry,	Sayers,	Wilson, Mo.
Johnson, Ohio	Norton,	Shell,	Wilson, W. Va.
Kem,	O'Donnell,	Shonk,	Wise,
Kendall,	Outhwaite,	Springer,	Wolverton.

So the bill was passed.

Mr. HENDERSON of Iowa. I wish to state, Mr. Speaker, that I am paired with the gentleman from Virginia [Mr. WISE], but having positive information that he would vote in the affirmative, I have voted on this question.

Mr. O'NEILL of Missouri. That is correct.

Mr. DOCKERY. The gentleman from Texas, Governor SAYERS, the gentleman from Maine, Governor DINGLEY, and Judge HOLMAN of Indiana, are absent on a conference committee.

Mr. FITHIAN. I wish to state that the gentleman from Missouri [Mr. BLAND] left the House on account of illness; and I ask that he be excused for the remainder of the day.

There was no objection.

Mr. LOUD. Mr. Speaker, I voted in the affirmative on this proposition, but as I understand a quorum is present, and being paired with the gentleman from Tennessee [Mr. COX], I think I had better withdraw my vote, not knowing how he would vote on this question.

The SPEAKER. The gentleman's vote will be withdrawn.

The following pairs were announced:

Until further notice:

Mr. PEEL with Mr. WILSON of Washington.

Mr. ANDREW with Mr. LODGE.

Mr. HEMPHILL with Mr. MORSE.

Mr. GANTZ with Mr. HOPKINS of Pennsylvania.

Mr. MCKINNEY with Mr. STORER.

Mr. NORTON with Mr. BELKNAP.

Mr. STONE of Kentucky with Mr. WALKER.

Mr. RICHARDSON with Mr. JOSEPH D. TAYLOR.

Mr. COX of Tennessee with Mr. LOUD.

Mr. CRAIG of Pennsylvania with Mr. PICKLER.

Mr. ALLEN with Mr. WILSON of Kentucky.

Mr. HERBERT with Mr. BOUTELLE.

Mr. STOCKDALE with Mr. BRODERICK.

Mr. GEARY with Mr. SANFORD.

Mr. GORMAN with Mr. O'DONNELL.

Mr. WILSON of Missouri with Mr. HUFF.

Mr. ARNOLD with Mr. WEVER.

Mr. ABBOTT with Mr. BELDEN.

Mr. PIERCE with Mr. EZRA B. TAYLOR.

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. ROBERTSON of Louisiana with Mr. BARTINE.

Mr. WISE with Mr. HENDERSON of Iowa.

For this day:

Mr. GOODNIGHT with Mr. SHONK.

Mr. BLAND with Mr. FUNSTON.

Mr. MCMILLIN with Mr. BURROWS.

On this vote:

Mr. PAYNTER with Mr. REED.

The result of the vote was then announced as above recorded.

On motion of Mr. O'NEILL of Missouri, a motion to reconsider the last vote was laid on the table.

AIDS TO NAVIGATION, TAMPA BAY, FLORIDA.

Mr. PRICE. Mr. Speaker, I call up for consideration the bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Florida, and yield to the gentleman from Florida [Mr. MALLORY].

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That there be established in Tampa Bay, Florida, such additional aids to navigation as may be found necessary by the Light-House Board, the entire cost of which shall not exceed the sum of $6,000; and the sum of $6,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

Mr. MALLORY. Mr. Speaker, the object of this bill is to provide additional safeguards to navigation by establishing certain beacon and range lights in Tampa Bay. The committee

have recommended an amendment to the bill by striking out the appropriation. The amendment is on the table with the bill, and I ask that it be read.

The Clerk read as follows:

Beginning in line 6 of the bill, strike out the following words: "and the sum of $6,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of this act."

The SPEAKER. The question is on agreeing to the amendment recommended by the committee.

Mr. HENDERSON of Iowa. What is the object of the amendment?

Mr. MALLORY. Simply to keep the bill from going into Committee of the Whole, and to secure action upon it now.

Mr. HENDERSON of Iowa. But what will be the benefit of the bill if passed in that shape?

Mr. MALLORY. To be candid with the gentleman, I think the appropriation will be restored by the Senate.

Mr. HENDERSON of Iowa. But do you not think we ought to put it on here? These beacon lights are needed and ought to be provided for.

The SPEAKER. Under the rule the appropriations for such purposes are made by the Committee on Appropriations.

Mr. HENDERSON of Iowa. But we have a right to put it on here, if we see proper.

Mr. DOCKERY. The rule expressly provides that appropriations for light-houses and other aids to navigation shall be reported by the Committee on Appropriations.

Mr. HENDERSON of Iowa. I know that; but the gentleman will not question the power of the House to put it on here if it be regarded as necessary. We know these beacon lights and range lights are necessary, and why not make provision for them?

Mr. DOCKERY. It would be both unwise and unsafe to break down the old-time rule and practice that have maintained in this House for so many years, and which uniformly, under all administrations, required such appropriations to be made by the Committee on Appropriations.

Mr. HENDERSON of Iowa. Not always. It has been done in other cases.

The SPEAKER. The question is on agreeing to the amendment just reported.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MALLORY, a motion to reconsider the last vote was laid upon the table.

Mr. PRICE. I yield the floor to the gentleman from New York [Mr. COOMBS].

ALLEGED READING RAILROAD COMBINE.

Mr. COOMBS. Mr. Speaker, I call up the resolution in reference to the Reading Railroad combine, which I ask the Clerk to read from the report which I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Interstate and Foreign Commerce, or such portion of them as they may specially designate for the purpose, be empowered and directed to investigate, at the earliest practicable moment, whether the alleged combinations of the Philadelphia and Reading Railroad Company, the Lehigh Valley Railroad Company, the Central Railroad Company of New Jersey, and the Port Reading Railroad Company, or any combination between any of these roads and any other roads or canals or producers of coal, for any illegal or improper purpose, exist, and, if such combinations do exist, the effect thereof on the production, transportation, distribution, and price of anthracite coal, and upon commerce among the several States, and to report to the House any and all facts in relation to the subject-matter of the investigation which the committee of investigaton herein provided for may ascertain, and to make such recommendations as the said committee may agree upon; and that said committee be authorized to sit during the session of the House or during the recess of Congress, and at such place or places as it may find necessary; to employ a clerk or stenographer, to administer oaths, issue subpœnas, compel the attendance of witnesses and examine them, and compel the production of books and papers; and that a sum, not to exceed $10,000, sufficient to pay the expenses of the committee herein provided for shall be immediately available and payable out of the contingent fund of the House on the order of the chairman of said investigating committee; and all vouchers for any such expenditures shall be likewise certified to by the chairman of said investigating committee.

Mr. DOCKERY. That resolution makes an appropriation and should go to the Committee of the Whole.

The SPEAKER. The gentleman from Missouri makes the point of order that this resolution involves an appropriation and must receive its first consideration in the Committee of the Whole. The point is well taken.

Mr. COOMBS. I give notice that I propose to reduce the appropriation to $3,500.

The SPEAKER. The bill can not be considered in the House, the point of order having been made.

Mr. COOMBS. I move that the House resolve itself into the Committee of the Whole for the consideration of this resolution.

The motion was agreed to.

Accordingly, the House resolved into the Committee of the Whole on the state of the Union for the consideration of the resolution referred to, with Mr. MCCREARY in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The resolution was again read.

Mr. COOMBS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the resolution by striking out the words "ten thousand dollars" and inserting in lieu thereof the words "three thousand five hundred dollars."

Mr. COOMBS. Mr. Chairman, on account of the short time at the disposal of our committee I shall be obliged to speak very rapidly in explaining the merits of this resolution. There is probably no subject that has come before the people within the last few months which is of wider importance than this, touching as it does every consumer of anthracite coal. As you all know, the anthracite coal fields are limited in extent. This region is tapped by various lines of railroads, which it is currently reported, and there seems to be good evidence that the reports are true, have formed a combination, virtually under one leadership, to control the production, transportation, and price of that article, one of the prime articles of necessity in our climate, so that every dollar's worth of anthracite coal which comes to the market has to come through the medium of that combination, which has it in its power to absolutely fix the price, and that such such power is already being used is shown by the fact that although this is the season of the year in which there is the smallest consumption of coal, they have already raised the price from 45 cents a ton on egg coal to 75 cents a ton on chestnut coal, and there is notice that it will be still further advanced.

There is no question but that these different lines of railroad were chartered for the purpose of producing competition in the production of coal and the bringing of it into the market. The companies have become established now, and having formed this combination the people are the sufferers. This is a question which goes into the home of the poor man as well as into the house of the rich man. This investigation is not undertaken with the view of attacking any just rights of the railroads. We do not look upon railroads as the enemies of the country; they have been powerful factors in its prosperity; but if, acting under the charters given them by the people, they are tempted to enter into combinations against the public interests, as the evidence seems to show they have in this case, we believe that it should be investigated by Congress, and if possible remedies provided, if they do not already exist, and if they exist that they should be enforced.

Mr. HENDERSON of Iowa. I would like to ask the gentleman a question about his amendment. Will $3,500 be sufficient to pay the expenses of such an investigation?

Mr. COOMBS. Three thousand five hundred dollars will be sufficient, seeing that we shall have at our disposal the results of the various investigations which the States have already conducted.

Mr. HENDERSON of Iowa. Then it was a mistake to recommend $10,000?

Mr. COOMBS. We did not calculate then upon having the benefit of the material which has been collected by the State investigations.

Mr. HENDERSON of Iowa. This seems to be an important investigation. You should be clothed with sufficient power, and I simply want to know if you consider $3,500 enough.

Mr. COOMBS. I think we can get along very well with $3,500, provided we use the information which is being gathered by the investigations carried on by the States of New Jersey and New York.

Mr. BUCHANAN of New Jersey. Is not the gentleman aware of the fact that so far these investigations have been remarkable for the absence of information they have developed?

Mr. COOMBS. I am not arguing that question now. I have not gone into it fully. What we are after is to get the information.

Mr. BUCHANAN of New Jersey. There seems to be a remarkable loss of memory on the part of the chief officials.

Mr. COOMBS. We find that this investigation can not be made complete and thorough by the Legislature of any one State, because the railroads penetrate through several States, and this is our reason for calling for an investigation by Congress.

Mr. Chairman, I call for a vote on the amendment.

The amendment was agreed to.

The resolution as amended was ordered to be favorably reported to the House with the recommendation that it do pass.

Mr. COOMBS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having re-

sumed the chair, Mr. MCCREARY, from the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the resolution referred to it, and had directed him to report the same to the House with an amendment and with the recommendation that as amended it do pass.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. COOMBS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills and joint resolution of the following titles:

A bill (H. R. 5446) to provide for the care of dependent children in the District of Columbia, and to create a board of children guardians;

A bill (H. R. 8579) to incorporate the Petworth, Brightwood and Takoma Park Railway Company of the District of Columbia; and

A joint resolution (H. Res. 108) extending the time in which certain street railroads were compelled by act of Congress, approved August 6, 1890, to change their motive power from horse power to mechanical power, for one year.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On July 15, 1892:

Joint resolution (H. Res. 151) to continue the provisions of a joint resolution approved June 30, 1892, entitled a "Joint resolution to provide temporarily for the expenditures of the Government;" and

An act (H. R. 6023) for the relief of Elizabeth T. Boyd and Joel S. Hankins, of Alabama.

On July 16, 1892:

An act (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892;

An act (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes; and

An act (H. R. 9040) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes.

On July 18, 1892:

An act (H. R. 5746) to refund certain revenue taxes to Bonner & Merriman;

An act (H. R. 1216) for the relief of the First Methodist Church in the city of Jackson, Tenn; and

An act (H. R. 976) to correct the military record of Lieut. Cornelius McLean.

