By Mr. CARUTH: A bill (H. R. 12167) to amend section 5 of an act approved June 7, 1878, entitled "An act regulating the appointment of justices of the peace, commissioners of deeds, and constables within and for the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

By Mr. BURROWS: A bill (H. R. 12168) to repair and build the levees of the Mississippi River, to improve its navigation, to afford ease and safety to its commerce, and to prevent destructive floods—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. MILLER: A bill (H. R. 12169) for the erection and maintenance of a home for indigent and aged ex-slaves of the United States of America—to the Committee on Appropriations.

By Mr. MASON: A bill (H. R. 12170) amendatory to an act to establish an American flag, approved April 14, 1818—to the Committee on the Library.

By Mr. MILLER: A joint resolution (H. Res. 233) authorizing the transfer of clerks, copyists, and computers from the Census Bureau to any other Department of the Government—to the Select Committee on the Eleventh Census.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 11950) for the relief of the estate of Phineas Burgess, deceased—Committee on War Claims discharged, and referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 12171) for the relief of certain mail-carriers in the post-office at Cleveland, Ohio—to the Committee on Claims.

By Mr. CHEATHAM: A bill (H. R. 12172) granting a pension to Mary Norman—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 12173) granting a pension to Lucinda Delaplain—to the Committee on Pensions.

Also, a bill (H. R. 12174) to amend the military record of Burt Noyes—to the Committee on Military Affairs.

Also, a bill (H. R. 12175) for the relief of R. A. Schellhous—to the Committee on War Claims.

By Mr. HEARD (by request): A bill (H. R. 12176) for the relief of the estate of Mary E. Neale, deceased—to the Committee on Claims.

By Mr. HERMANN: A bill (H. R. 12177) to increase the pension of Arethusa Wright—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 12178) granting a pension to Greenberry Diggs—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 12179) to remove the charge of desertion from the military record of T. C. Thomas—to the Committee on Military Affairs.

By Mr. SWENEY: A bill (H. R. 12180) for the relief of Charles J. Werner—to the Committee on Military Affairs.

By Mr. WHEELER, of Alabama: A bill (H. R. 12181) for the relief of the heirs of John F. Alexander—to the Committee on War Claims.

Also, a bill (H. R. 12182) for the relief of Mrs. B. Gordon—to the Committee on War Claims.

Also, a bill (H. R. 12183) granting a pension to Mrs. Rebecca Livingston—to the Committee on Pensions.

Also, a bill (H. R. 12184) for the relief of John C. Nance—to the Committee on Pensions.

Also, a bill (H. R. 12185) for the relief of William C. Tidwell—to the Committee on Military Affairs.

A bill (H. R. 12186) for the relief of Mrs. Camila Tills—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAYNE: Resolutions of Chamber of Commerce of Pittsburgh, Pa., for such provision as will prevent overflows of the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions from the same body, against granting use of the north pier at Buffalo, N. Y., to a private corporation—to the Committee on Commerce.

By Mr. CARUTH: Papers to accompany an act to amend section 5 of an act approved June 7, 1878, in relation to the appointments of notaries public in the District of Columbia—to the Committee on the District of Columbia.

Also, two petitions from the Board of Trade of Louisville, Ky., and of D. C. & H. C. Reed, asking for the passage of House bill relating to post-office boxes at railroad stations—to the Committee on the Post-Office and Post-Roads.

By Mr. McDUFFIE: Petition of Mrs. Mary E. Austin, widow of John H. Austin, deceased, of Decatur, Ala.—to the Committee on War Claims.

By Mr. PAYNE: Petition to the United States Congress for the relief by special act of Cornelius Marsh, late of Company H, Ninth New York Artillery—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of A. J. Powell and 23 others, of Lawrence County, Mississippi, asking passage of House bill 7162—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: Petition of Joseph C. Burelift, on claim for property taken during the late war—to the Committee on War Claims.

Also, petition of James E. Schmiser, of Madison County, Alabama, for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

SENATE.

TUESDAY, *September* 30, 1890.

The Senate met at 11 o'clock a. m.

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

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

GEORGIANA W. VOGDES.

Mr. QUAY. Before proceeding with the regular order I desire to move the concurrence of the Senate in the House amendment to a private pension bill which is lying on the table. It is Senate bill 3532.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3532) granting a pension to Georgiana W. Vogdes, which was, in line 5, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. QUAY. The effect of the amendment is to reduce the pension from $50 to $30 a month.

Mr. COCKRELL. Fifty dollars was passed by the Senate, I understand.

Mr. QUAY. Yes; and the House substituted $30. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PAY AND MILEAGE DEFICIENCY.

Mr. HALE. I ask that the little deficiency bill from the House of Representative which came in yesterday be laid before the Senate.

The bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories was read twice by its title.

Mr. HALE. I ask that action be taken upon the bill now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $10,316 to supply a deficiency in the appropriation for compensation and mileage of Members of the House of Representatives and Delegates from Territories for the fiscal year ending June 30, 1890.

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

Mr. MORGAN subsequently said: I wish to enter a motion to reconsider the vote by which the House bill 12163 was just passed. I do not care to call it up immediately.

The VICE-PRESIDENT. The motion to reconsider will be entered.

HOUSE BILLS REFERRED.

The bill (H. R. 10475) to prevent desecration of the United States flag was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Samuel Turbutt, of Baltimore, Md., remonstrating against the passage of a national bankruptcy bill; which was ordered to lie on the table.

Mr. BLAIR presented a petition of citizens of Milford, Mass., praying for the passage of the bill granting arrears of pay for Government employés who worked over eight hours a day; which was ordered to lie on the table.

Mr. EVARTS presented resolutions of a mass meeting of citizens of the city of New York, favoring the passage of House bill 6449 declaring eight hours a legal day's work for clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. 161) to reconvey certain lands to the county of Ormsby, State of Nevada;

A bill (S. 597) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas;

A bill (S. 1904) to provide for railroad crossings in the Indian Territory;

A bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation in the State of California, and for other purposes;

A bill (S. 3545) to extend and amend "An act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;"

A bill (S. 3280) authorizing the Secretary of the Interior to ascertain damages resulting to any person who had settled upon the Crow Creek and Winnebago reservations in South Dakota between February 27, 1885, and April 17, 1885;

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation in Washington;

A bill (S. 3863) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation; and

A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation.

The message also announced that the House had passed the following bills, each with an amendment in which it requested the concurrence of the Senate:

A bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes;"

A bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes; and

A bill (S. 3481) granting a pension to Martha N. Hudson.

The message further announced that the House had passed a bill (H. R. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 11304) granting a pension to Mary Jane Blackledge, reported it without amendment and submitted a report thereon.

SUMMARY MILITARY COURTS.

Mr. HAWLEY. By instruction of the Committee on Military Affairs I report favorably the bill (H. R. 7989) to promote the administration of justice in the Army. It is a bill to which there can be no possible objection. It merely recommends the appointment of minor courts in the Army. I hope the Senate will concur with the House in the passage of the bill. There is a single verbal amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendment of the Committee on Military Affairs will be stated.

The CHIEF CLERK. In section 1, line 10, strike out "in" before "court;" so that the bill shall read:

Be it enacted, etc., That hereafter in time of peace all enlisted men charged with offenses now cognizable by a garrison or regimental court-martial shall, within twenty-four hours from the time of their arrest, be brought before a summary court, which shall consist of the line officer second in rank at the post or station or of the command of the alleged offender, and at stations where only officers of the staff are on duty the officers second in rank shall constitute such court, who shall have power to administer oaths and to hear and determine the case, and when satisfied of the guilt of the accused party adjudge the punishment to be inflicted, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. HAWLEY. The correction is merely of an error in copying the bill. The word "in" was inserted by mistake. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

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. HAWLEY, Mr. MANDERSON, and Mr. WALTHALL were appointed.

ADDITIONAL CLERK TO COMMITTEE ON ENROLLED BILLS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SANDERS on the 27th instant, reported a substitute; which was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Enrolled Bills be, and the same is hereby, authorized to employ an additional clerk during the remainder of the present session and for three days after its expiration, at a compensation of $6 per diem, to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

SELECT COMMITTEE ON IRRIGATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. STEWART on the 25th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Select Committee on Irrigation and Reclamation of Arid Lands be continued during the present Congress.

LIST OF PRIVATE CLAIMS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SPOONER on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 4th day of March, 1881, and up to the 4th day of March, 1891, and that he communicate the same to the Senate when completed.

UNITED STATES FISH COMMISSION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. STOCKBRIDGE June 5, 1890, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Fisheries in the investigation of the administration of the affairs of the United States Fish Commissioner's office, ordered by the resolutions of the Senate of the 3d instant, be authorized to employ a stenographer, and that the expenses of the investigation be paid out of the contingent fund of the Senate.