On July 19, 1892:

An act (H. R. 7093) making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes;

An act (H. R. 5396) for the relief of W. H. Howard; and

An act (H. R. 6792) granting to the county of Mariposa, in the State of California, the right of way for a free wagon road or turnpike across the Yosemite National Park in said State.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3454) fixing the time for holding the circuit and district courts in the district of West Virginia;

A bill (H. R. 2713) in relation to the execution of declarations, and other papers in pension claims; and

A bill (H. R. 3310) for the relief of Jerome H. Biddle.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

COMPILATION OF LAWS RELATING TO INTERSTATE COMMERCE.

Mr. O'NEILL of Missouri, from the Committee on Interstate and Foreign Commerce, reported back with an amendment joint resolution (H. Res. 152) providing for the compilation of laws relating to interstate commerce and the labor laws of the various States and Territories and the District of Columbia that are now in effect; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SOLDIERS OF THE MEXICAN WAR.

Mr. WILSON of Missouri, from the Committee on Pensions, reported back favorably the bill (S. 1675) granting an increase of pension to soldiers of the Mexican war in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENFORCEMENT OF RECIPROCAL RELATIONS BETWEEN THE UNITED STATES AND CANADA, ETC.

Mr. BLOUNT, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 9324) to enforce reciprocal relations between the United States and Canada, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH THE UMATILLA RESERVATION.

Mr. LYNCH, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 8662) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoirs and canal through the Umatilla Indian Reservation, in the State of Oregon; which was referred to the House Calendar, and ordered to be printed.

ESTABLISHMENT OF LIGHT-HOUSES.

Mr. PRICE. Mr. Speaker, I call up for consideration the bill (H. R. 8007) providing for sundry light-houses and other aids to navigation.

Mr. O'NEILL of Missouri. Mr. Speaker, how much time is there remaining?

The SPEAKER. There are seven minutes of the hour remaining.

The Clerk proceeded to read the bill.

Mr. BRICKNER. The bill has been read, and all these amendments. Will it be necessary to read it again?

The SPEAKER. It will.

Mr. BRICKNER. I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER. This bill is in Committee of the Whole. Is it the light-house bill?

Mr. PRICE. It is.

The SPEAKER. Then it is in Committee of the Whole.

Mr. BRICKNER. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be considered in the House as in Committee of the Whole? Is there objection?

Mr. BUTLER. I object.

Mr. BRICKNER. I move the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. O'NEILL of Massachusetts in the chair.

Mr. BRICKNER. As the hour is nearly up, I will withdraw the bill. [Cries of "Let it go on!"]

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8007.

Mr. BRICKNER. I ask unanimous consent to dispense with the further reading of the bill.

Mr. BUTLER. I think we better have it read.

The CHAIRMAN. The gentleman from Iowa objects, and the bill will be read.

The Clerk proceeded to read the bill.

Mr. BUTLER. I think the order was that the bill should be read. I can not hear a word of it. I can hear a noise, but I want the bill read.

The CHAIRMAN. The Clerk will read the bill.

The Clerk again proceeded to read the bill.

Mr. TRACEY. I make the point of order that this bill having been once read in Committee of the Whole, it is not necessary to read it again.

The CHAIRMAN. The Clerk informs the Chair that the bill has been read in Committee of the Whole, so the amendments are now in order.

Mr. BRICKNER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation, with the amendments.

Mr. BUTLER. Mr. Chairman, are there not several amendments to this bill?

The CHAIRMAN. There are.

Mr. BUTLER. They will have to be voted upon separately, will they not?

The CHAIRMAN. They will. The Clerk will report the first amendment to the bill.

The Clerk read as follows:

On page 6, line 117, strike out the period and insert a comma and the words "dwelling for the keeper of this station, at a cost not exceeding $4,500."

[Cries of "Vote!" "Vote!"]

Mr. BUTLER. Mr. Chairman, I think I have the right to debate this amendment if I choose. My objection is not so much to any particular amendment, as to the fact that we have here combined a great many propositions all united in one bill and rushed through here, if we allow it, in only seven minutes. It seems to me that each particular proposition should be discussed so that it can be understood, and though I am not prepared to discuss each item so as to say whether there is some reason why it should be adopted or not, still I object to omnibus bills at all times and pushing them through so that no man can give a careful consideration to the propositions involved. That is all I care to say on this particular amendment.

The question was taken on agreeing to the amendment, and the Chairman announced that the ayes seemed to have it.

Mr. BUTLER. Division.

The committee divided; and there were—ayes 93, noes 3.

Mr. BUTLER. No quorum, Mr. Chairman.

The CHAIRMAN. The hour allowed to the Committee on Interstate and Foreign Commerce having expired, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. O'NEIL of Massachusetts, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8007) and had come to no resolution thereon.

JETTIES, PIERS, AND BREAKWATERS AT THE MOUTH OF THE ROPES PASS, TEX.

Mr. CATCHINGS (when the Committee on River and Harbors was called). Mr. Speaker, I call up for consideration the bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico, at the mouth of Ropes Pass, in the State of Texas.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Port Ropes Company, a corporation existing under the laws of the State of Texas, which has partially constructed a ship channel across Mustang Island, in said State, for the purpose of obtaining a deep-water harbor upon the coast of Texas, at its own cost and expense, by connecting the waters of Corpus Christi Bay with those of the Gulf of Mexico, be, and is hereby, authorized to protect the Gulf entrance to said ship channel, and to further prosecute its project of obtaining and maintaining a deep-water harbor, by constructing suitable jetties, piers, and breakwaters as far out into the waters of the Gulf of Mexico as may be requisite to obtain and maintain a channel with a depth of 30 feet, more or less.

SEC. 2. That said work shall be prosecuted by the said the Port Ropes Company, its successors and assigns, diligently, and completed within a reasonable time and entirely at its own expense, and nothing in this act shall be construed as committing the Government of the United States to any expenditure for the whole or any part of the same.

SEC. 3. That at any time after said improvements and works have been completed as herein provided, and a depth of 20 feet has been obtained, the United States shall have the right to pay the said company, or their assigns, successors, or legal representatives, the value of the works constructed under this act or under or by virtue of any authority granted by the State of Texas, and on such payment being made by the United States all rights to said work on the part of said parties shall cease; but nothing in this act shall be construed as compelling or requiring the Government to take possession of and pay for said works unless so desired by the Government of the United States.

Mr. STEWART of Texas. Mr. Speaker——

Mr. SIMPSON. I make the point of order that this bill should be considered in the Committee of the Whole, where we can have debate.

Mr. STEWART of Texas. This bill does not involve the expenditure of one dollar on the part of the Government.

Mr. SIMPSON. I understand that it eventually commits the Government to a large expenditure of money.

Mr. STEWART of Texas. Not at all. It does not involve the expenditure of one dollar by the Government. It simply authorizes a company chartered by the State of Texas to make a cut through Mustang Island to deep water in the Gulf of Mexico, in order to obtain a deep-water harbor for Corpus Christi and Rockport, in Aransas Bay. It is optional with the Government whether it will take this work or not, and when it does take it, it must do so at the value of the work, assessed by engineers appointed by the Secretary of War; but it is entirely optional with the Government to take it or not.

Mr. SIMPSON. I ask that that part of the bill be read again.

Mr. HENDERSON of Iowa. Let the bill be read; it is short.

The bill was again read.

Mr. CATCHINGS. Let us have a vote on the amendment, Mr. Speaker.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STEWART of Texas moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVIGATION OF TRINITY RIVER, TEXAS.

Mr. CATCHINGS. Mr. Speaker, I call up the bill (H. R. 8449) to open to navigation the Trinity River, in the State of Texas. For this bill a substitute has been reported, which is House bill 9502:

The substitute (H. R. 9502) was read, as follows:

Be it enacted, etc., That the Trinity River Navigation Company, a corporation created and existing under and by virtue of the general laws of the State of Texas, or its successors and assigns, be, and are hereby, authorized and empowered to open to navigation the Trinity River in the State of Texas, from the town of Liberty to the city of Dallas, in said State, and to this end said company, its successors or assigns, are authorized to remove all logs and rafts and stones from the water bed of said river, as well as other obstructions found in said river, so as to secure safe passage for such vessels as may navigate the same; said company is further authorized and empowered to construct such locks and dams as said company deem proper and necessary, and to do and perform any and all such acts and to make such improvements on said river and its banks as may be proper and necessary to secure safe navigation of said river at low water between the points named for steamboats having a draft of not less than 3 feet.

SEC. 2. That in consideration of the labor and expense incurred and to be incurred by said Trinity River Navigation Company in opening said river to navigation, the same is hereby authorized and empowered to charge and collect such tolls therefor as may be prescribed by the regulations that may be made from time to time by the Secretary of the Treasury of the United States.

SEC. 3. That within two years from the passage of this act said company shall begin the work of improving the navigation of said river, and shall proceed with said work as expeditiously as possible until said work is completed, otherwise the rights hereby granted shall be forfeited.

SEC. 4. That the United States reserves the right at any time during the progress of the work on said river or at any time after the same is completed to take charge of said river and the works of said company and in the exercise of this reserved right, shall have the option of taking said works at their original cost, or at their actual value at the time of taking the same, and the actual value thereof shall be ascertained by three officers of the Engineer Corps of the Army of the United States to be appointed by the Secretary of War: *Provided*, That in estimating the value of the said works to be paid for by the United States, the franchise of said corporation resulting either from this act or derived by it from the State of Texas, shall not be considered or estimated.

SEC. 5. That the right to collect tolls on said river under this act shall not accrue to said company until it shall have improved said river between the town of Buffalo, in the county of Anderson, in the State of Texas, and the city of Dallas, so that between said points, at the lowest stage of water, steamboats having a draft of not less than 3 feet can navigate the same, and in no event shall tolls be charged for the use of said river below the town of Liberty, in Liberty County, in the State of Texas.

Mr. CATCHINGS. I yield to my colleague, Mr. STEWART of Texas.

Mr. STEWART of Texas. Mr. Speaker, in the river and harbor act of the 19th of September, 1890, an order of survey was granted for this Trinity River, but the engineer who made the survey reported adversely to the improvement of the river because of the large expense that would be involved. In consequence of that report the Committee on Rivers and Harbors refused to make any appropriation for the purpose. Since that time a corporation has been formed in the State of Texas, under the law of that State, to improve the river at their own expense, and all that this bill provides is that that company shall be authorized to improve and open to navigation the Trinity River between the town of Liberty and the city of Dallas. The bill involves no expense whatever to the Government.

Mr. BURROWS. What is the distance between these two towns?

Mr. STEWART of Texas. It would be guess work on my part, but I should say about 300 or 400 miles.

Mr. BURROWS. Is the stream navigable above the upper place?

Mr. STEWART of Texas. At certain seasons of the year it is navigable from Liberty to a place called Buffalo, a distance of about 200 miles. Above Buffalo, to Dallas, it is not navigable at any season of the year, and to make it navigable to Dallas is the object of this bill and of the incorporators that it empowers to do the work.

Mr. BURROWS. The bill authorizes this company to collect tolls upon that part of the river?

Mr. STEWART of Texas. Under such regulations as may be prescribed by the Secretary of the Treasury.

Mr. BURROWS. But the Government can never relieve commerce upon that stream of this burden without paying the original cost of the improvements with interest.

Mr. STEWART of Texas. The Government has the option of taking the work at its original cost or at its value at the time of taking; the same to be ascertained by three engineers to be appointed by the Secretary of War. But it is optional with the Government whether it takes the improvements at all or not.

Mr. BURROWS. But the Government never can get rid of this exaction upon commerce until it does take the work off the corporation's hands.

Mr. CATCHINGS. Why should it if it will not improve the river itself?

Mr. BURROWS. I doubt very much the policy of imposing burdens upon commerce in this way. The Government had better improve the stream itself than have it done by a corporation. I know how those things work. A corporation improves a stream and constructs certain works and then turns round and sells it to the Government.

Mr. STEWART of Texas. It is entirely optional with the Government whether it enters into any such arrangement or not.

Mr. BURROWS. I know; but it generally works out in that way.