CHEROKEE OUTLET INVESTIGATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. BUTLER April 15, 1890, reported it without amendment:

Resolved, That the resolution of the Senate passed on the 26th day of February, A. D. 1891, be, and the same is hereby, amended so as to read: "That the Select Committee on the Five Civilized Tribes of Indians be, and it is hereby, authorized and empowered to investigate the status of the negotiations between the United States Government and the Cherokee tribe of Indians in relation to the tract of country known as the Cherokee Outlet, with power to send for persons and papers, to employ a stenographer, and to administer oaths, and that they have leave to hold sessions of said select committee during the sessions, and to visit by subcommittee the Indian Territory at the earliest day practicable to continue said investigation, and as soon as may be report to the Senate; all necessary expenses incurred under the authorization of this resolution to be paid out of the contingent fund of the Senate."

Mr. DAWES. Is that a new resolution?

The VICE-PRESIDENT. It is reported from the Committee on Contingent Expenses.

Mr. DAWES. Let it go over.

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

PAY OF SESSION CLERKS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN on the 29th instant, reported the following substitute; which was considered by unanimous consent, and agreed to:

Resolved, That the per diem clerks to the committees of the Senate and the clerks to Senators be retained in the service of the Senate during the coming recess, and that the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate the per diem now allowed such clerks by law during the sessions of the Senate.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT July 3, 1890, reported the following substitute; which was considered by unanimous consent, and agreed to:

Resolved, That the expenses of reporting the hearings given by the Committee on Territories on Senate bills 653, for the admission of Idaho into the Union; 2446 and 3575, for the admission of New Mexico into the Union, and 3480, relating to the exercise of the elective franchise in the Territory of Utah, be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SAWYER (by request) introduced a bill (S. 4448) for the relief of the administrator of Daniel S. Mershon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL. I beg leave, by request of George O. Jones, chairman of the national Greenback party, to present his petition for an increase of the legal-tender currency, and by a like request I introduce the accompanying bill. I beg leave to state that I do not m an thereby to express any opinion upon the measure, but simply offer it as a duty due to a citizen who desires it.

The bill (S. 4449) to enable the Government to pay its debts, salaries, pensions, and other current expenses by issuing United States legal-tender notes now as it did during the late civil war, until the volume of money in actual circulation will revive business and give permanent prosperity to the American people was read twice by its title, and referred to the Committee on Finance.

GEORGE W. G. ESLIN AND MICHAEL SHINER.

Mr. BARBOUR submitted the following resolution; which was referred to the Committee on the District of Columbia:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the District of Columbia to examine and audit the claims of the legal representatives of the estate of George W. G. Eslin, deceased, and Michael Shiner, deceased, and to certify to Congress the sums due for work done for the District of Columbia, and the amount paid, so as to show the balance due said estates.

TARIFF COMPILATION.

Mr. ALDRICH submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Ordered, That the Committee on Finance have authority to collate, index, and print such testimony as may be on file with the committee in connection with the bill H. R. 9416, together with any other data relative to tariff matters they may deem valuable, the expense therefor to be paid from the contingent fund of the Senate.

LANDS IN SEVERALTY TO INDIANS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes."

The amendment of the House of Representatives was to strike out all after the enacting clause and insert a substitute.

Mr. PLUMB. I think that the amendment had better be printed in order that it may be understood more fully by Senators.

Mr. DAWES. I move that the Senate non-concur in the amendment of the House of Representatives, and ask for 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. DAWES, Mr. PLATT, and Mr. MORGAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3721) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes.

The message also announced that the House had passed a bill (H. R. 113) to provide for the disposition and sale of lands known as the Klamath River reservation; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. ALLEN. I should like to ask unanimous consent to call up Order of Business 1969, House bill 9630, which is local to the State of Washington, and its immediate passage is a matter of great importance.

Mr. PLUMB. I shall have to object to that unless opportunity is offered to amend it.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the conference report on House bill 9416.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2990) for the relief of J. L. Cain and others.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to transfer the weather service to the Department of Agriculture.

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

A bill (H. R. 1910) for the relief of Isaac H. Wheat;

Joint resolution (H. Res. 158) providing for printing the fifth annual report of the Commissioner of Labor; and

Joint resolution (H. Res. 218) to allow the Postmaster-General to expend $10,000 to test at small towns and villages the system of the free-delivery service, and for other purposes.

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

A bill (S. 2562) to authorize the appointment of Asst. Surg. Thomas Owens, United States Navy, not in the line of promotion, to the position of surgeon, United States Navy, not in the line of promotion, and for other purposes; and

A bill (S. 3817) for the protection of actual settlers who have made homestead or pre-emption entries upon the public lands of the United States in the State of Florida upon which deposits of phosphate have been discovered since such entries were made.

THE REVENUE BILL.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

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

Mr. CARLISLE. Mr. President, it is not my purpose at this time to discuss, except perhaps incidentally, the economic theory upon which this bill is constructed or the general principles which, in my opinion, ought to govern Congress in the exercise of the great power of taxation delegated to it by the Constitution. This important measure is now about to pass entirely from our hands and beyond our control, and a discussion of those questions can not be undertaken without neglecting this first and last opportunity to state as accurately as possible what its main provisions are as perfected by its framers, and what its probable effect will be upon the people of the country at large.

Nor is it my purpose to attempt to state what the effect of this measure will be upon the public revenue, because it would be impossible to do so with any degree of accuracy; but I can state, and will endeavor to state, approximately at least, what its effect will be upon taxation. So far during this discussion no member of the Committee on Finance has ventured even to express an opinion as to what effect the bill will have upon the revenues of the Government——

Mr. ALDRICH. I think the Senator from Kentucky——

The VICE-PRESIDENT. Will the Senator from Kentucky yield?

Mr. CARLISLE. Except the Senator from Iowa [Mr. ALLISON], who in the course of a speech upon the subject of the expenditures of the Government reviewed this subject to some extent.

Mr. MORGAN. That was before the conference report was made.

Mr. CARLISLE. And that was before the conference report was made; so that my statement, to be strictly accurate, should be that no member has made this attempt since the conference report was made and the bill has assumed its final form.

EFFECT OF THE BILL ON TAXATION.

In the statement submitted by the committee with the bill when it was reported to the Senate, or rather in a note appended to that statement, it was said that—

> The reduction above given, of $71,064,774 by the House or $60,599,343 by the Senate, appears to be certain, but if the imports should be the same as last year under the new rates the reduction would amount, under the House bill, to $26,128,642; under the Senate, to $20,318,283.

The statement that the bill as it then stood would effect almost certainly a reduction of the revenue to the extent of over $60,000,000 was true only upon the hypothesis that every increase of duty made upon articles still remaining in the dutiable schedule was absolutely prohibitory to the full extent of the increase, and that no reductions made in the rates of duty upon articles still remaining in the dutiable schedules would have the effect to increase to any extent the importation of those articles hereafter, for unless this hypothesis is correct the bill as it then stood would have made no reduction in the revenue to be hereafter received by the Government upon the basis of the importations during the fiscal year 1889, and as it now stands will make an increase upon the amount of importations during that year to the extent of nearly $4,000,000, as I shall proceed to show.

This sum of $60,599,343 was the precise amount which the bill as it then stood placed upon the free-list, and of this, $56,000,000 in round numbers consisted of sugar and molasses, leaving about $4,500,000 as the reduction occasioned by the removal of other articles from the dutiable to the free list; and I desire to say here that the bill as it now stands, excepting sugar and molasses, removes from the free-list and places upon the dutiable-list more than it takes from the dutiable-list and places upon the free-list. According to these tables, which the Senator from Rhode Island admitted yesterday are imperfect, and necessarily imperfect because the expert who made them could use only such facts and data as were contained in the official statistics, there was an increase in the duties upon the articles still remaining on the dutiable-list of $40,281,060.59; that is to say, according to these tables the articles still remaining upon the dutiable-list yielded to the Government during the fiscal year 1889 a revenue amounting to $161,408,846, and under the proposed bill, as it then stood, the same articles according to the tables would yield to the Government, upon the same importations, a revenue of $201,689,917, or $40,281,060 more than was collected from the same articles in the year 1889. But these tables, on account of the absence of official data, omit increases in the rates and amounts of duty which, according to the best estimate I can procure, would yield upon the importations of 1889, $19,209,760, and the Senate, by its action upon the bill, together with the action of the conference committee, added to that $4,895,033.94, making a total addition to the rates of duty upon articles still remaining in the dutiable-list of $64,385,854, as against $60,599,343 reductions, thus showing a net increase of taxation upon the people under the customs law of $3,786,510 notwithstanding the abolition of the duty on sugar and molasses; and this is not by any means all, because there are other large increases made in this bill which can not be calculated for the want of the requisite data. In many cases where ad valorem rates have been changed

to specific or compound, and where duties upon yards have been changed to duties upon the weight of the article, it is impossible to make anything like accurate calculations, because quantities and values can not be correctly ascertained.

Mr. President, let it be understood that I am not contending that the revenues of the Government will be actually increased to the extent stated, because many of these duties are absolutely prohibitory, and according to the statement submitted by the Committee on Finance from which I have read this is confessedly a bill to reduce the revenues by increasing taxation. While, therefore, it will not increase the revenues to this extent, it will increase taxation upon the people many times this amount by enhancing the prices of articles of domestic production similar to the imported articles upon which increased rates of duty are imposed in the bill.

THE FREE-LIST.

It was said by the Senator from Ohio [Mr. SHERMAN] yesterday that this bill placed more than half our importations upon the free-list, but afterwards, upon a suggestion made by the Senator from Rhode Island [Mr. ALDRICH], he qualified that statement by the presentation of figures which showed that nearly half—about $25,000,000 less than half—of our importations would now be placed upon the free-list. Mr. President, neither of the statements is correct. The total value of our importations during the fiscal year 1889, which is the basis upon which all these calculations are made, was over $741,000,000, and according to the tables submitted the total valuation of the goods imported subject to duty under this bill will be over $390,000,000; but since those tables were made the Senate and the conference committee have taken articles which then stood upon the free-list and placed them upon the dutiable-list of the value of more than $10,000,000.

Mr. ALDRICH. Will the Senator be kind enough to state what those articles are?

Mr. CARLISLE. Bristles, amounting to over $1,000,000; tin in bars, blocks, and pigs, amounting to nearly $9,000,000, and many other smaller items, all of which, taken together, increase the amount taken from the free-list and placed upon the dutiable-list since these tables were made over $10,000,000, making, therefore, the total value of dutiable articles hereafter to be imported under this bill, upon the basis of 1889, more than $400,000,000, and placing upon the free-list articles of the value of $341,000,000, not near one-half of the whole importations; and it must be remembered that $83,388,286 of this sum consists of sugar and molasses alone.

AVERAGE RATE OF DUTY—THE ADMINISTRATIVE BILL.

It may not be inappropriate in this connection, Mr. President, to state what will be the average ad valorem rate of duty upon our importations, dutiable and free, under this bill. If I am correct in the statements heretofore made—and I can furnish the evidence whenever it is required, and may perhaps with the permission of the Senate append to my remarks a statement showing the increases which are not stated in the tables—upon the basis of the importations of 1889 the customs duties will be over $225,000,000, and the average rate of duty upon dutiable articles under its provisions will be 57.70 per cent., without making any calculation whatever as to the effect of the ninth section of the customs administrative act which was passed during this session, and which will, upon a reasonable estimate, add from 4 to 5 per cent.

Then, unless all my calculations are at fault, the average rate of duty under this bill and the administrative act will be over 60 per cent. upon the dutiable articles instead of 45.13 per cent., as it is under the present law.

Moreover, Mr. President, if the Senator from Rhode Island will take the articles now remaining upon the dutiable-list after deducting sugar and molasses, he will find that the average rate of duty upon those articles alone in 1889 was only a little over 41 per cent. while the average rate of duty upon the same articles under this bill, as I have said, will be over 60 per cent.—an increase of about 50 per cent. in the average rate of duty. It was sugar and molasses then included in the dutiable-list which raised the average ad valorem rate in 1889 to 45.13 per cent., and those articles being deducted the average ad valorem upon the remaining articles was only a little over 41 per cent. The average rate of duty upon all importations to this country, dutiable and free, under existing law is 29½ per cent., but the average rate of duty under this bill upon all importations into this country, dutiable and free, will be over 30½ per cent. The Senator from Rhode Island shakes his head. If I am correct in the statement of the increases made in the rates of taxation and in the aggregate amount of revenue to be collected, or rather of taxation to be imposed, the average rate on the whole importations, dutiable and free, will be 30½ per cent. Taking the increases as they stand in the tables, which the Senator himself admits are imperfect, the average rate of duty would not be what I have stated either upon the imported dutiable articles or upon articles dutiable and free, but when the necessary corrections are made the result I have stated follows inevitably as a mere matter of mathematics.

INCREASES ON NECESSARIES.

Then, Mr. President, this enormous increase in taxation is made mainly upon articles in common use among our people, and which they are compelled to buy. There is an increase of more than $10,000,000 in the metal schedule, upon iron and steel and their manufactures, two articles which lie at the very base of all our industries, and without which scarcely any useful occupation can be carried on in this country. There is an increase of nearly $14,500,000 in the woolen schedule which embraces a large and absolutely necessary part of the clothing of our people, rich and poor alike, in every part of the country. There is an increase of $1,986,385 in the cotton schedule, and an increase of more than $5,000,000 in the flax and linen schedule—two other schedules which embrance a large and important part of the clothing of the people. There is an increase of $8,735,351 upon tin-plate which enters into the manufacture of a great number of useful articles, giving employment to thousands of laborers in almost every State in the Union, and there is an increase of $1,357,042 upon block, bar, and pig tin, the raw material used in the manufacture of tin-plate, which of course will increase its price to the people, because it will increase the cost of production. There is an increase of $671,995 on cotton-ties, an article which is used exclusively by the farmers, white and colored, in the South.

INTERNAL REVENUE—REDUCTION OF TOBACCO TAX.

Mr. President, no man can predict what the effect of this enormous increase will be upon the taxation of the people, nor can any man predict what its effect will be upon the revenues of the Government. All we certainly know is that the very purpose, in fact the sole purpose and object of the imposition of these increased rates of duties upon these necessaries of life, is to increase the price of the domestic product so as to enable in some cases, as it is claimed, new industries to be established here, and in others to enable old industries to realize larger profits. To compensate the farmers and mechanics for these great increases of taxation upon their tools and implements of trade, and upon their cotton and woolen and linen clothing, the bill proposes to repeal internal-revenue taxes to the amount of $5,897,380 on manufactured tobacco, snuff, and on dealers in these articles.

Heretofore we have been told by our Republican friends that the internal-revenue taxes upon tobacco ought to be repealed entirely, and during the last two or three years, while the Democratic party controlled the House, there was a great and persistent demand here and at the other end of the Capitol to have them removed. The Senator from Ohio [Mr. SHERMAN], who spoke yesterday in advocacy of this bill which proposes to reduce the tax upon manufactured tobacco and snuff only 2 cents per pound, or from 8 to 6 cents, has heretofore been an ardent advocate of the repeal of the whole tax. This proposition to reduce the taxes upon manufactured tobacco and snuff to the extent of 2 cents a pound will, in my judgment, afford no relief to any man in this country and be beneficial to nobody except the manufacturer and the retail dealer, who will divide the amount between them. No producer of tobacco and no consumer of tobacco will be benefited, in my judgment, to the extent of 1 mill, for the man who purchases in small quantities will pay hereafter exactly the same price he has paid heretofore.

The Senator from Ohio said in a speech delivered before the Home Market Club in February, 1889:

> The direct taxes upon American productions, levied by our internal-revenue laws, which interfere with the industry of our people, should be modified or repealed; that in this way the revenues of the Government should be reduced so as to supply only enough revenue to pay the expenses of the Government wisely and economically administered, and to carry out the provisions of the sinking fund for the gradual reduction of the public debt.

It seems the sinking fund is to be entirely ignored hereafter, judging from the statements made by Senators on the other side of the Chamber; and, in fact, payments upon the public debt will necessarily cease after the expiration of the present fiscal year, if not before, by reason of the extravagant appropriations made by this Congress for other purposes.

The Senator from Ohio then proceeded to say, in the speech referred to:

> I know that at any time in the last Congress taxation could have been reduced but for the desire of the Speaker of the House and the President to strike at home industries rather than to reduce taxation. A majority of the House, though Democratic, would have passed in an hour a bill reducing taxation if it had been permitted by the Speaker to vote upon a reduction of internal rather than external taxes.

This, Mr. President, was an entirely legitimate political criticism upon the action of the Speaker, and I do not quote it for the purpose of making complaint, but simply for the purpose of showing the great anxiety which then existed on the part of the Senator from Ohio to repeal these internal-revenue taxes; and yet when he and his party have the control of both Houses of Congress and the Executive office the proposition is made simply to reduce the tax 2 cents a pound, and that was rejected here and conceded by the conference committee after long hesitation because it was demanded by the House of Representatives. The Senate Finance Committee and the Senate itself struck out every provision making reductions of internal-revenue taxation, and this compromise comes from the committee of conference.

REDUCTION OF REVENUE WHOLLY DUE TO DECREASED TOBACCO TAX.

But after deducting from the increase in customs taxation the $5,897,380 which is the amount of internal-revenue taxes repealed, there is a net decrease of revenue under this bill, according to the receipts for 1889, of $2,110,870; and that is the final result of this prolonged effort to revise the tariff and reduce the revenues of the Government, in the

language of the Senator from Ohio, to a point sufficient only to supply the demands of the Government honestly and economically administered—about $2,000,000 reduction, and all that comes from the internal revenue.

SUGAR BOUNTIES—NEW DEPARTURE.

But sugar and molasses are placed upon the free-list, and the voters of the country are to be reconciled to the enormous increases upon other necessaries of life by the promise that the bill will give them cheaper sugar. In lieu of this tax upon sugar the bill proposes, as it comes from the conference committee, to pay out of the public Treasury a bounty of 1¼ cents a pound upon all sugar polarizing between 80 and 90 degrees and 2 cents a pound upon all sugar polarizing over 90 degrees, which will amount, according to the present production of sugar in this country, to between seven and eight million dollars per annum.