Mr. STEWART of Texas. What are the people to do? The Government refuses to improve the river itself, refuses to spend a dollar upon it, and the people of Texas desire that that part of the river shall be opened to navigation. Under the laws of Texas a corporation has been formed for the purpose of improving the river, and that is the only way that is open to the people in order to get the improvement since the Government refuses to make it.

Mr. SIMPSON. I understand the gentleman from Texas to say that this river is navigable at certain seasons.

Mr. STEWART of Texas. At certain seasons it is navigable as high as Buffalo; above that it is not navigable at any season of the year.

Mr. SIMPSON. Under this arrangement when this company would get control of the river they would collect tolls during the whole year?

Mr. STEWART of Texas. At any time when there is navigation there.

Mr. SIMPSON. In order to obviate the paying of tolls, the Government would have to buy this work from the corporation; and, as I understand the gentleman to say, the Government engineers have decided that the improvement is not feasible, that it would cost too much money.

Mr. STEWART of Texas. They thought it would cost too much money, and for that reason they reported adversely upon this matter.

Mr. REILLY. I wish to inquire whether the report of the Government engineers who made this survey embraced anything as to the practicability of making the river navigable?

Mr. STEWART of Texas. Yes, sir; and the substance of that report is that it would cost too much money.

Mr. REILLY. But with the expenditure of money it can be made navigable?

Mr. STEWART of Texas. I presume it can; but it would involve, perhaps, an expenditure of several million dollars to do it.

Mr. REILLY. Does this report of the engineers give any expression on that point?

Mr. STEWART of Texas. According to my recollection, it says, not that the project is impracticable, but that it involves too great an expenditure of money for the Government to undertake it.

Mr. SIMPSON. Does not the gentleman from Texas understand that if this bill passes it will surrender a navigable river, a public highway, to a private corporation; and does the gentleman think that is good legislation?

Mr. STEWART of Texas. I would think it bad legislation, provided the Government could do this work itself; but when the Government refuses this is about all that is left for it to do.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time.

The question being on the passage of the bill

Mr. BUTLER and others called for a division.

Mr. CATCHINGS. I hope a division will not be called for. There is nothing in this bill that anybody should object to.

The question being taken, there were—ayes 98, noes 7.

Mr. BUTLER. No quorum.

Mr. CATCHINGS. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 11, not voting 146; as follows:

YEAS—171.

Alexander,	Buchanan, N. J.	Covert,	Durborow,
Amerman,	Buchanan, Va.	Cowles,	Edmunds,
Atkinson.	Bunn,	Cox, N. Y.	English,
Babbitt,	Bynum,	Crawford,	Enochs,
Bailey,	Byrns,	Crosby,	Epes,
Bankhead,	Cadmus,	Culberson,	Everett,
Barwig,	Caldwell,	Curtis,	Fellows,
Beltzhoover,	Caminetti,	Cutting,	Fitch,
Bentley,	Caruth,	Dalzell,	Flick,
Blount,	Catchings,	Daniell,	Forman,
Boatner,	Cate,	De Armond,	Forney,
Bowers,	Causey,	De Forest,	Fowler,
Bowman,	Chipman,	Dickerson,	Geissenhainer,
Breckinridge, Ark.	Clark, Wyo.	Dixon,	Grady,
Brickner,	Clarke, Ala.	Doan,	Greenleaf,
Brookshire.	Cobb, Ala.	Dockery,	Griswold,
Brunner,	Cobb, Mo.	Dolliver,	Hall,
Bryan,	Coolidge,	Dungan,	Hallowell,
Hare,	Lagan,	O'Neill, Mo.	Stone, W. A.
Harmer,	Lanham,	Owens,	Stout,
Harries,	Lawson, Va.	Parrett,	Stump,
Hatch,	Lawson, Ga.	Payne,	Tarsney,
Haugen,	Layton,	Pearson,	Taylor, Ill.
Hayes, Iowa	Lester, Va.	Perkins,	Taylor, Tenn.
Haynes, Ohio	Lester, Ga.	Post,	Taylor, V. A.
Heard,	Lind,	Powers,	Terry,
Henderson, N. C.	Little,	Price,	Tillman,
Henderson, Ill.	Livingston,	Raines,	Townsend,
Herbert,	Long,	Ray,	Tracey,
Hermann,	Lynch,	Reilly,	Turner,
Hitt,	Mallory,	Reyburn,	Turpin,
Hooker, Miss.	Martin,	Robinson, Pa.	Walker,
Hopkins, Ill.	McClellan,	Scott,	Weadock,
Houk, Tenn.	McCreary,	Scull,	Wheeler, Ala.
Hull,	McRae,	Seerley,	White,
Johnson, Ind.	Meredith,	Shively,	Wike,
Johnson, N. Dak.	Mitchell,	Smith,	Willcox,
Jolley,	Montgomery,	Snodgrass,	Williams, N. C.
Kendall,	Moses,	Sperry,	Williams, Ill.
Ketcham,	Mutchler,	Stephenson,	Wilson, Wash.
Kilgore,	Oates,	Steward, Ill.	Winn,
Kribbs,	O'Neil, Mass.	Stewart, Tex.	Youmans.
Kyle,	O'Neill, Pa.	Stone, C. W.	

NAYS—11.

Bretz,	Halvorson,	McKeighan,	Snow,
Butler,	Hamilton,	Otis,	Watson.
Clover,	Lane,	Simpson,	

NOT VOTING—146.

Abbott,	Compton,	Lewis,	Rife,
Alderson,	Coombs,	Lockwood,	Robertson, La.
Allen,	Cooper,	Lodge,	Rockwell,
Andrew,	Cox, Tenn.	Loud,	Rusk,
Arnold,	Craig, Pa.	Magner,	Russell,
Bacon,	Crain, Tex.	Mansur,	Sanford,
Baker,	Cummings,	McAleer,	Sayers,
Bartine,	Davis,	McDonald,	Shell,
Beeman,	Dingley,	McGann,	Shonk,
Belden,	Donovan,	McKaig,	Springer,
Belknap,	Dunphy,	McKinney,	Stahlnecker,
Bergen,	Elliott,	McMillin,	Stevens,
Bingham,	Ellis,	Meyer,	Stockdale,
Blanchard,	Enloe,	Miller,	Stone, Ky.
Bland,	Fithian,	Milliken,	Storer,
Boutelle,	Funston,	Moore,	Sweet,
Branch,	Fyan,	Morse,	Taylor, E. B.
Brawley,	Gantz,	Newberry,	Taylor, J. D.
Breckinridge, Ky.	Geary,	Norton,	Tucker,
Broderick,	Gillespie,	O'Donnell,	Van Horn,
Brosius,	Goodnight,	O'Ferrall,	Wadsworth,
Brown,	Gorman,	Outhwaite,	Warner,
Bullock,	Grout,	Page, R. I.	Warwick,
Bunting,	Harter,	Page, Md.	Washington,
Burrows,	Hemphill,	Patterson, Tenn.	Waugh,
Busey,	Henderson, Iowa	Pattison, Ohio	Wever,
Bushnell,	Hoar.	Patton,	Wheeler, Mich.
Cable,	Holman.	Paynter,	Whiting,
Campbell,	Hooker, N. Y.	Peel,	Williams, Mass.
Capehart,	Hopkins, Pa.	Pendleton,	Wilson, Ky.
Castle,	Houk, Ohio	Pickler,	Wilson, Mo.
Cheatham,	Huff,	Pierce,	Wilson, W. Va.
Chapin,	Johnson, Ohio	Quackenbush,	Wise,
Clancy,	Johnstone, S. C.	Randall,	Wolverton,
Coburn,	Jones,	Rayner,	Wright.
Cockran,	Kem,	Reed,	
Cogswell,	Lapham,	Richardson,	

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. FITCH with Mr. BINGHAM.

For the rest of this day:

Mr. ELLIS with Mr. WADSWORTH.

Mr. TUCKER with Mr. GROUT.

Mr. COVERT with Mr. CHEATHAM.

Mr. PAYNTER with Mr. SWEET.

Mr. BUTLER. I ask for a recapitulation of the vote.

The vote was recapitulated.

The result of the vote was then announced as above stated.

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid on the table.

AMERICAN REGISTER, STEAMSHIP CHINA.

Mr. FOWLER. Mr. Speaker, I call up for consideration the bill (H. R. 8818) entitled "A bill to encourage American shipbuilding."

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to grant a register, as a vessel of the United States, to the steamship China, a foreign-built steamship now engaged in freight and passenger business, having a tonnage of about 5,000 tons: *Provided*, That it shall appear to the satisfaction of the Secretary of the Treasury that not less than 90 per cent of the shares of the capital of the foreign corporation or association owning the same was on January 1, 1890, and has continued to be owned, until the passage of this act, by citizens of the United States, including as such citizens a corporation created under the laws of any of the States thereof, upon the American owners of such majority interest obtaining a full and complete transfer and title of such steamship from the foreign corporation owning the same: *Provided*, That such American owner shall, subsequent to the date of this law, have built or have contracted to build in American shipyards a steamship whose tonnage shall not be less than that of the said steamship China.

SEC. 2. That the Secretary of the Treasury, on being satisfied that the foregoing conditions have been complied with, shall direct the bills of sale or transfer of the said foreign-built steamship China so acquired to be recorded

in the office of the collector of customs of the proper collection district, and shall cause such steamship to be registered as a vessel of the United States, after which the said vessel shall be entitled to all the rights and privileges of a vessel of the United States or of an American-built steamship, except that it shall not be employed in the coastwise trade of the United States.

SEC. 3. That no further or other inspection shall be required for the said steamship than is now required for foreign steamships carrying passengers under the existing laws of the United States, and that a special certificate of inspection may be issued for such steamship; but before issuing the registry to said steamship as a vessel of the United States the collector of customs of the proper collection district shall cause such steamship to be measured and described in accordance with the laws of the United States, which measurement and description shall be recited in the certificate of registry to be issued under this act.

SEC. 4. That the said steamship China, so registered under the provisions of this act, may be taken and used by the United States as a cruiser or transport upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value at the time of taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, who, in case of disagreement, shall select a third, the award of any two of the three so chosen shall be final and conclusive.

Mr. BANKHEAD. Mr. Speaker——

Mr. FOWLER. The bill undertakes to grant an American register to the steamship China, a steamship of the highest grade, of 5,000 tons burden, and the highest rate of speed. It is a bill——

Mr. BANKHEAD. Mr. Speaker——

The SPEAKER. The gentleman from New Jersey is entitled to the floor.

Mr. BANKHEAD. But I rose to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Would a point of order lie against this bill, that it must have its first consideration in the Committee of the Whole House on the state of the Union, for the reason that it contemplates a future appropriation?

The SPEAKER. Does it?

Mr. BANKHEAD. Evidently. The purpose is to bring this steamship under an American register, and therefore entitle it to a subsidy under the law. It must necessarily take an appropriation after a while.

Mr. BURROWS. That is a little remote, is it not?

Mr. FOWLER. It requires no appropriation.

The SPEAKER Has the gentleman the law at hand upon the subject of granting subsidies?

Mr. ATKINSON. Let me state, Mr. Speaker, that it is not within the rule requiring its consideration in Committee of the Whole. It imposes no charge upon the people of the United States.

Mr. BANKHEAD. It will bring this steamship within the law by which it can receive a subsidy hereafter.

Mr. WHEELER of Alabama. Not while the Democratic party is in power.

Mr. DOCKERY. Mr. Speaker, I am not sure that this bill is subject to the point of order, although it seems manifest from the reading of it that it contemplates putting this vessel under the United States registry laws for the purpose of securing the subsidy at some time in the future.

Mr. ATKINSON. Besides, Mr. Speaker, let me state that this point comes too late. The gentleman from New Jersey had already taken the floor and begun the discussion upon the bill.

The SPEAKER. What does the gentleman from Alabama say to that point?

Mr. BANKHEAD. I was on the floor, Mr. Speaker, addressing the Chair before the gentleman from New Jersey arose.