This is the first time in our history, Mr. President, when it has been proposed to pay out of the public Treasury a bounty to the domestic producer of any article not exported, and never heretofore has it been proposed to pay out of the public Treasury a bounty upon any article actually exported unless it was manufactured in whole or in part from foreign duty-paid materials. The first tariff act passed by Congress imposed a duty upon salt and provided that there should be allowed, in lieu of a drawback upon salted and pickled fish and salted provisions thereafter exported, the sum of 5 cents on each quintal of fish and 5 cents on each barrel of provisions, and we have now upon the statute-books laws under which drawbacks are paid upon the exportation of articles manufactured in whole or in part from imported materials. In lieu of these payments allowed by the act of 1789, the act of 1792 provided that there should be a bounty paid upon vessels engaged in the fisheries of $1.50 per ton on a vessel exceeding 20 and not exceeding 30 tons, and $2.50 on vessels exceeding 30 tons.

But this bounty was not paid for the purpose of encouraging the production or the catching of fish, because it was not made to depend to any extent whatever upon the number or quantity of fish caught. The sole policy of the act was to encourage American citizens to learn the art of seamanship, which in those days of sailing vessels was a matter of the very gravest importance to a young nation struggling to establish an efficient navy, but the mere catching of fish was a matter of little importance and did not, in the estimation of anybody, rise to the dignity of a public necessity. This bounty was to be justified, if justifiable at all, upon the same principle which underlies our legislation establishing Naval and Military Academies for the education of officers for the Army and the Navy and maintaining them at the public expense—a purely public object, and not a private one.

BOUNTY ENTIRELY FOR SUGAR MANUFACTURER—NOTHING FOR FARMER OR LABORER.

Moreover, Mr. President, under that bounty act the money was divided between the owners of the vessels and the laborers upon them, the laborers receiving five-eighths of the money and the owner of the vessel three-eighths. Under this bill the laborer is entirely ignored in the distribution of the bounty and all the money is to be paid to the capitalist, the manufacturer of sugar, the man who is able to own and operate the expensive machinery necessarily used in that business. Nor is any part of this bounty to be paid to the grower of beets or sorghum or sugar-cane, but every dollar of it will go to the manufacturer who makes sugar from those materials. But it may be argued that the producer of beets and sorghum and cane who is not able to own the necessary machinery to convert them into sugar will receive higher prices for his products. That can not be, for, in the first place, the farmer can not control and never has been able to control the prices of his products; and, in the second place, the manufacturer of beet-sugar—and that is the article for which this encouragement is mainly intended—will be compelled to sell his sugar in the open markets of the country in competition with the sugar made from cane and sorghum, and he will not pay to the farmer who sells his beets one cent more for his material than its value, as material, compared with the value of the material from which other sugar is made. Neither will the consumer receive any benefit from this bounty. He will not get his sugar one cent cheaper than he would if no bounty were paid, because the bounty-paid sugar produced in this country will sell in the markets at the same price precisely as the duty-paid refined sugar which comes here from other countries, but the consumers will be taxed seven or eight million dollars per annum to be paid as a gratuity to the manufacturers, and to this extent their sugar will cost them more than it would have cost without the bounty.

Mr. President, this is an entirely new departure in the application of the doctrine or principle of protection in this country, and is an imitation of the policy adopted by the monarchical and paternal governments of Europe, France, Germany, Belgium, and Austro-Hungary. In Germany, however, the Government, instead of paying out of the public treasury a sum, as we shall have to pay, amounting to seven or eight million dollars per annum, previously collected from the people, actually realized in 1889 a net revenue amounting to more than $7,000,000, after paying all the bounties upon exported sugar. Under the laws of that country an excise tax is imposed upon the beets, called a material tax, and an excise tax, called a consumption tax, is imposed upon all the sugar withdrawn from the refineries and consumed by the German people, and the bounty is paid simply to the exporter. After deducting from the revenue raised by this taxation all the payments made in the form of bounties there remains a balance every year of between seven and eight million dollars in favor of the Government.

DISCRIMINATING SUGAR DUTY VIOLATIVE OF OUR TREATY STIPULATIONS.

Now, we propose in this bill, as I have already said, to pay a bounty of 1¼ cents a pound upon certain grades of sugar and 2 cents per pound upon another grade, and then we propose to impose a duty under the bill as it comes from the conference committee of five-tenths of a cent per pound upon all sugar above No. 16 Dutch standard in color and an additional or discriminating duty of one-tenth of 1 cent per pound upon all such sugars imported into this country from countries which pay a higher bounty upon refined sugars than they pay upon the sugars of a lower grade.

Under this provision all the manufacturers of consumable beet, sorghum, or cane sugar in this country, made from domestic material—not the growers of the beets, sorghum, or cane, but the manufacturers of sugar in this country—will receive out of the public Treasury, at the expense of all the people, 2 cents per pound upon all their sugar polarizing over 90 degrees, and be protected besides by a duty of six-tenths of 1 cent per pound, or 60 cents per hundred pounds, against all the beet-sugar which comes here from Germany, France, Austria, and Belgium, because those are the countries which pay export bounties, and this is proposed to be done in open and flagrant violation of our treaty stipulations with every one of those countries. We have a treaty with Austro-Hungary, with Belgium, with Prussia—I see the Senator from Rhode Island [Mr. ALDRICH] smiles. Perhaps he thinks that a treaty with Prussia has no binding force, but if there is any question made upon that point, I think it can be demonstrated as a rule of public law that so long as the German Empire, of which Prussia has become a part, does not itself enter into treaties with us abrogating or modifying the previously existing treaties with the principalities and kingdoms which now compose it, those treaties remain in full force. It is true, of course, that when a government is extinguished, destroyed by conquest or otherwise, all its existing treaties fall to the ground. But we have treaties with these great beet-producing and bounty-paying countries, except France, from which all our beet-sugar must come, which expressly in terms forbid us to impose any higher rates of duty upon their products imported into this country than we impose upon the products imported from any other foreign country; and, in violation of these solemn stipulations, this bill proposes to make a clear discrimination against their trade, to break our treaties for the benefit of the manufacturers of domestic sugars.

SUGAR BOUNTIES UNCONSTITUTIONAL.

I have said that this is an entirely new departure in the application of the protective system in this country, and therefore it may not be improper to consider now as briefly as possible the question whether Congress has the power to tax all the people of the country for the purpose of raising money to be paid to individuals engaged in a particular industry and in a particular locality; because there are wide areas of this country in which no American citizen can possibly receive any of this money. There is a very large proportion of our country in which none of these materials can possibly be produced, and therefore every man who lives within that area is as effectually excluded from a participation in this bounty as if the bill itself had expressly provided that he should not receive it. The question, therefore, whether or not Congress has the constitutional right to appropriate money to promote the general or common welfare is not necessarily involved. Many of our citizens, more than half, perhaps as many as two-thirds, being absolutely, for geographical and climatic reasons, excluded from all participation in this bounty, it must go only to the manufacturers of cane sugar in Louisiana, to the manufacturers of sorghum sugar in Kansas, and to the manufacturers of beet sugar in a few other States of the Northwest, all whom constitute but the merest fraction of our total population.

Mr. President, there is no possible ground upon which the constitutionality of this provision can be maintained except that Congress has a right to impose taxes and raise money to be appropriated for the purpose of promoting the general welfare, and that this is a proposition to promote the general welfare within the meaning of the Constitution. That what is usually known as the general-welfare clause of the Constitution is not of itself a distinct and substantive grant of power is conceded by everybody. But the proposition contended for on the other side, or which must be contended for in order to sustain this provision, is that the power of appropriation is greater than the power of legislation, and that Congress may raise money by taxation to be expended for purposes not embraced in the enumeration of powers delegated to it. Even that proposition, however, may be true and still this legislation would not be valid, because in order to bring it within the terms of such a proposition it must be for the promotion of the general or public welfare and not local or private in its application. It has been held by all the courts without exception in the States, and by the United States circuit and Supreme Courts, that there can be no lawful or valid taxation except for public purposes, and that the validity of the legislation always depends upon the question whether the purpose is public or merely private or local.

I have here a great number of decisions, and had intended to make some citations from them, and perhaps may do so yet, but the proposition that taxation is invalid, or rather that it is not taxation at all unless it is imposed for a purely public purpose, has never been disputed in any court in this country so far as I know; and it has been held to be invalid without regard to constitutional prohibitions, because the courts place it upon the clear and distinct ground that it is simply taking the money or property of one man to be donated to another, which is contrary to the fundamental principles of our Government and a violation of the principles of every social compact in a free country.

It requires, therefore, no constitutional prohibition in order to invalidate such laws. In the States the Legislatures represent the sovereignty of the people except so far as the people themselves have imposed limitations upon their power in the constitution, and except so far as there are inhibitions upon the power of the States in the Constitution of the United States; and yet the courts have invariably held that, notwithstanding the possession of this broad, comprehensive, and general power of legislation and taxation, no State could authorize a county or municipality, even upon the vote of the people interested, to impose taxes upon themselves for the purpose of encouraging manufacturing or any other industrial pursuit. If the States can not do it, although possessing this broad and comprehensive power of taxation, unlimited by any provisions of their constitutions, how is it possible that the General Government can do it under a Constitution which limits its power of both legislation and taxation?