The SPEAKER. For the purpose of making the point of order?

Mr. BANKHEAD. For the purpose of making the point of order, if a point of order would lie against the bill.

The SPEAKER. The Chair thinks the gentleman was in time then, and will recognize him to make the point of order.

Mr. BANKHEAD. I make the point of order that this bill must be first considered in Committee of the Whole.

The SPEAKER. The Chair will ask the gentleman from New Jersey if the passage of the bill in its present form would involve a tax or charge upon the Treasury of the United States?

Mr. FOWLER. I do not think it does, Mr. Speaker. This is a bill, I will state, in every respect similar to one which passed the House a short time ago without objection; a bill which granted an American register to two vessels of the Inman line, and which also passed the Senate. In the argument by which the Senator from Missouri, Mr. VEST, who favored the bill, answered that point when it was suggested, he took the ground that the bill granting an American register to these vessels did not necessarily or even by implication involve a tax or charge upon the Treasury.

The subsidy act to which reference has been made, provides that the Government of the United States and the Postmaster-General may make contracts with certain vessels of certain tonnage and rate of speed for the purpose of carrying the mails; but they must be built in the United States, or they must have an American register. It does not imply that vessels which have a register by special act of Congress would come under that provision; but they must come under the general law by which vessels can be registered at the time the subsidy act was passed. And it does not necessarily follow that the passage of an act of this kind would give the right to the Postmaster-General to make a contract to carry the mails with this vessel, and thereby bring it within the terms of the subsidy act.

The SPEAKER. The Chair desires to know whether the law to which the gentleman from Alabama refers would give this vessel, as a matter of right, a subsidy if the American register were granted to it?

Mr. BANKHEAD. There is no question about that.

The SPEAKER. That is the very question the Chair desires to understand, and will be glad to have the law pointed out.

Mr. BANKHEAD. The very object of the bill is shown by putting this ship under the American register. I ask the gentleman in charge of the bill if the purpose and object is not to put it on the same footing with American-built vessels for that purpose?

The SPEAKER. The Chair would like to see the law upon this subject. If the law simply authorizes the Postmaster-General to make contracts, that is one thing; but if it requires that a vessel shall receive a subsidy when it gets a register, that is another thing. Now, if the passage of this act would necessarily draw to the owners of this ship a bounty or subsidy out of the public Treasury, then it seems to the Chair that the passage of the act would create a charge or liability on the Treasury, and would bring it strictly within the rule requiring its consideration in the Committee of the Whole. But if it merely puts the vessel in the condition where a contract may be made, that, it seems to the Chair, would not necessarily put it in that category.

Mr. BANKHEAD. I have not the law at hand and can not speak with positive certainty. But I have sent for a copy of it.

Mr. BINGHAM. The law of the last Congress required that these vessels which are to be employed in the mail service shall first undergo a supervision of construction and equipment by the Navy Department, in order that they may upon call be impressed into the naval service of the country. They must be of a certain speed, of a certain tonnage, with certain equipments. All these requirements have to be subject to the inspection of the Navy Department.

The SPEAKER. The question is whether the law that was passed by the last Congress grants, of itself, a subsidy to ships of a certain character, or whether it merely enables the executive officers of the Government to make contracts by which ships of such a character may obtain a subsidy. In the former case, if the passage of this bill would entitle this ship, as a matter of right, to a bounty from the Government, then the Chair thinks this bill would create a charge upon the Treasury; but if the passage of this bill would merely put the ship in a condition where the Treasury Department might contract with it to give it a bounty, that would not necessarily be a charge upon the Treasury; and that is what the Chair is not informed about it.

Mr. BUCHANAN of New Jersey. The latter is the law, and not only that, but the Postmaster-General must advertise before he can contract.

Mr. LOUD. This company already has the contract, though.

Mr. ATKINSON. Mr. Speaker, I submit that the gentleman making this point of order must show that the fact is as he avers it is. He has made no attempt to show that under existing law this vessel would be entitled to any subsidy or bounty.

Mr. DOCKERY. We have sent as many as half a dozen of pages for copies of the bill.

Mr. BANKHEAD. In the mean time the gentleman from Pennsylvania might show that we are wrong in our averment.

Mr. BINGHAM. Now, Mr. Chairman, if the pages can not get copies of this bill, you will find it on page 1064 of the Report of the Postmaster-General.

The SPEAKER. The Chair has the act. The act does not seem of itself to grant a subsidy, but provides that the Postmaster-General is authorized and empowered to enter into contracts, etc.

Mr. LOUD. Mr. Speaker, I would suggest that this company already have the contract for the postal service.

Mr. DOCKERY. I am satisfied that the decision of the Chair is correct.

The SPEAKER. The Chair thinks that this bill does not necessarily create a charge upon the Treasury.

Mr. DOCKERY. That is, under the rules.

The SPEAKER. Of course, under the rules. The Chair does not undertake to say what may be done in the future.

Mr. DOCKERY. The evident purpose of the bill is to secure a subsidy.

Mr. FITHIAN. I give notice that I desire to offer a substitute for the bill.

The SPEAKER. The Chair overrules the point of order, and recognizes the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. I will say, Mr. Speaker, that this bill provides that before American registry shall be granted to this vessel the owners shall contract with an American shipyard for a vessel of the same kind as to weight and speed. The last section of the bill also provides that in case of war this Government shall have the right to take this vessel as a cruiser. In connection with this matter I should like to have read a communication from the Secretary of the Navy which I send to the Clerk's desk.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, June 6, 1892.*

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, addressed to the Secretary of the Navy, and inclosing a copy of bill H. R. 8818, entitled "A bill to encourage American shipbuilding," which you have referred to the Department with the request for its views and recommendations on the subject.

The purpose of the bill is to grant an American register to the steamship China, owned by the Pacific Mail Steamship Company, on condition that the American owners obtain a full title to the ship, and that they shall, subsequent to the passage of the bill, have built in American shipyards a steamship whose tonnage shall not be less than that of the China.

It will be observed that this bill has two consequences: It admits to an American registration a steamer of high class, owned by American citizens, and it secures the construction, for the same American owners and by American shipbuilders, of additional steamers of the same high class and of a tonnage equal to that admitted to registration. From every point of view in which the United States or its citizens are interested this bill is advantageous. It will add certainly one of the best steamers now employed in Pacific Ocean navigation to the American merchant marine; it will enable the American owners of this ship to sail under the flag and papers and under the protection of their own country; and it will stimulate American shipbuilding, for, in order that the owners may avail themselves of its benefits, they are compelled to order an American-built vessel of a tonnage equal to that benefited by the act.

In these respects it is regarded by the Navy Department as being a highly beneficial measure for the encouragement of both American shipowning and American shipbuilding, especially on the Pacific coast.

A further advantage of this bill is one upon which the Navy Department is especially called upon to speak, and that is its connection with the national defense. Over two years ago the Secretary of the Navy took occasion, in his annual report for 1889, to make the following statements, which bear directly upon the present measure:

"It must be remembered, however, that cruisers have another and equally important function in the attack and defense of commerce. Any stanch vessel with good coal capacity and the highest rate of speed, armed with a few rapid-firing guns, though built and used principally for commercial purposes, may by certain adaptations in her construction be made readily available for this form of warfare. The fast transatlantic liners, nationalized in foreign countries, but supported and maintained by American trade and American passengers, many of them even owned by American citizens, are a powerful factor in the naval force of the Government whose flag they bear and at whose disposal they must place themselves in time of war.

"It is a matter for serious consideration whether steps may not be taken towards the creation of such a fleet of specially adapted steamers of American construction, owned by American merchants, carrying the American flag, and capable, under well-defined conditions, of temporary incorporation in the American Navy. The advantages of such an arrangement, which enlarges the merchant marine, and makes it at the same time self-protecting, are overwhelmingly great.

* * * "The naval policy of the United States can not neglect to take account of the fleets of fast cruisers which foreign states maintain under the guise of passenger and merchant steamers. They constitute an auxiliary navy, and must be reckoned as a part of the naval force of the government maintaining them."

The steamship China, referred to in the bill, is now sailing under the English flag, being engaged in trade between San Francisco and ports in China and Japan. She would, with slight alterations in the removal of the deck houses, etc., make a most efficient cruiser of the first class; she is also admirably adapted for service as a transport, being a modern steel-steamer of 5,000 tons register, launched in 1889, having a length of 450 feet, triple-expansion engines of 8,000 indicated horse power, and an electric-light plant. Her coal consumption and carrying capacity are such that she would have a very large radius of action, being able to steam for many thousand miles without recoaling. She has an additional advantage as a cruiser in the fact that her boilers are two feet below the water line, and are entirely surrounded by coal protection to four feet above that line.

When it is considered that this admirable ship will by this legislation be virtually added to the Navy of the United States without expenditure other than that which may be required when the contingency for her use arises; that the passage of the act is a guaranty that another ship of like character will be built which the Government may likewise take advantage of in an emergency; and, finally, that the ship belongs on the Pacific coast, where the exigencies of national defense are peculiarly constant and pressing, and the material available to meet them in an emergency peculiarly restricted, the Department has no hesitation in stating that it regards this measure as being of the highest importance in connection with the problem of naval defense in the United States.

Very respectfully,

JAMES R. SOLEY,
Acting Secretary of the Navy.

Hon. SAMUEL FOWLER,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives.

Mr. FOWLER. Mr. Speaker, I move the previous question.

Mr. FITHIAN. Will the gentleman yield to me to offer a substitute? As a member of the committee I have that right, I think.

Mr. HERBERT. I hope the gentleman will not move the previous question.

Mr. DOCKERY. If the gentleman insists upon moving the previous question, I desire to move to lay the bill on the table.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. As I understand, if this bill shall pass, it gives to one of the subsidized lines an additional vessel and takes out of the Treasury the bounty or subsidy allowed.

Mr. DOCKERY. It adds this vessel to the Pacific Mail Steamship Company's lines.

Mr. BLOUNT. As soon as registered that would necessarily follow.

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. BLOUNT. I make the point of order that it should go to the Committee of the Whole.

The SPEAKER. That has already been made and overruled.

Mr. BLOUNT. I was not present, and was not aware of that.

Mr. FITHIAN. I desire to offer a substitute.

The SPEAKER. Does the gentleman from New Jersey [Mr. FOWLER] yield to the gentleman from Illinois [Mr. FITHIAN] for the purpose of offering a substitute?

Mr. FOWLER. I yield to the gentleman from Illinois.

Mr. FITHIAN. For any purpose.

The SPEAKER. The Chair wants that distinctly understood.

Mr. FITHIAN. I desire to move to strike out all after the enacting clause, and offer the substitute which I send to the Clerk's desk. I ask that it may be read in my time.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized to grant American register, as vessels of the United States, to all steamships of foreign build now engaged in freight and passenger business, having a tonnage of not less than 5,000 tons: *Provided*, That it shall appear to the satisfaction of the Secretary of the Treasury that not less than 90 per cent of the shares of the capital of the foreign corporation or association owning the same was, on January 1, 1890, and has continued to be owned until the passage of this act, by citizens of the United States, including as such citizens a corporation created under the laws of any of the States thereof, upon the American owners of such majority interest obtaining a full and complete transfer and title of such steamships from the foreign corporation owning the same: *Provided*, That such American owner shall, subsequent to the date of this law, have built or have contracted to build in American shipyards, a steamship whose tonnage shall not be less than 5,000 tons.

SEC. 2. That the Secretary of the Treasury, on being satisfied that the foregoing conditions have been complied with, shall direct the bills of sale or transfer of the said foreign-built steamships so acquired to be recorded in the office of the collector of customs of the proper collection district, and shall cause such steamships to be registered as vessels of the United States, after which the said vessels shall be entitled to all the rights and privileges of vessels of the United States, or of American-built steamships, except that they shall not be employed in the coastwise trade of the United States.

SEC. 3. That no further or other inspection shall be required for the said steamships than is now required for foreign steamships carrying passengers under the existing laws of the United States, and that a special certificate of inspection may be issued for such steamships, but before issuing the registry to said steamships as vessels of the United States, the collector of customs of the proper collection district shall cause such steamships to be measured and described in accordance with the laws of the United States, which measurement and description shall be recited in the certificate of registry to be issued under this act.

SEC. 4. That the said steamships so registered under the provisions of this act may be taken and used by the United States as cruisers or transports upon payments to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value at the time of taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, who, in case of disagreement, shall select a third, the award of any two of the three so chosen to be final and conclusive.

Mr. FITHIAN. Mr. Speaker——

Mr. BUCHANAN of New Jersey. I raise the point of order on that substitute.

Mr. ATKINSON. I make the point of order against the substitute, or the attempt made to substitute a general bill for a private bill, which is not in order. Besides that, the substitute is not germane to the original bill.

Mr. FITHIAN. I desire to say, Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman on the question of changing a private to a general bill.

Mr. ATKINSON. I have good authority here, Mr. Speaker.

The SPEAKER. The Chair will hear the other side. The Chair suggests that he will hear the gentleman from Illinois on the question of the substitute being out of order, because it changes a private bill into a general bill.

Mr. ATKINSON. And the further point, Mr. Speaker, that it is not germane to the original bill.

Mr. FITHIAN. If the gentleman from Pennsylvania will allow me, Mr. Speaker, what I have to say with reference to the matter is that the substitute I have offered is exactly the same as the original bill that has been presented by the committee, except it makes the bill general, and applies to all vessels of the same tonnage as the steamship China. It is true that the original bill only proposes to grant American registry to one ship. If my substitute is subject to the point of order made by the gentleman, why, of course, there is not anything I can say in that regard.

But I took this view of it, Mr. Speaker, that if the steamship China, under the circumstances detailed in this bill, was entitled to American registry—if this Congress was in favor of granting to that particular ship American registry—there is no reason

why we should not go further, and give to every ship registry upon the same terms as the conditions and provisions of this bill. In other words, if the steamship China, a vessel of foreign build, of some 5,000 tons, is entitled to American registry upon a contract for or having constructed another vessel of the same tonnage in American shipyards, then, certainly, the American owner of any foreign-built ship has the right, or, at least, ought to have the right, in this Congress, upon the same terms and with the same provisions, to obtain American registry for his ship. That is all I desire to say in that regard.

Mr. ATKINSON. Mr. Speaker, I desire to say——

The SPEAKER. The Chair does not think it is necessary to hear the gentleman from Pennsylvania. In the Thirty-ninth Congress a decision was made, and since then, so far as the Chair is advised, has been uniformly adhered to, that an amendment proposing to engraft a general provision of law upon a private bill is against order. This bill is reported as a bill to grant an American registry to the steamship China. The proposition of the gentleman from Illinois is to make the provision general, and grant American registry to any steamship of a certain class or burden. Therefore, the Chair thinks it is general in its character, and is not in order. The Chair sustains the point of order.

Mr. FOWLER. I now renew my motion for the previous question.

Mr. DOCKERY. Does the gentleman demand the previous question on this bill?

Mr. BUCHANAN of Virginia. I hope the gentleman from New Jersey will not do that.

Mr. FOWLER. I yield five minutes to the gentleman from Virginia [Mr. BUCHANAN].

Mr. BUCHANAN of Virginia. Mr. Speaker, I do not think this kind of legislation ought to be enacted by the House. It is purely a special bill, admittedly so; a point of order has been made and sustained that the bill can not be amended so as to make it a general bill. What reason is there for passing this bill giving privileges to one steamship line which are not allowed to other lines, and which you deny to all other vessels similarly situated. Is such legislation right? Special legislation is generally bad, and in this case it is clearly so. If the law we have, which forbids Americans from sailing ships built in a foreign country, is a good one, it ought to be enforced against all, whether the lines asking for the changes be subsidized or not. If it be a bad law, it ought to be repealed as all bad laws ought, and give to the people of this country, without regard to whether they are getting subsidies or not, the same rights and privileges.

Mr. MILLIKEN. Will my friend allow me to make a suggestion?

Mr. BUCHANAN of Virginia. Certainly.

Mr. MILLIKEN. There is no law to prevent an American from sailing foreign-built ships, but not under the American flag.

Mr. BUCHANAN of Virginia. I know that; but why, then, is not the law forbidding such ships sailing under the American flag repealed if there is a necessity for this legislation?

Mr. FITHIAN. I will say to the gentleman from Maine that it is true that an American can sail foreign ships, but not under the American flag.

Mr. WILLIAMS of Illinois. The flag and an appropriation.

Mr. BLOUNT. I would like to ask the gentleman from Virginia if this is not a subsidized line?

Mr. BUCHANAN of Virginia. I think the chief object of this legislation is to bring in a ship to get the benefit of American subsidies. And I repeat there is no justice and no fairness in legislating in the interests of one of the large mail ship lines, giving it permission to bring ships into the United States and at the same time deprive other American ship-owners of the same right and the same privilege. [Applause.]

Has the Congress of the United States become nothing more nor less than a Congress of special legislation? Are we here to legislate equally and fairly in the interest of all the people of this country, or are we here to legislate in favor of special classes, and those the classes that are best able to take care of themselves?

Again, this bill does not compel this company to build a ship in this country. It says:

Provided, That such American owner shall, subsequent to the date of this law, have built, or have contracted to build, in American shipyards, a steamship whose tonnage shall not be less than that of the said steamship China.

When? It may contract to build it and have it ready in five years, or in ten years, or in twenty years. There is no bond requiring that it shall do it. There is no penalty to enforce the contract. There is nothing to compel it to comply with the law. It can come in with its foreign-built ship by means of this special legislation and can sail it under the American flag. It can have a sham contract with some one to build it a ship and never build it, and thus it can get the benefit of the American subsidy act without giving labor to a single American laborer or contributing in the slightest degree to the development of any American shipyard.

This legislation is wrong, radically wrong. If we are to have the existing shipping laws let us enforce them, and then, as President Grant said, if they are bad laws we will learn that they are bad laws and thus compel their repeal, and if they are good laws we will get the full benefit of them. But, do not let us have special legislation. Let us not do these things that we are asked to do here in order to benefit particular interests or class to the prejudice of other classes. Let the law stand in full force while it is a law, or else wipe it out and let the people of this country, without regard to class or condition, have the same rights and privileges under the laws of the United States.

Mr. HERBERT. I call the gentleman's attention to the further fact that this bill simply says that this vessel shall be of the "same tonnage" as the steamship China, but says nothing about speed. Why was that omitted? Because the building of any sort of a steamship of 5,000 tons would entitle him under the law to an American register.

Mr. BUCHANAN of Virginia. I will only say further that the provision here is not sufficient to compel or require even the building of another vessel like the one they wish to have registered under the American flag.

[Here the hammer fell.]

Mr. FOWLER. Mr. Speaker, I want to say, partially in reply to the gentleman from Virginia [Mr. BUCHANAN], that it is mere assertion on his part to say that there is nothing in this bill that compels them to make a contract to build another ship. The bill says that the Secretary of the Treasury shall be satisfied, and that the contract shall be made and filed. Besides that, this is a bill not merely for the encouragement of American shipping. This is a bill that helps to put the dinner pail and the hammer into the hands of thousands of workingmen in the United States. [Laughter.] This is a bill that not only puts work in the hands of thousands of men, but it is exactly like a bill that we passed here a short time ago——

Mr. WALKER. Is it a copy of that bill?

Mr. FOWLER. Yes, sir. This bill gives to every American who desires to engage in shipping the right to go abroad and buy his ship where he can get it cheaper than anywhere else. It is upon the Democratic doctrine that this bill is founded. Gentlemen, by refusing to pass measures of this kind, you simply support and strengthen and perpetuate the subsidy act. It was passed for the purpose of helping the shipbuilding interests, of creating a protected shipbuilding interest in this country, and by punching holes into the shipbuilding act by these bills you weaken it, and when the shipbuilding act is repealed there will no longer be any reason why the subsidy act should continue to exist. Mr. Speaker, I move the previous question on the passage of the bill.

Mr. BLOUNT. Mr. Speaker, I move to lay the bill on the table.

The SPEAKER. Under the rule the vote must be first taken on the motion to lay the bill on the table.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. BLOUNT. I ask for a division.

The House divided; and there were—ayes 55, noes 73.

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

The yeas and nays were ordered, 48 members voting in favor thereof.

The question was taken; and there were—yeas 107, nays 84, not voting 137; as follows:

YEAS—107.

Alexander,	Cox, N. Y.	Kilgore,	Perkins,
Babbitt,	Crawford,	Kyle,	Quackenbush,
Bailey,	Culberson,	Lagan,	Robinson, Pa.
Baker,	Davis,	Lane,	Scull,
Bankhead,	De Armond,	Lanham,	Seerley,
Barwig,	Dickerson,	Lawson, Va.	Shell,
Blount,	Doan,	Lawson, Ga.	Shonk,
Branch,	Dockery,	Lester, Va.	Simpson,
Breckinridge, Ark.	Dungan,	Lind,	Snodgrass,
Bretz,	Edmunds,	Long,	Snow,
Brickner,	Ellis,	Lynch,	Stewart, Tex.
Brookshire,	Epes,	Mallory,	Stone, C. W.
Bryan,	Everett,	Mansur,	Stone, W. A.
Buchanan, Va.	Fithian,	McClellan,	Tarsney,
Bullock,	Forman,	McCreary,	Terry,
Bunn,	Forney,	McKeighan,	Turner,
Bunting,	Grady,	McRae,	Watson,
Butler,	Hamilton,	Meredith,	Weadock,
Bynum,	Hare,	Montgomery,	Wheeler, Ala.
Castle,	Harries,	Moses,	Wheeler, Mich.
Cate,	Hatch,	O'Ferrall,	Wike,
Causey,	Henderson, N. C.	Otis,	Willcox,
Clancy,	Hooker, Miss.	Outhwaite,	Williams, N. C.
Clarke, Ala.	Johnson, N. Dak.	Parrett,	Williams, Ill.
Clover,	Johnson, Ohio	Patton,	Winn,
Cobb, Ala.	Jolley,	Paynter,	Youmans.
Coburn,	Kem,	Pearson,	

NAYS—84.

Amerman,	Cutting,	Houk, Tenn.	Payne,
Atkinson,	Daniell,	Hull,	Post,
Bergen,	De Forest,	Johnson, Ind.	Raines,
Bingham,	Dolliver,	Ketcham,	Reilly,
Bowers,	Durborow,	Kribbs,	Smith,
Bowman,	English,	Lapham,	Sperry,
Brunner,	Enloe,	Layton,	Stephenson,
Byrns,	Enochs,	Lester, Ga.	Steward, Ill.
Cadmus,	Fellows,	Little,	Stout,
Caldwell,	Fowler,	Martin,	Taylor, Tenn.
Caminetti,	Geissenhainer,	McKaig,	Tillman,
Caruth,	Greenleaf,	Milliken,	Townsend,
Catchings,	Griswold,	Mitchell,	Tracey,
Chipman,	Hall,	Moore,	Van Horn,
Cobb, Mo.	Hallowell,	Mutchler,	Wadsworth,
Coolidge,	Harmer,	Oates,	Walker,
Coombs,	Haugen,	O'Neil, Mass.	Warner,
Cowles,	Hayes, Iowa	O'Neill, Pa.	Washington,
Crosby,	Hitt,	O'Neill, Mo.	Wilson, Wash.
Cummings,	Hopkins, Ill.	Owens,	Wolverton,
Curtis,	Houk, Ohio	Page, R. I.	Wright.

NOT VOTING—137.