In ascertaining the powers of a State Legislature we look to the State constitution, not to see whether the power is delegated, but to see whether it is prohibited. On the other hand, in ascertaining the powers of Congress, we look to the Constitution of the United States, not to see whether the exercise of the power is prohibited, but whether it is delegated expressly or by reasonable implication, and unless Senators upon the other side can show some delegation of this power to Congress, some warrant under which it can impose taxation upon my constituents to raise money to be donated to the constituents of the Senator from Louisiana, I must deny the existence of such authority.

It is true that there is no difference in principle between the payment of the money directly out of the public Treasury to encourage or promote the private interests of private individuals or corporations and a protective or prohibitory provision which compels the consumers of the country to pay the money indirectly to them out of their own pockets in the form of enhanced prices for their products. This is a proposition to pay a bounty out of the public Treasury from money realized by taxation on all the people as a compensation for the repeal of protective duties, and it is of course a plain admission that the whole protective system is a system of bounties, because upon no other ground can gentlemen justify the substitution of the one for the other; but, unfortunately, in the case of the imposition of protective duties there is no way in which the question of constitutionality can be raised, for the law imposing them appears upon its face to be a law to raise revenue, and no court can inquire into the motives of Congress as a body or of any individual member who casts his vote for it.

Here, however, we have an open, plain, undisguised provision in a tax law to take $8,000,000 of the money raised under it and pay it to private individuals, without any sort of compensation or any sort of contract, because no man obligates himself to produce sugar. It might be different if the Government should enter into a contract with somebody by which the party of the second part agreed that he would produce a certain amount of sugar if the Government would pay him a certain amount of money. But this is purely gratuitous, and if the Government has a right to pay the manufacturer of beet-sugar in Kansas 2 cents a pound upon all the sugar he produces, it has precisely the same right to pay him the whole cost of the sugar he produces, or buy it and distribute it gratuitously among the people of the country. If it can pay a part, it can pay all. If it can pay a part of the cost of producing sugar, it can pay a part of or the whole cost of producing woolen goods and iron and steel or wheat or corn or any other product, and monopolize all those articles.

DECISIONS OF THE COURTS.

Mr. President, this question has been judicially decided from California to Maine, and in every instance decided one way. I will not undertake to read all the cases or even to state the circumstances under which each one arose, because that would consume too much of the time of the Senate, and I have other questions to discuss it my strength and the time will permit.

In 58 California Reports, page 639, in the case of People *vs.* Parks, the court said:

To promote a public purpose by a tax levy upon the property in the State is within the power of the Legislature; but the Legislature has no power to impose taxes for the benefit of individuals connected with a private enterprise, even though the private enterprise might benefit the local public in a remote or collateral way. Legislative power of taxation is not illimitable. It can be used only in aid of a public object—an object which is within the purpose for which governments are established. In the vigorous language of the supreme court of Pennsylvania, "the Legislature has no constitutional right to levy a tax, or to authorize any municipal corporation to do it"—

I call the attention of Senators to this language:

"The Legislature has no constitutional right to levy a tax, or to authorize any municipal corporation to do it, in order to raise funds for a mere private purpose. No such authority passed to the Assembly by the general grant of the legislative power. This would not be legislation. Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected with the public interest or welfare it ceases to be taxation and becomes plunder."

In 27 Iowa, pages 46 and 47, the court said:

What are taxes? This is the question which lies at the heart of the present case. I answer that, by the concurrent opinion of lawyers, judges, lexicographers, and political economists as well as by the general and popular understanding, taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes, or to accomplish some governmental end. A tax for a private purpose is, to use the strong yet apt expression of Lowe, J., in the Wapello County Case (13 Iowa, 405), "a solecism in language."

In 20 Michigan Reports, page 474, the court said, speaking of a valid tax:

It must be imposed for a public, not for a mere private purpose. Taxation is a mode of raising revenue for public purposes only, and, as is said in some of the cases, when it is prostituted to objects in no way connected with the public interest or welfare it ceases to be taxation and becomes plunder

In 24 Wisconsin, page 356—

It is conceded—

Says the court—

by all that a tax must be for a public, and not for a private purpose. If, therefore, the Legislature attempts to take money from the people by legal compulsion for a merely private purpose, that is not a tax, according to the essential meaning of the word; and, therefore, such a law is not, strictly speaking, unconstitutional, as being prohibited by any positive provision of the constitution, but is void, for the reason that it is beyond the scope of legislation.

In Maine the Legislature, under the constitution of that State, submitted to the judges of the supreme court of the State the question whether or not it could pass a law authorizing the imposition of a tax upon a vote of the people for the purpose of encouraging certain industries, and in response the judges gave their opinions *seriatim*, every one of them holding that such a law would be utterly void.

Mr. SPOONER. Will the Senator allow me to ask what was the purpose of the tax in that case?

Mr. CARLISLE. I will state it.

Mr. SPOONER. I do not wish to interrupt the Senator.

Mr. CARLISLE. Every one of the judges in able opinions held that such a law would be utterly void, but notwithstanding these opinions the Legislature of Maine passed the act, and it afterwards came before the supreme court of Maine for adjudication. In answer to the Senator from Wisconsin I will read the question submitted by the Legislature:

Has the Legislature authority under the constitution to pass laws enabling towns, by gifts of money or loans of bonds, to assist individuals or corporations to establish or carry on manufacturing of various kinds within or without the limits of said towns. (58 Maine Reports, Appendix, page 590.)

The precise question was whether the Legislature had the power to authorize the people to tax themselves for the purpose of encouraging the establishment and operation of manufactories among themselves, and every judge of the court, without an exception, held that such a law would be void. These opinions are very able and exhaustive, but I will call attention to a few sentences only from each one of them. The court consisted of a chief-justice and eight associate judges, and I quote first from the opinion of Chief-Justice Appleton and Judges Walton and Danforth. They say:

Taxes are the enforced proportional contribution of each citizen and of his estate, levied by the authority of the state, for the support of government and for all public needs. They are the property of the citizen, taken from the citizen by the government, and they are to be disposed of by it.

Again the judges say, and this is peculiarly applicable to the question we now have before us:

Now the individual or corporation manufacturing will in the outset promise to be, and in the result will be, either a judicious and gainful undertaking or an injudicious and losing one. If the manufacturing be gainful, there seems to be no public purpose to be accomplished by assessing a tax on reluctant citizens and coercing its collection to swell the gains of successful enterprise. If the business be a losing one, it is not readily perceived what public or governmental purpose is attained by taxing those who would have received no share of the profits to pay for the loss of an unprosperous manufacturer, whether arising from folly, incapacity, or other cause. The tax-payer should not be compelled to pay for the loss when he is denied a share of the profit.

Such a law may be for the benefit of the donee, but it can not be for that of the people. Grant this power to the Legislature and let it be exercised, and all security for property is at an end. The motive to acquire is destroyed. The enjoyment of possession is taken away. The power to protect is gone.

* * * * *

And what claim has manufacturing to such preference over other branches of industry, commerce, trade, agriculture, and the mechanic arts? These are honorable and beneficial pursuits, and the constitution of this State will be searched in vain to find any powers given to the Legislature to authorize towns and cities to discriminate against these employments and in favor of manufacturing, in the matter of taxation. (*Ibid*, page 603.)

These judges further say:

There is nothing of a public nature any more entitling the manufacturer to public gifts than the sailor, the mechanic, the lumberman, or the farmer. Our Government is based on equality of rights. All honest employments are honorable. The state can not rightfully discriminate among occupations, for a discrimination in favor of one branch of industry is a discrimination adverse to all other branches. The state is equally to protect all, giving no undue advantages or special and exclusive preferences to any.

* * * * *

No public exigency can require private spoliation for the private benefits of favored individuals. If the citizen is protected in his property by the Constitution against the public, much more is he against private rapacity.

Judge Dickerson said:

The argument in support of the constitutionality of such a law is that the es-

tablishment of the business of manufacturing in a town or city promotes the public prosperity by increasing the value of private property, inviting in capital and population, and furnishing employment for the people.

The direct purpose of the proposed law is thus private in its character; it is to increase the means and improve the property of some, and furnish employment to some, while the benefit, if any, to the public is only reflective, incidental, and secondary.

* * * * * * *

And what claim has manufacturing to such preference over other branches of industry, commerce, trade, agriculture, and the mechanic arts? These are honorable and beneficial pursuits, and the constitution of this State will be searched in vain for any powers given to the Legislature to authorize towns and cities to discriminate against these employments and in favor of manufacturing, in the matter of taxation.

It is against common right—

Says Judge Barrows—

and beyond the legitimate sphere of legislation to raise, under color of taxation, any sums of money except those which are required to promote the appropriate objects for which the Government was instituted.

I imagine no Senator will contend that this Government was instituted for the purpose of producing sugar or supplying sugar or any other article of consumption to the people. It is not a governmental purpose; it is not an object which comes within the scope or the power of the General Government under the Constitution; and according to the decisions of the courts the authority to tax for that purpose does not belong to any government in this country, State or Federal, because it is contrary to the first principles upon which our institutions themselves are founded, and does not depend upon questions of constitutional delegation or constitutional prohibition. It is the same principle, stated by every writer upon civil government, from Locke down, that in a free country no department of the government can violate the fundamental principles of the social compact by taking the private property of one man and donating it to another under the form of taxation or otherwise.

The same judge said:

Doubtless the specious but deceptive claim of their advocates will be that they tend to promote the common welfare. But to know for a certainty that that claim can not be allowed we have only to look at the definition of the word common when used in such connection:

"Common: Belonging to the public; having no separate owner; general; serving for the use of all; universal; belonging to all." (Webster's Dictionary.)

It is to promote the common welfare as thus defined that you have authority to legislate and to raise money by taxation; and you can confer upon towns no delegated authority exceeding this. In fine, it is a principle that lies at the very foundation of all legitimate exercise of the power of taxation that the revenue shall be raised for public purposes alone, and not for private profit and advantage. This alone makes the distinction between lawful taxation and public plunder.

But the subtle and sophistical argument of those who are seeking their own private advantage by the use of the public purse is that the successful establishment of a manufacturing business, though the profits inure to private individuals or corporations, is indirectly a benefit to the community. But this is not an answer; it is simply a pretext for an evasion of the fundamental principle above stated.

Judge Tapley said:

These inquiries do not leave my mind entirely clear as to the information sought by them. If they relate to purely private enterprises, in no wise connected with public uses or the public exigencies, I answer without hesitation in the negative.

This conclusion is so clear to my mind and so free from all doubt that I can hardly persuade myself that the house of representatives really needed or desired the opinion of any one upon the subject.

Further along he says:

Taxes should be imposed or levied for those purposes which properly constitute the public burden. They are levied to secure the performance of public duties and relieve public necessities.

But, as I have already stated, notwithstanding the unanimous adverse opinions of the judges, given in response to its own interrogatory, the Legislature passed the act, and the question came before the court for adjudication in the case of Allen *vs.* Inhabitants of Jay, reported in 60 Maine, page 124. In the course of its opinion the court said:

A tax is a sum of money assessed under the authority of the State on the person or property of an individual for the use of the State. Taxation, by the very meaning of the term, implies the raising of money for public uses, and excludes the raising of it for private objects and purposes.

On page 129 the court said, and I call the particular attention of our friends on the other side of the Chamber to this clear exposition of the effect of taxation:

The idea seems to be that thereby capital would be created. But such is not the case. Capital is the savings of past earnings ready for productive employment. The bonds of a town may enable the holder to obtain money by their transfer as he might do by that of any other good note. But no capital is thereby created. It is only a transfer of capital from one kind of business to another.

Nor is capital created by the raising of money by taxation. If the wealth of the country was increased by taxation, the result would be the higher the taxes the more rapid the increase of its wealth. But the reverse is the case.

On page 130 the court said:

Our Government is based on equality of right.

The State can not discriminate among occupations, for a discrimination in favor of one is a discrimination adverse to all others. While the State is bound to protect all, it ceases to give that just protection when it affords undue advantages or gives special and exclusive preferences to particular individuals and particular and special industries at the cost and charge of the rest of the community.

Unless there is something peculiar and transcendental in the new saw-mill to be removed and in the grist-mill to be erected—

This was an attempt to pay a bounty in the form of bonds under the act of the Legislature, to aid a company in establishing a saw and grist mill—

and in the labor of Messrs. Hutchins and Lane, it must stand in the same category with other saw-mills and grist-mills, which are, and have been, and will be built, and other laborious industries, which are pursued for private gain and emolument.

Again, on pages 132 and 133, the court said:

Whether the estates of citizens are to be placed in the public treasury for the purpose of dividing them, or of loaning them to those who have not accumulated them, matters not. In either case the owner is despoiled of his estate, and his savings are confiscated.

If the loan be made to one or more for a particular object, it is favoritism. It is a discrimination in favor of the particular individual and a particular industry thereby aided, and is one adverse to and against all individuals, all industries not aided.

If it is to be loaned to all, then it is practically a division of property under the name of a loan. It is communism incipient, if not perfected.

In 21 Pennsylvania State Reports, page 168, the court said:

Neither has the Legislature any constitutional right to create a public debt, nor to lay a tax, nor to authorize any municipal corporation to do it, in order to raise funds for a mere private purpose. No such authority passed to the Assembly by the general grant of legislative power. This would not be legislation. Taxation is a mode of raising revenue for public purposes. When it is prostituted to objects in no way connected with the public interests or welfare, it ceases to be taxation and becomes plunder. Transferring money from the owners of it into the possession of those who have no title to it, though it be done under the name and form of a tax, is unconstitutional for all the reasons which forbid the Legislature to usurp any other power not granted to them.

But it has been argued (and here, perhaps, is the strain of the case) that this will be taxation for a private purpose, because the money levied will be in effect handed over to a private corporation. I have conceded that a law authorizing taxation for any other than public purposes is void, and it can not be denied that a railroad company is a private corporation.

The court held that while the principle was universally correct that taxation can not be lawfully imposed for any other than a public purpose, yet in that case the purpose was a public one, as it was imposed to pay a subscription authorized by law to a railroad company, a public highway. The courts in some of the States, however, have held that even that could not be done, though the Supreme Court of the United States has decided otherwise. In the United States circuit court Judge Dillon says:

So taxation to aid ordinary manufactories, or the establishment of private enterprises, is a thing until recently quite unheard of; and the power must be denied to exist, unless all limits to the appropriation of private property and to the power to tax be disregarded.

This case is reported in 9 Kansas, page 689.

In the case of Grim *vs.* Weissenberg School District, 57 Pa., 433, speaking of the power of taxation (page 437), the court said:

The power of taxation is a necessary and indispensable incident of government. It also has limits, but they are broadly marked and well defined. That it may be local and special, as well as general, it is entirely too late at this day to question.

Yet an act of the Legislature authorizing contributions to be levied for a mere private purpose, or for a purpose which, though public, is one in which the people from whom they are to be exacted have no interest, would not be a law, but a judicial sentence, and not within the legitimate scope of legislative authority.

In the United States circuit court for the eastern district of Missouri, Judge Treat, in deciding the case of Cole *vs.* Lagrange, said:

The Supreme Court of the United States stated the elemental thought underlying American constitutional law when it declared that an attempt, through the guise of the taxing power, to take one man's property for the private benefit of another is void, an act of spoliation, and not a lawful use of legislative or municipal functions.

There have been so many well considered cases in the United States courts and in the State courts on this subject that it would be the work of supererogation to repeat their arguments. It must suffice that the weight of authority and sound reason concur in holding bonds and coupons like those in question void *ab initio*.

Mr. BLAIR. May I ask the Senator a question at this point?

Mr. CARLISLE. Certainly.

Mr. BLAIR. In our State they have always paid a bounty on crows for the purpose of preventing the destruction of the industry of agriculture. I should like to know whether if there could be taxation to prevent the destruction of an industry, there may not also be taxes for the purpose of establishing one.

Mr. CARLISLE. I suppose that the bounty paid in the State of New Hampshire for the destruction of crows inures to the benefit of everybody in that State or may inure to the benefit of everybody in that State; and besides it is an expenditure for the protection of property, which is one of the principal purposes for which governments are established. To protect private property from destruction is quite a different thing from paying money out of the public Treasury to assist particular individuals in acquiring property. But the bounty paid to the manufacturer of sugar out of money raised from taxation upon the people of the whole United States can inure only to the benefit of the people of those localities in the United States where sugar can be produced. Judge Cooley in one of the decisions to which I shall now refer expressly makes the distinction that the State may pay bounties to encourage men, for instance, to enlist in the Army and engage in the public defense, or for the destruction of wolves or other wild animals which are dangerous or injurious to the people or their property; and it is evident that there is a broad and clear distinction which will occur to the mind of any lawyer at once between a bounty which will inure or may inure to the benefit of all the people of a country and a bounty which can only inure to the benefit of comparatively a few persons.

The case decided by Judge Cooley, mentioned by me a moment ago in response to the Senator from New Hampshire was The People *vs.* Salem,

20 Michigan, 452. In the course of the decision that distinguished jurist said:

But it is not in the power of the State, in my opinion, under the name of a bounty or under any other cover or subterfuge to furnish the capital to set private parties up in any kind of business, or to subsidize their business after they have entered upon it. A bounty law of which this is the real nature is void, whatever may be the pretense on which it may be enacted. The right to hold out pecuniary inducements to the faithful performance of public duty in dangerous or responsible positions stands upon a different footing altogether; nor have I any occasion to question the right to pay rewards for the destruction of wild beasts and other public pests; a provision of this character being a mere police regulation. But the discrimination by the State between different classes of occupations, and the favoring of one at the expense of the rest, whether that one be farming or banking, merchandising or milling, printing or railroading, is not legitimate legislation, and it is an invasion of that equality of right and privilege which is a maxim in State government. When the door is once opened to it, there is no line at which we can stop and say with confidence that thus far we may go with safety and propriety, but no further.

Every honest employment is honorable; it is beneficial to the public; it deserves encouragement. The more successful we can make it, the more does it generally subserve the public good. But it is not the business of the State to make discriminations in favor of one class against another, or in favor of one employment against another. The State can have no favorites. Its business is to protect the industry of all, and to give all the benefits of equal laws. It can not compel an unwilling minority to submit to taxation in order that it may keep upon its feet any business that can not stand alone.