Abbott,	Covert,	Jones,	Robertson, La.
Alderson,	Cox, Tenn.	Kendall,	Rockwell,
Allen,	Craig, Pa.	Lewis,	Rusk,
Andrew,	Crain, Tex.	Livingston,	Russell,
Arnold,	Dalzell,	Lockwood,	Sanford,
Bacon,	Dingley,	Lodge,	Sayers,
Bartine,	Dixon,	Loud,	Scott,
Beeman,	Donovan,	Magner,	Shively,
Belden,	Dunphy,	McAleer,	Springer,
Belknap,	Elliott,	McDonald,	Stahlnecker,
Beltzhoover,	Fitch,	McGann,	Stevens,
Bentley,	Flick,	McKinney,	Stockdale,
Blanchard,	Funston,	McMillin,	Stone, Ky.
Bland,	Fyan,	Meyer,	Storer,
Boatner,	Gantz,	Miller,	Stump,
Boutelle,	Geary,	Morse,	Sweet,
Brawley,	Gillespie,	Newberry,	Taylor, Ill.
Breckinridge, Ky.	Goodnight,	Norton,	Taylor, E. B.
Broderick,	Gorman,	O'Donnell,	Taylor, J. D.
Brosius,	Grout,	Page, Md.	Taylor, V. A.
Brown,	Halvorson,	Patterson, Tenn.	Tucker,
Buchanan, N. J.	Harter,	Pattison, Ohio	Turpin,
Burrows,	Haynes, Ohio	Peel,	Warwick,
Busey,	Heard,	Pendleton,	Waugh,
Bushnell,	Hemphill,	Pickler,	Wever,
Cable,	Henderson, Iowa	Pierce,	White,
Campbell,	Henderson, Ill.	Powers,	Whiting,
Capehart,	Herbert,	Price,	Williams, Mass.
Cheatham,	Hermann,	Randall,	Wilson, Ky.
Chapin,	Hoar,	Ray,	Wilson, Mo.
Clark, Wyo.	Holman,	Rayner,	Wilson, W. Va.
Cockran,	Hooker, N. Y.	Reed,	Wise.
Cogswell,	Hopkins, Pa.	Reyburn,	
Compton,	Huff,	Richardson,	
Cooper,	Johnstone, S. C.	Rife,	

So the bill was laid on the table.

The following additional pairs were announced:

Mr. DUNPHY with Mr. RANDALL, until further notice.

For the rest of the day:

Mr. TURPIN with Mr. SWEET.

Mr. SCOTT with Mr. TAYLOR of Illinois.

The result of the vote was then announced as above stated.

The SPEAKER. The hour of this committee has expired.

UNIFORM GRADING OF WHEAT, ETC.

Mr. HATCH (when the Committee on Agriculture was called). I call up for consideration the bill (S. 797) to provide for fixing a uniform system of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to determine and fix, according to such standard as he may prescribe, such classification and grading of wheat, corn, rye, oats, and barley as in his judgment the usages of trade warrant and permit; having reference to the standard, classification, and grades now recognized by the several chambers of commerce and boards of trade of the United States: *Provided, however*, That reference to such various classifications and grades shall serve only as a guide and suggestion in the matter of determining and fixing, by the Secretary, the United States standard herein provided for, but he shall not be controlled thereby, but shall determine and fix such standard and such classifications and grades as will, in his judgment, best subserve the interest of the public in the conduct of interstate trade and commerce in grain.

SEC. 2. That when such standard is fixed and the classification and grades determined upon, the same shall be made matter of permanent record in the Agricultural Department, and public notice thereof shall be given in such manner as the Secretary shall direct, and thereafter such classifications and grades shall be known as the United States standard. All persons interested shall have access to said record at such convenient times and under such reasonable regulations as the Secretary may prescribe; and on payment of such proper charge as the Secretary may fix, a certified copy of the classification and grades shall be supplied to those who may apply for the same.

SEC. 3. That from and after thirty days after such classifications and grades have been determined upon and fixed, and duly placed on record as herein provided, such classification and grading shall be taken and held to be the standard in all interstate trade and commerce in grain, in all cases where no other standard is agreed upon: *Provided, however*, That in interstate trade or commerce in grain, if the consignor thereof, or his authorized agent, shall so direct, public inspection, classification, or grading shall not be required nor made when said grain is consigned to the owner thereof or to his authorized agent or to a mill or private storehouse; or, for deposit in a special bin, to a public warehouse; or, the purchaser consenting, to a purchaser thereof; or, if consigned to a market where the usages of trade recognize sales of grain by sample, when the consignor shall direct its sale by sample.

Mr. HATCH. I yield to the gentleman from Illinois [Mr. FORMAN] such time as he may desire.

[Mr. FORMAN withholds his remarks for revision. See Appendix.]

Mr. HATCH. I yield five minutes to the gentleman from Missouri [Mr. COBB].

Mr. COBB of Missouri. Mr. Speaker, I have simply had time to read this bill; but I am satisfied that we can have no uniform system of grading, at least, of wheat. As to corn and rye, the bill may have some application, because there is very little difference in those grains as raised in different sections of the country. But the wheat raised in the Northwest, the wheat raised in the Dakotas, the wheat of the East, the wheat raised in the far West, in Washington and in California, and the wheat raised in the Mississippi Valley, are different classes and are totally distinct, not only as to quality, but as to milling value; and to have a uniform system of grading applying to wheat raised in all these sections—that is to say, wheat raised throughout the entire country—would be utterly impossible.

Mr. SIMPSON. I wish to inquire of the gentleman whether this bill provides for one uniform grading of wheat raised all over the country?

Mr. COBB of Missouri. The bill proposes to provide a uniform grading by the Government of wheat raised throughout the country. I claim that this is impracticable; that these classes of grain raised in different parts of the country vary not only in their milling value, but also in their export value. We could not have one universal grade. The wheat raised in Kansas, for instance, is of a far different variety from that raised a little farther west—in Utah, for instance——

Mr. SIMPSON. Certainly.

Mr. COBB of Missouri. Or Colorado. The wheat of almost every State has its distinctive quality, and its different value both for milling and for shipping.

Mr. SIMPSON. The quality varies even in the same State, because the wheat is raised on different soils.

Mr. COBB of Missouri. Of course, that is the fact as to wheat. So far as concerns Indian corn, that is about the same everywhere; rye is very much the same. But to undertake to establish this universal grade for wheat will be simply another stab at the commerce of this country. In my opinion the Government should not have anything to do with the grading of wheat. Let that matter be attended to by the States, or the particular sections where the wheat is raised. They know its value; they know what they can get for it. The Secretary of Agriculture really knows or cares nothing about these questions, nor will his employés. Let this matter be left to the farmers who raise the product, and let the Government keep its hands off.

Mr. HATCH. I yield five minutes to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Three minutes will be enough for me.

Mr. HATCH. Very well; three minutes.

Mr. COOMBS. Mr. Speaker, I beg respectfully to protest against this hasty legislation on a matter of so much importance. The vision of gentlemen who propose a measure of this kind seems to be limited to our own country. They lose sight of the fact that any attempt at the grading of grain must take into view the grain raised all over the world. A very large proportion of the grain raised in the United States finds its market abroad; and I claim that a bill of this kind, if enacted, would introduce confusion into commercial operations in this commodity; and the consequence would be disastrous to the farmer.

I claim, sir, that all these things we can safely leave to the operations of commerce, which will regulate such matters and regulate them properly. Every time that the Government of the United States, in its paternal interest for the farmers of the country, puts its hands into the bag it makes a mess of it. You had better leave such questions alone, and not put them under the authority of any one man who is not necessarily a great authority upon the subject.

But, Mr. Speaker, the principal reason why I am opposed to this is that it brings us into competition and conflict with all the markets of the world where we sell our products.

Mr. COBB of Missouri. As well as at home.

Mr. COOMBS. As well as at home, although I will leave that part of the question to those who understand it better than I.

Mr. HATCH. Mr. Speaker, if I knew of any other representative of a board of trade on the floor of the House who would like to speak in the interest of the farmers of this land, I should be very glad to yield him five or ten minutes. [Laughter.] It is one of the strangest things in the history of legislation on this floor that every time a bill comes up here for the benefit of the agricultural communities there spring up as the representatives of the farmers and their warmest advocates and friends the

representatives of the various boards of trade throughout the country.

Now, Mr. Speaker, if the House will read this bill, or will hear me for a few minutes, it will take but a very few moments' time to explain it to the satisfaction of any gentleman on this floor. My colleague from Missouri [Mr. COBB] and the gentleman from New York [Mr. COOMBS] misapprehend absolutely the purpose of this bill. I do not want to say that they do not understand it; but they certainly have not studied it.

Mr. COBB of Missouri. We have not had the time.

Mr. HATCH. Have not had the time! Why, this bill has been upon the Calendar since the 28th of last April.

Mr. COBB of Missouri. Well, we did not know you were going to spring it on us to-day.

Mr. HATCH. Did not know I was going to spring it to-day! Why, I have been trying to get action upon this and other matters of similar importance to the farming communities of this country ever since the beginning of Congress.

Now, what is the bill? Have gentlemen considered it? It provides:

That the Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to determine and fix, according to such standard as he may prescribe, such classification and grading of wheat, corn, rye, oats, and barley as in his judgment the usages of trade warrant and permit; having reference to the standard, classification, and grades now recognized by the several chambers of commerce and boards of trade of the United States.

Does the gentleman from Kansas [Mr. SIMPSON] understand the difference between classification and grading?

Mr. SIMPSON. Oh, yes.

Mr. HATCH. It says "such classification and grading." Not that all the wheat of this United States shall be graded according to one common standard, but that the winter wheat of Kansas and Missouri may be classified and graded up to a standard that will protect the producer.

Mr. SIMPSON. Will the gentleman allow a question for information?

Mr. HATCH. With very much pleasure.

Mr. SIMPSON. I wish to ask if this bill leaves to the Secretary of Agriculture the fixing of the classification and grading of my wheat—leaves it in the hands of one man, an individual, to do so?

Mr. HATCH. It leaves to the Secretary of Agriculture the power to fix the classification and grading for all the wheat that comes within the provisions of this bill.

Mr. SIMPSON. What classification is that?

Mr. HATCH. Well, I propose to explain now.

Mr. SIMPSON. Well, go ahead.

Mr. HATCH. Very well, I am going ahead, and I want you to listen. Do not go off now, after you have asked a question, but wait until you hear the answer if you want to be enlightened.

Mr. SIMPSON. I am listening.

Mr. HATCH. This is simply to fix the classification and grading of the wheat which shall be a standard where the sale is made and no grading or classification is fixed. It does not interfere with the classification and grading of the State of Missouri. The grain in our State is graded under the State law, and by State officers. It has nothing in the world to do with the classification and grading of the grain that is shipped from Chicago, and classified and graded under the State laws of Illinois. But I will tell you what it does do. It stops these dealers in grain, when they buy No. 2 wheat at a high standard in the West, from shipping it to New York as No. 2 and grading it with No. 3 up to the standard that is shipped from that State, and dragging down the price. It simply stops mixing and lowering the grading of grain throughout the United States; and is a bill in the interest of the producers of grain.

After a most careful and searching investigation by the Senate and the House this bill has passed the Senate, receiving, I believe, every vote that was cast there.

Not one single farmer in the United States, not an agricultural association in the United States, not even a board of trade, has come before our committee and protested against this bill. It is so eminently fair upon its face that it commends itself to every one. It interferes nowhere with the contracts made through any board of trade or any State grade, but it says that where there is no contract the wheat shall be graded according to the national standard.

Mr. COBB of Missouri. It provides for a national standard where there is no contract and where there is no grade, but every State has its grade. Every State has a market where the wheat is graded, and our grades are established and familiar to every home and foreign buyer—then why disturb them?

Mr. HATCH. I will tell you, as nearly as I can recollect the language, a statement that was made before the Committee on Agriculture, and that by a gentleman who shipped from Toledo 10,000 bushels of wheat. I am giving you the round figures now, and I am going to state briefly the substance of his statement. He shipped 10,000 bushels of strictly No. 2 winter wheat from Toledo to Buffalo. He went to Buffalo, and getting a card from a personal friend, through the railroad authorities, he entered the elevator there. He saw his 10,000 bushels of No. 2 wheat go into the bins as No. 2 winter wheat. In twenty-four hours he saw that same wheat loaded for Europe with one-third of his 10,000 bushels of No. 2, and two-thirds of No. 3, graded as No. 2, and shipped out of the country as No. 2.

Mr. COOMBS. Does this bill propose to control the elevators? Do you propose to have any inspection of elevators?

Mr. HATCH. Not where the grade is fixed by any competent authority in the United States.

Mr. COBB of Missouri. But take the case which the gentleman has cited; they have a State inspection at Buffalo.

Mr. HATCH. My colleague from Missouri [Mr. COBB] knows that complaint has been made for the last twenty years upon every board of trade in the United States that they were buying our wheat as No. 2, grading it as No. 2, and shipping it as No. 2, but mixed with 25 to 30 per cent of No. 3.

Mr. COBB of Missouri. I am not defending the elevators. I believe that the elevators do mix grain; but that is not the question I am talking about. This bill seeks to provide a uniform inspection of grain. I am not talking about what the elevators do with the grain after they take it in or when they ship it out, but it is the means of securing a uniform grade that I am asking about.

Mr. HATCH. I do not see why any gentleman who handles grain or any gentleman upon this floor should object to a uniform standard of classification and grade.

Mr. COBB of Missouri. I would not, if you could have it.

Mr. HATCH. Every merchant and every farmer knows that there is a class of grain grown in the Dakotas that is graded at Duluth and Minneapolis as No. 2 Northwestern or No. 2 red, that is different from our No. 2 at Chicago or St. Louis.

Mr. MEREDITH. I want to do what is going to benefit the farmer in this matter, and I want to ask this question: My people raise a great deal of wheat and ship it to Alexandria. That is our market. We sell it through a commission merchant there. Would that wheat have to be graded by the Government, and if so, would it cost the shipper anything?

Mr. HATCH. It will not. There is not a single thing in it that is compulsory at all. If the question arises anywhere in the United States as to the grade of a shipment that has been made from one point to another, the national standard of classification would settle it; but wherever a contract price has been made upon a classification and grade, this bill does not interfere with it at all.

Mr. CHIPMAN. Will the gentleman permit me to ask a question?

Mr. HATCH. Yes.

Mr. CHIPMAN. Take the case you cited in regard to the Toledo shipment to Buffalo; that undoubtedly was a fraud for which the party might have recovered damages if he was injured; but will the gentleman tell me how this bill will prevent such a mixture being made?

Mr. HATCH. Well, I stated in the committee that I do not believe that it will fully protect the farmers from the outrages that have been committed upon them in the last twenty years in that respect, but it is simply a step in the right direction, and if there comes up a case where there is no grade or classification, this national standard will govern.

Mr. CHIPMAN. The gentleman says it will not fully protect the farmer.

Mr. HATCH. I do not believe it will stop all such cases.

Mr. CHIPMAN. Does it protect the farmer at all?

Mr. HATCH. I believe it does, and I want to say further to the gentleman from Virginia [Mr. MEREDITH] that I was very particular as to this last clause in the bill, because all along the Mississippi River, or where there is a dividing line between States, this case may arise. For instance, in Pike County, Ill., a county in the district of the gentleman from Illinois [Mr. WIKE], where I have a farm of my own, the western part of Pike County is almost a solid wheat field. A very large proportion of the wheat in that county is taken across the river by ferry and sold in the city of Hannibal, Mo., to the millers. It is sold upon sample.

There a contract is made between the farmer himself and the miller. He takes a sample of his wheat and exhibits it to the miller, and gets his offer for it. If he is not satisfied he can ship his wheat to Chicago, Toledo, or St. Louis. This bill does not interfere with that in the least. It is entirely voluntary.

Mr. WILLIAMS of Illinois. Suppose you ship to New York, and the shipper has guaranteed grade No. 2 in New York; what does this bill do in that regard?

Mr. HATCH. It would not influence the matter at all. It is fixed by the grain board there, and the law fixes the grade in that State. But if I sell 10,000 bushels of wheat to a shipper or to a purchaser and nothing is said about the grade, and the question comes up as to the classification and grade, why, then, this national standard fixes it.

Mr. WARNER. Now, will the gentleman yield for a question?

Mr. HATCH. With pleasure.

Mr. WARNER. It is perfectly well known that throughout the different States of this Union there are grown very many grades of the grains named in this bill. It is also known that in actual practice in the different parts of the Union there are fixed certain grades which are best adapted, under the practice of dealers in the actual produce for milling, and which the millers find it most convenient to deal in. It is also known that the practice in one locality differs from the practice in other localities, according as the wants and necessities differ. One locality may think it proper to establish one grade, and then another locality may desire to establish another grade.

Now, do I understand that there is any guaranty which, in the first place, will hold the Secretary of Agriculture to fairness between the different sections of this country as regards the grades he shall establish? In the second place, is there a possibility that any man, however fair, can establish a uniform grade for use all over this country without doing harm in a State which now prefers another grade for its own uses?

Mr. HATCH. I have already answered the question of the gentleman from New York; but I will elaborate it a little. I have stated to the gentleman and to the House that there is not a single line or word in this bill that gives the Secretary of Agriculture any authority to fix the classification and grade of grain that will interfere with the classification and grade established anywhere in the United States.

Mr. WARNER. Then, if it will not interfere in that regard, what under God's heaven do we want with this bill?

Mr. HATCH. It is very easy for the gentleman to ask that question, and it is a good deal easier to answer it. I say that we want this bill in the name of the producers of grain in the United States.

Mr. WARNER. Have they asked for it?

Mr. HATCH. They have, from every grain producing State in the Union.

Mr. WARNER. Your report does not hint at it. This bill comes here unfathered.

Mr. HATCH. What does the gentleman mean by that?

Mr. WARNER. I mean by that suggestion that all the year through this committee has been trying to pass its bills on its reports which should give information. If they have attempted to accomplish more in one report than another, it is in writing this report, which is supposed to give this committee and the House information as to why the measure it favors is rightful; but when it is read it will not throw the slightest bit of light on it or furnish reason for having fathered this bill. I send it to the Clerk's desk, so that the whole matter may be developed.

Mr. HATCH. Wait a bit; I will read the report if necessary. The gentleman shall not take me off the floor. I do not yield any further.

The Committee on Agriculture, composed of fifteen members of this House and one Delegate, are responsible for their work, and they have tried to do it intelligently, and to present such measures to this House as would be acceptable to the House and to the country, but these sixteen gentlemen are not responsible for the fact that the gentleman from New York can not understand. [Laughter.]

Mr. WARNER. But we were told to find out by his bill, and I do say that really he can not blame us if we can not find out from the bill or report.

Mr. HATCH. The committee can bring in a bill here and make legislation, but they can not make the gentleman from New York either support or understand it. There is a power away beyond the Committee of Agriculture and the House of Representatives that is responsible for that. [Laughter.]

Mr. WARNER. The Omnipotence alone could enable anybody to understand this report.

Mr. HATCH. Yes, the gentleman does not understand the report. The gentleman did not understand the report on the antioption bill, on the bill that passed the House, but the House understood it; and he denounced it as an absolutely outrageous and cranky measure. Then we found that there were one hundred and sixty-one cranks in this House, and but forty-six wise men! [Laughter.] And by the time it gets through the Senate you will find the same proportion of cranks and wise men.

Mr. COBB of Missouri. Then the Lord have mercy on us and our country.

Mr. HATCH. It will take more prayers than you ever offered for the salvation of your soul to save those who vote against it. [Great laughter.]

Mr. Speaker, the Committee on Agriculture had no interest whatever in this bill except to subserve the great interests of the grain-growers of the United States. They presented this bill after the most careful consideration in the committee. They even went so far as to invite the gentleman who had drafted the bill in the Senate to come before them, where they cross-examined and catechized him in regard to its provisions. The bill comes before the House upon the unanimous report of the committee, and it will not injure the farmers of the United States to pass it. It may interfere to some extent with some of the operations of mixing and lowering the grades of wheat, but that is the only effect it will have.

Mr. COOMBS. You do not pretend to interfere with that in this bill.

Mr. HATCH. Mr. Speaker, I demand the previous question.

Mr. COOMBS. Mr. Speaker, I move to lay the bill on the table.

Mr. BUTLER. Will the gentleman from Missouri [Mr. HATCH] permit a question?

Mr. HATCH. I have no right now to yield for a question, another motion having been interposed.

The question was taken on the motion of Mr. COOMBS to lay the bill on the table, and the Speaker declared that the noes seomed to have it.

Mr. COOMBS. I ask for a division.

The House divided; and there were—ayes 54, noes 84.

Mr. COOMBS. I call for the yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays; pending which

Mr. KILGORE said: Mr. Speaker, the result of the last vote has not been announced, and I make the point of order that no quorum has voted.

The SPEAKER. The result was announced as ayes 54, noes 84. Twenty five members have voted to order the yeas and nays—not a sufficient number—and the yeas and nays are refused.

Mr. CHIPMAN. I demand tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed Mr. HATCH and Mr. WARNER.

The House divided; and the tellers reported—ayes 18, noes 79.

The SPEAKER. Before announcing the result the Chair will make a statement, so that there may be no misapprehension. The gentleman from New York [Mr. COOMBS] demanded the yeas and nays, and they were refused. A gentleman then demanded tellers, without stating upon what the tellers were to be ordered. The Chair stated that those in favor of laying the bill on the table should pass between the tellers and be counted, and then that those opposed to it should pass between the tellers and be counted. That was on the assumption that the demand for tellers was on the motion to lay on the table. It would not have been in order to have made that motion if any gentleman had objected, because, after the refusal of the yeas and nays, it would be too late, under the practice of the House, to demand tellers. But tellers may be asked for on the demand for the yeas and nays. The point, however, was not made——

Mr. HATCH (interposing). Mr. Speaker, as there seems to have been some misapprehension about this matter, I ask unanimous consent that the question may be again put to the House on ordering the yeas and nays.

Mr. WARNER. I object.

Mr. HATCH. Then, Mr. Speaker, I move to reconsider the vote by which——

Mr. TRACEY. Regular order.

Mr. HATCH. Let the gentleman wait until I make my motion before he makes his point of order. He does not know what my motion is yet. [Laughter.] I move to reconsider the vote by which the yeas and nays were refused.

The SPEAKER. That is in order.

Mr. TRACEY. Before the announcement of the vote?

The SPEAKER. The motion to reconsider can be entered at any time. Of course it can not be acted upon while the House is dividing, but the motion can be entered. On this question the ayes are 18, and the noes are 79.

Mr. WARNER. No quorum, Mr. Speaker.

The SPEAKER. The Chair will state the pending proposition, so that there may be no confusion about it. The Chair put the motion of the gentleman from New York [Mr. COOMBS] as a demand for tellers upon the motion to lay this bill on the table, no point having been made against it. The gentleman from Missouri [Mr. HATCH] now enters a motion to reconsider the vote by which the yeas and nays were refused. The motion to reconsider could be entered at any time, but of course it could not be considered while the House was dividing. On this vote the yeas are 18 and the nays are 79, and the point is now made

by the gentleman from New York [Mr. WARNER] that no quorum is voting.

Mr. HATCH. I rise to a parliamentary inquiry. Of the hour allotted to the Committee on Agriculture how much remains?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. HATCH. If the House should adjourn now, would I not be entitled to those twenty minutes to-morrow morning?

The SPEAKER. Yes, sir; the gentleman is entitled to one hour altogether.

Mr. HATCH. I move that the House adjourn.

Mr. WARNER. I object.

The SPEAKER. The motion is in order, the point of no quorum being pending.

The question having been put on the motion to adjourn,

The SPEAKER said: The ayes seem to have it.

Mr. WARNER. I call for a division.

The question being again taken; there were—ayes 99, noes 9.