Elsewhere in the decision he says:

By common consent, also, a large portion of the most urgent needs of society are relegated exclusively to the law of demand and supply. It is this in its natural operation and without the interference of the Government that gives us the proper proportion of tillers of the soil, artisans, manufacturers, merchants, and professional men, and that determines when and where they will give to society the benefit of their particular services. However great the need in the direction of any particular calling, the interference of the Government is not tolerated, because, though it might be supplying a public want, it is considered as invading the domain that belongs exclusively to private inclination and enterprise. We perceive, therefore, that the term "public purpose" as employed to denote the objects for which taxes may be levied has no relation to the urgency of the public need or to the extent of the public benefit which is to follow. It is, on the other hand, merely a term of classification to distinguish the objects which, according to settled usage, are left to private inclination, interest, or liberty.

It creates a broad and manifest distinction—one in regard to which there need be neither doubt nor difficulty—between public works and private enterprises; between the public conveniences, which it is the business of Government to provide, and those which private interest and competition will supply whenever the demand is sufficient.

The decision to which I now refer was rendered in the case of Parkersburg *vs.* Brown, in 106 United States Supreme Court Reports, page 487, a case which came up from the State of West Virginia. The question arose under a law of the Legislature of that State authorizing the city of Wheeling to issue bonds and loan money for the purpose of encouraging the establishment of manufacturing industries, and to take bonds and mortgages upon the property to secure its repayment; and yet the Supreme Court held that it was utterly void. I ought to say that the city after a vote of the people actually issued bonds which had passed into the hands of third parties, and this suit was brought upon some of the coupons. The court said, among other things:

Taxation to pay the bonds in question is not taxation for a public object. It is taxation which takes the private property of one person for the private use of another person.

It is not necessary to read further from this decision, because these two sentences distinctly state the principle upon which the judgment of the court was founded.

In the case of Olcott *vs.* The Supervisors, in 16 Wallace, the Supreme Court of the United States said, in reviewing the judgment of the court below:

The question considered by the court was not one of interpretation or construction. The meaning of no provision of the State constitution was considered or declared. What was considered was the uses for which taxation generally, taxation by any government, might be authorized, and particularly whether the construction and maintenance of a railroad, owned by a corporation, is a matter of public concern. It was asserted (what nobody doubts) that the taxing power of a State extends no further than to raise money for a public use as distinguished from private, or to accomplish some end public in its nature, and it was decided that building a railroad, if it be constructed and owned by a corporation, though built by authority of the State, is not a matter in which the public has any interest, etc.

The court then restates the proposition which I have stated and read so often, that in order to sustain the validity of the act it must be judicially determined that the tax was imposed for a public purpose, and it held that the tax then in controversy was levied for a public purpose, and was therefore valid.

The case of The Loan Association *vs.* Topeka (20 Wall., 655) is a familiar one, but I will call attention to a few extracts. The court said:

Of all the powers conferred upon government that of taxation is most liable to abuse. Given a purpose or object for which taxation may be lawfully used, and the extent of its exercise is in its very nature unlimited.

If we once concede that it is within the constitutional power of Congress to impose a tax for the purpose of raising money to pay a bounty for the production of sugar, it follows inevitably that it is within the constitutional power of Congress to raise money by taxation to pay bounties upon every other article produced in this country. No limit can be fixed and all the property in the country will be at the mercy of the taxing power. The court then cites what was said by Chief-Justice Marshall in Maryland *vs.* McCulloch, that the power to tax was the power to destroy, and proceeds as follows:

It is true that express limitation on the amount of tax to be levied or the things to be taxed may be imposed by constitution or statute, but in most instances for which taxes are levied, as the support of government, the prosecution of war, the national defense, any limitation is unsafe. The entire resources of the people should in some instances be at the disposal of the government.

The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly or indirectly to all classes of the people.

To lay—

Says the court—

with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." "Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes."

Then the court said:

We have established, we think, beyond cavil that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

But it says that whenever the line is drawn it is bound to hold that the tax is invalid unless it is imposed for a public purpose, a governmental purpose.

In the cases of Brewer Brick Company *vs.* Inhabitants of Brewer, and Farnsworth Company *vs.* Inhabitants of Lisbon, both reported in 62 Maine, pages 62 and 451, the court hold that the Legislature could not constitutionally confer upon towns the power to encourage manufacturing establishments by exempting them from taxation; and in Hooper *vs.* Emery, reported in 14 Maine, 375, it was decided that a town could not distribute gratuitously among its inhabitants money which it had received on deposit from the State. In this last case the Legislature had passed an act loaning to the various towns the money received by the State under the act of Congress of June 23, 1836, distributing the surplus public money among the several States, and the town of Biddeford undertook to donate its share of the fund to the people of the town. While the question presented was not the precise one I am now discussing, the court in its opinion expressly sanctioned the principles upon which I rely.

Mr. President, this proposition as it stands is to pay money out of the common Treasury to comparatively a very few individuals in the country for the purpose of making their private business profitable. The people in Kentucky and Maryland and many other States of the Union, embracing within their limits three-fourths perhaps of our area, are just as effectually excluded from all participation in the benefits of this bounty as if the law had said in terms that it should not be paid to them, because they can not produce the sugar and nobody expects they ever will produce it.

THE "GENERAL WELFARE CLAUSE" NOT A SUBSTANTIVE GRANT OF POWER—JUDGE STORY'S OPINION.

My conclusion from this proposition—the proposition itself being indisputable—is that it is not a bounty to promote the general welfare in any legal or constitutional sense, but only the welfare of particular individuals in certain localities, and therefore is not authorized by the Constitution even if it be assumed that Congress possesses a power to appropriate money wider and more comprehensive in its scope than the power to legislate over the subject for which the money is appropriated. But I deny absolutely that Congress can raise money by taxation upon the people and expend it constitutionally for the promotion of the general welfare except substantially in execution of the enumerated powers contained in the Constitution. If the purpose for which the money is appropriated is one in no way connected with the execution of a delegated power, the act is null and void. Judge Story, who was not a Democrat nor a State rights advocate nor a strict constructionist, says that the clause of the Constitution should be understood as if it read—

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

He says in section 909:

If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense and general welfare.

* * * * * * *

Under such circumstances the Constitution would practically create an unlimited National Government. The enumerated powers would tend to embarrassment and confusion, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

And in section 910 he says:

* * * For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase, and then to qualify it by a recital of particulars. But the idea of an enumeration of particular powers which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

So Judge Story holds, and Judge Cooley and every other commentator upon the Constitution holds, that this is not a distinct and sub-

stantive grant of power, and so far as I know no lawyer has ever yet ventured to contend in a respectable court of justice in this country that it was a distinct grant of power, or anything else except a limitation upon the power to tax. The only open question, therefore, is not whether this is a distinct delegation of power, a power of legislation separate and distinct from the enumerated powers, but whether Congress may raise money by taxation and after the money is raised appropriate it for the accomplishment of an object over which it has no power of legislation. But in this instance Congress not only appropriates the money, but it legislates. If we had no internal-revenue system already in existence, the payment of this bounty would involve the establishment of a department or bureau composed of officers and employés charged with the duty of administering the law.

Even as it is the payment of the bounty involves the employment of an additional force and the establishment of regulations by statute and by the Treasury Department for the ascertainment of the sugar which is entitled to bounty, and for the distribution of the money afterwards, and in order to protect the Government against fraud the bill imposes penalties for the violation of its provisions. It is not even like the case of a mere appropriation of money for a benevolent or charitable purpose, which, in my opinion, is not authorized by any proper construction of the Constitution; but this has been the practice of the Government for so long a time that such measures now pass substantially without question. But this is a new departure, and it becomes our duty here and now to discuss and decide whether or not Congress has this power, for if it has, we are about to enter upon a field of legislation and appropriation unlimited in extent. The line can be drawn nowhere.

If it is constitutional and expedient and just to tax the people for the purpose of raising money to pay bounties to the manufacturers of sugar, it is equally constitutional, equally expedient, and equally just to tax the people for the purpose of raising money to pay bounties for the production of corn, wheat, rye, woolen goods, iron and steel, and every other article that can be produced in this country—more in fact in these latter cases than in the former, because these are articles which can be produced all over the country and therefore the people of the whole United States would have at least an opportunity to participate in the bounties paid on them.

RECIPROCITY—REIMPOSTION OF DUTIES—TRANSFERRING TAXING POWER TO THE EXECUTIVE.

Mr. President, having put sugar upon the free-list and provided for the payment of a bounty out of the public Treasury to the manufacturers of that article, this bill as it passed the Senate and as it is reported back from the committee of conference threatens to reimpose a duty upon that article, or, to speak more accurately, threatens to authorize the President by executive decree to reimpose a duty upon that article, unless the governments of the sugar-producing countries on this hemisphere shall say something on paper which will be satisfactory to his excellency. It is proposed not to enact a law which shall take effect upon the happening or not happening of a particular event or upon the occurrence of a particular fact specified and defined in the law itself, which I concede may be done, but it is a proposition to confide to the judgment and discretion or caprice of the President alone the determination not merely of certain facts unspecified and undefined in the law, but the result and effect of those unspecified and undefined facts and circumstances.