Mr. WARNER. I call for tellers.

The SPEAKER. The question is on ordering tellers.

Mr. DOCKERY. I rise to a parliamentary inquiry. Will the time occupied in determining this question of adjournment come out of the hour allotted to the Committee on Agriculture?

The SPEAKER. The Chair thinks it will.

The members rising to order tellers having been counted,

The SPEAKER said: Seventeen gentlemen have risen in favor of ordering tellers; not a sufficient number.

Mr. WARNER. The other side.

The SPEAKER. There is no "other side." The rule requires one-fifth of a quorum to order tellers.

Mr. WARNER. I call for the yeas and nays.

The SPEAKER (having put the question on ordering the yeas and nays). Sixteen have voted in favor of ordering the yeas and nays; not a sufficient number.

Mr. WARNER. I call for the other side.

The negative having been put on ordering the yeas and nays,

The SPEAKER said: On this question the ayes are 16, the noes 97. So that a sufficient number not having risen to demand the yeas and nays, and tellers having been refused——

Mr. WARNER. Pending the motion to adjourn, I move that when the House adjourns to-day, it adjourn to meet on Friday next.

The SPEAKER (at 5 o'clock and 5 minutes p. m.). But the motion to adjourn is agreed to [laughter]; and the House stands adjourned until to-morrow morning at 11 o'clock.

REPORTS OF COMMITTEES.

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. COBB of Missouri, from the Committee on War Claims: A bill (H. R. 9596) for the relief of Benjamin J. Kilbourn. (Report No. 1954.)

By Mr. SHELL, from the same committee: A bill (H. R. 9598) for the relief of P. T. Priddy, executor of John D. Priddy, deceased. (Report No. 1958.)

By Mr. WILSON of Missouri, from the Committee on Pensions: A bill (H. R. 2407) granting a pension to Samuel Luttrell. (Report No. 1961.)

A bill (H. R. 6511) to pension Rebecca M. Youngblood. (Report No. 1962.)

A bill (S. 1698) for the relief of Thomas J. Rowland. (Report No. 1964.)

By Mr. CLANCY, from the Committee on War Claims: A bill (S. 1424) for the relief of the Atlantic Works, of Boston, Mass. (Report No. 1965.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 1698) for the relief of Thomas F. Rowland, and the same was referred to the Committee on War Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, resolutions of the following titles were introduced and severally referred as follows:

By Mr. DIXON: A resolution instructing the Committee on Labor to consider the advisability of the appointment of a committee to examine and investigate certain labor troubles in the State of Idaho—to the Committee on Labor.

By Mr. JONES: A resolution authorizing the Doorkeeper to continue on his roll fifteen folders—to the Committee on Accounts.

By Mr. BELTZHOOVER: A resolution fixing the time for the consideration of House bill 546—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BOWMAN: A bill (H. R. 9599) to correct the military record of Joseph Clifton, late of the One hundred and thirty-ninth and One hundred and fifty-first Illinois Volunteers—to the Committee on Military Affairs.

By Mr. BUNN (by request): A bill (H. R. 9600) for the relief of H. D. Coley, of Wake County, N. C.—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 9601) for the relief of Mary Gregan, widow of Michael Gregan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9602) granting increase of pension to Richard P. Miller—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 9603) granting a pension to W. H. Denham, of Kentucky, late of Ninth Kentucky Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9604) for the relief of Daniel F. Gann, of Nelson, Ky.—to the Committee on Military Affairs.

By Mr. LODGE: A bill (H. R. 9605) for the relief of Alfred M. Burnham—to the Committee on War Claims.

By Mr. McKAIG: A bill (H. R. 9606) for the relief of Owen Bissett, of Washington County, Md.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 9607) for the relief of the trustees of Fletcher Chapel, in King George County, Va.—to the Committee on War Claims.

By Mr. PATTON: A bill (H. R. 9608) granting a pension to Mary A. McGlinnin—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 9609) for the relief of John S. Tate—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were placed upon the Clerk's desk and referred as follows:

By Mr. BRANCH: Papers in the claim of Joel C. Johnson, administrator of Richard W. Johnson, deceased, asking that his claim be referred to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. BULLOCK: Petition of Laura L. Thurston, for relief—to the Committee on War Claims.

By Mr. BYNUM: Remonstrance of John Shea and 135 others, of Indianapolis, Ind., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BYRNS: Petition of George J. Kraus, for relief, to accompany House bill 9556—to the Committee on Invalid Pensions.

Also petition for a bill to amend the military record of Stephen Holderly, of Company E, Second Regiment Kentucky Infantry Volunteers, to accompany House bill 9555—to the Committee on Military Affairs.

By Mr. CASTLE: Petition with reference to Mille Lacs Reservation—to the Committee on the Public Lands.

By Mr. CAUSEY: Papers in the claim of Elizabeth S. White, for relief, was referred to the Committee on Claims and re-referred by that Committee—to the Committee on Pensions.

By Mr. CUMMINGS: Petition of many citizens of New York, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of Young People's Christian Union of Elizabeth, Pa., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DICKERSON: Papers to accompany House bill 1206, for the appointment of J. W. Ahert to the retired list—to the Committee on Military Affairs.

By Mr. DURBOROW: Petition of 1,188 citizens of the United States, protesting against Congressional legislation looking to closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Essex Conference of Liberal Christians against national legislation in regard to the World's Fair as to Sunday closing—to the Select Committee on the Columbian Exposition.

By Mr. GOODNIGHT: Evidence to accompany bill for the relief of W. H. Durham, of Eighty Eight, Ky.—to the Committee on Military Affairs.

By Mr. GROUT: Petition of Thomas A. Fitzpatrick, for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

By Mr. LAGAN: Papers to accompany House bill 9959 for the relief the heirs of the late Col. Henry Wilson, Seventh Infantry, United States Army—to the Committee on War Claims.

By Mr. McCLELLAN: Petition of 80 citizens of Mt. Vernon, Ind., against closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MEREDITH: Petition of N. S. Snyder, of Fletcher's Chapel, for relief—to the Committee on War Claims.

By Mr. REED: Petition of the Yearly Meeting of Friends for New England, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ROBINSON of Pennsylvania: Memorial of Robert Emmett Literary Society of Chester, Pa., requesting the Representatives in Congress to take such action as to cause an inquiry to be instituted by the Department of State as to the methods by which Dr. Gallagher was convicted—to the Committee on Foreign Affairs.

Also, two petitions of citizens of Pennsylvania; one of Roysford and Spring County, and the other of Chester and Montgomery County, asking for the passage of House bill 401—to the Committee on the Judiciary.

By Mr. SAYERS: Petition of Austin Labor Council, requesting the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SPRINGER: Petition of Knights of Labor, against closing the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. CHARLES W. STONE: Petition of Warren County, Pomona Grange, of Pennsylvania, in favor of free delivery of mail in rural districts—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of the Upholsters' Union of American Federation of Labor 5577 of Denver, Colo., that there be no legislation for or against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WALKER: Petition of Aaron M. Gould, of Worchester, Mass., and others, against imposing conditions either as to keeping open or closing on Sundays the World's Fair—to the Select Committee on the Columbian Exposition.

SENATE.

THURSDAY, *July 21, 1892.*

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

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

WORLD'S FAIR EXHIBITS.

The joint resolution (H. Res. 105) authorizing the Secretary of the Interior to prepare and send to the World's Columbian Exposition models, drawings, etc., prepared or invented by women was read the first time by its title.

Mr. PETTIGREW. This is a House joint resolution and requires no appropriation of money. It relates to the World's Fair, and I ask for its immediate consideration.

The VICE-PRESIDENT. The Senator from South Dakota asks for the present consideration of the joint resolution. It will be read for information.

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

Resolved, etc., That the Secretary of the Interior be, and he hereby is, authorized to prepare and send for exhibition in the Woman's Building of the World's Columbian Exposition, any articles, models, or drawings now in his custody, or deposited in the Patent Office, prepared or invented by women.

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

There being no objection, the joint resolution was considered as in Committee of the Whole.

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

The joint resolution (H. Res. 102) requesting the loan of certain articles for the World's Columbian Exposition, was read the first time by its title.

Mr. PETTIGREW. I also ask for the immediate consideration of this joint resolution.

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

Resolved, etc., That the President be, and he hereby is, authorized to request of the Government of Her Majesty the Queen Regent of Spain, of the municipal government of Genoa, of the Duke of Veragua, the descendants of Columbus, and of such other persons or corporations as may be thought proper, the loan of articles, papers, books, maps, documents, and other relics of Christopher Columbus and those who were associated with him or with the discovery and early settlement of America, for exhibition at the World's Columbian Exposition; that the Secretary of State shall make such provision as may be necessary for their reception, exhibition, and return; that the Secretary of the Navy shall be authorized, if necessary, to detail one or more vessels for their transportation; that the Secretary of War shall detail whatever military guard may be necessary for their care and protection.

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

Mr. HARRIS. I have no objection to the consideration of the joint resolution, but I wish to ask the chairman of the Committee on Patents in respect to the joint resolution just passed, why it is that it gives authority for the sending of models and drawings of the handiwork of women to the Fair and does not give the same privilege in respect to inventions and the handiwork of men? It seems to me that the joint resolution ought to have been broadened so as to include all models and drawings and inventions that in the discretion of the Secretary of the Interior would be matters of interest at the Fair. I simply wanted to ask the question why it is that it is confined to only one class.

Mr. PETTIGREW. There is a woman's building exclusively for exhibits of the work of women, and these models go to that building. I presume there will be no objection to an additional resolution embracing all other models.

Mr. HARRIS. I have no objection to that resolution.

Mr. PETTIGREW. It would hardly be proper to exhibit anything but models of inventions by women in the woman's building.

Mr. PLATT. I was not paying attention to the joint resolution, and therefore I will ask a question of the chairman of the Select Committee on the Quadro-Centennial. Has there not been a provision for a Government exhibit which is to embrace matters from the Patent Office? I suppose there has, and I suppose there is some provision by which the Patent Office is preparing to exhibit there.

Mr. PETTIGREW. I think it is, the same as the other Departments of the Government.

Mr. PLATT. I think so.

The VICE-PRESIDENT. Is there objection to the present consideration of joint resolution No. 102?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. PETTIGREW. The joint resolution now under consideration is in substance the same as a joint resolution heretofore passed by the Senate. I think that what is contained in this measure was contained in two Senate joint resolutions. The other House seems to have put them together and passed it and sent it back to us in this form.

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

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9284) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 7, 9, 12, 13, 17, 19, 22, 28, 30, 34, 36, 37, 40, 41, 43, 49, 51, 63, 64, 71, 72, 81, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 14, 15, 16, 20, 23, 24, 25, 26, 27, 29, 31, 32, 35, 42, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 65, 66, 67, 68, 69, 70, 73, 74, 75, 76, 80, 83, 84, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, and 108, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out from said amendment the name "Newton H. Trotter," and insert in lieu thereof "Newbold H. Trotter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matters stricken out by said amendment, insert the following:

"FISH COMMISSION.

"For the completion of the fish cultural stations at Green Lake and Craigs Brook, Maine, including construction of ponds, buildings, roads, grading, and buoyage and all necessary materials and equipment, and pay of employés required for the same, $8,000, being for the fiscal years 1892 and 1893;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "being for the fiscal year 1893;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Custodians of abandoned military reservations and ruins of Casa Grande: To pay salaries of custodians of the following abandoned military reservations at not exceeding $480 each per annum, namely: Fort Fred Steel, Wyo.; Fort Laramie, Wyo.; Fort Hays, Kans., and Fort Dodge, Kans., and custodian of ruins of Casa Grande at not exceeding $720 per annum for services rendered during the fiscal years 1891 and 1892, $5,280."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: Insert after the word "dollars" where it occurs the words "being for the fiscal year 1893 and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: Insert after the word "dollars" where it occurs the words "being for the fiscal year 1893 and;" and the Senate agree to the same.