This proposition is to confide to the President the sole and exclusive right to impose or to suspend and reimpose duties upon sugar, coffee, tea, and hides at his own discretion and upon his own judgment that the governments of the countries producing these articles do or do not impose unequal and unreasonable restrictions upon products imported from this country into those countries. In other words, the very foundation upon which the imposition, suspension, or reimposition of duties depends, instead of being defined and established by a Congressional enactment, is left to the President subject to no present lawful control or influence.

Brazil, for instance, may remove certain restrictions now existing, and the President may hold that this is sufficient to justify him under the law in refusing to reimpose duties upon sugar and coffee imported from that country; but Spain may remove precisely the same restrictions and the President will have a right under this law to reimpose duties upon its sugar and coffee, if there be any coffee imported into this country from the Spanish possessions on this hemisphere. The President may determine that what has been done by a particular nation removes unreasonable and unequal restrictions upon our products, and therefore may refuse to reimpose duties on its sugar or coffee, or he may determine that what has been done by a certain government does not remove what he considers unjust and unreasonable restrictions, and therefore he may impose duties, when Congress, if it had the subject in its own hands, might say that the country had done all that it ought to do and that the duties ought not to be imposed. The whole power over this question, except the mere rate of duty to be imposed, is lodged by this bill in the hands of the Executive.

The case read by the Senator from Ohio [Mr. SHERMAN] yesterday was one with which most of us are familiar, the case of the brig Aurora, which arose under the embargo laws of 1809. The language of the statute in that case was quite comprehensive, I admit, yet the law itself provided, not that the President should remove or establish an embargo under any given state of circumstances, but that when those circumstances existed and the President made his proclamation the law itself declared that the embargo should cease. Moreover, as I said yesterday afternoon in a brief colloquy with the Senator from Ohio, the Supreme Court did not discuss that question at all in its decision. It simply said:

On the second point we can see no sufficient reason why the Legislature should not exercise its discretion in reviving the act of March 1, 1809, either expressly or conditionally as their judgment should direct. The nineteenth section of that act declared that it should continue in force to a certain time and no longer, and could not restrict their power of extending its operation without limitation upon the occurrence of any subsequent combination of events.

The syllabus says:

The Legislature may make revival of the act dependent upon a future event, and that event be made known by proclamation.

And that is all the court said upon this subject.

Although the following quotation from Judge Cooley has been read once during this debate, I will read it again, because in my judgment it states accurately in a very compact form the true rule of law upon this subject:

One of the settled maxims in constitutional law is, that the power conferred upon the Legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the state has located the authority, there it must remain; and by the constitutional agency alone the laws must be made until the constitution itself is changed.

And again, speaking of conditional legislation, he says:

The event or change of circumstances on which a law may be made to take effect must be such as, in the judgment of the Legislature, affects the question of the expediency of the law, an event on which the expediency of the law in the opinion of the lawmakers depends. On this question of expediency the Legislature must exercise its own judgment definitively and finally. When a law is made to take effect upon the happening of such an event the Legislature, in effect, declared the law inexpedient if the event should not happen, but expedient if it should happen. They appeal to no other man or men to judge for them in relation to its present or future expediency. They exercise that power themselves, and then perform the duty which the constitution imposes upon them.

I said yesterday and I repeat to-day that if this act provided that when certain things happened a certain rate of duty should be imposed upon coffee, tea, sugar, and hides it would be a valid exercise of legislative power, but in order to make it so Congress itself must specify the particular thing which is to happen, must state the emergency or the contingency upon which the duty is to be reimposed; and it may leave to the President the power and duty to ascertain whether that particular thing has happened or whether that particular emergency or contingency has occurred, but not, as in this case, leave to him the whole power and discretion to determine whether certain things have been done or not, and if they have been done what their effects are, and whether in view of those effects he ought or ought not to impose a duty.

The amendment offered by the Senator from Maine [Mr. HALE] was substantially correct in this particular, but not so the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH] and adopted by the Senate and conference committee.

Mr. MORGAN. It was reported by the Committee on Finance.

Mr. CARLISLE. It was proposed first in the Senate by the Senator from Rhode Island as the representative of the Committee on Finance.

Mr. MORGAN. But it was reported by the committee.

Mr. CARLISLE. It was not reported with the bill; it was reported afterwards.

Mr. MORGAN. Yes, it was reported afterwards.

RECIPROCITY A MISNOMER—THE BILL IS RETALIATORY.

Mr. CARLISLE. Mr. President, the provision which was first adopted by the Senate and now stands in the bill is not reciprocity, nor does it propose reciprocity in any just or proper sense. It is retaliation pure and simple, and no form of words can disguise its true character. Coffee, tea, and hides have been upon the free-list under our laws for many years; and they were placed there for the benefit of our own people, and not as an act of favoritism or friendship for any foreign country producing those articles.

Sugar and molasses were upon the free-list in this bill as it came from the House of Representatives and in the bill as it now stands, and they were put there upon the sole and distinct ground that it would be beneficial to our own people, the consumers of these articles, without any reference whatever to the question of reciprocity with other nations, or retaliation upon other nations, or retaliation upon our own people, for this is, in fact, a proposition to retaliate upon our own people by imposing a duty of 10 cents a pound upon tea, 3 cents a pound upon coffee, and from 35 to 59 per cent. upon sugar, unless China and Japan, and Brazil and Spain, and other nations shall do certain things over which our consumers have no control and over which their representatives in Congress have no control. It was said in the report of the Committee on Ways and Means:

So large a proportion of our sugar is imported that the home production of sugar does not materially affect the price, and the duty is therefore a tax, which is added to the price not only of the imported, but of the domestic product, which is not true of duties imposed on articles produced or made here substantially to the extent of our wants.

Why, Mr. President, we consume annually about $375,000,000 worth of woolen goods. Of this about $100,000,000 worth at the prices at which they are sold in our markets are imported, leaving $275,000,000 worth of domestic production. We do not, therefore, produce woolen goods substantially to the extent of our wants, and some kinds of woolen goods that are imported subject to duty we do not produce at all; yet upon this argument the bill puts sugar upon the free-list, and largely increases the duties upon woolen goods. It puts sugar upon the free-list according to this argument because we do not produce as much as we want, and it puts tin-plate and block tin upon the dutiable-list because we do not produce any. But the report proceeds:

In 1889 the duties collected on imported sugar and molasses amounted to $55,975,610. Add to this the increase of price of domestic sugar arising from the duty—

A confession not often made by our protectionist friends—

and it is clear that the duty on sugar and molasses made the cost of the sugar and molasses consumed by the people of this country at least $64,000,000, or about $1 for each man, woman, and child in the United States, more than it would have been if no such duties had been levied and the domestic product had remained the same.

Mr. President, there is no suggestion here, nor was there any suggestion from the Committee on Finance of the Senate when the bill was reported to this body, that sugar, or coffee, or tea, or hides were placed upon the free-list with a view of securing reciprocity, but they were put there solely because Senators upon the other side adopted what they have often denominated "the free-trade idea," that it would be beneficial to our consumers to have them cheaper than they would be if subject to duty.

THE BILL REPEALS THE ONLY RECIPROCITY AGREEMENT WE HAVE—THE TREATY WITH THE HAWAIIAN ISLANDS.

Now, it is proposed to enter upon a system of reciprocity or retaliation and have these duties reimposed, and this so-called policy of reciprocity is to be inaugurated by abrogating the only reciprocity treaty we now have with any country in the world and repealing the act of Congress passed to carry it into effect. It is to be inaugurated by abrogating the reciprocity treaty with the Hawaiian Islands and instantly repealing the law of Congress which was passed in 1876 to carry it into effect. This bill as it came from the House proposed to have that treaty by a provision that nothing in it should be held to impair the force or effect of any existing treaty with a foreign country, a provision similar to that contained in the eleventh section of the tariff act of 1883; but the Senate Finance Committee struck it out and the House receded in conference, so that the bill comes back here to us abrogating absolutely and without notice to the Sandwich Islands the only reciprocity treaty we now have in existence.

I allude to this to show how sincere our friends are in their proposition to have reciprocity with the sugar and coffee producing countries of the world. This reciprocity treaty is with a country which contains less than one hundred thousand people, and while it has been of great benefit to them it has been of some benefit at least to us, which is more, I fear, than can be said of any reciprocity likely to result from arrangements with some of the countries south of us. By the terms of that treaty agricultural implements, animals, beef, bacon, pork, hams, and all fresh preserved meats, boots and shoes, grain, flour, meal, bran, bread and breadstuffs of all kinds, butter, cheese, lard, tallow, and a long list of other articles, many of which are produced by our farmers and others by our manufacturing industries, were admitted to the Sandwich Islands free of duty; and these hundred thousand people living on these islands in the sea have taken from this country more of its agricultural products under this treaty than have been taken by some of the countries south of us containing three millions of people, although we do now and have for years admitted more than 90 per cent. of their products into our ports free of duty.

Mr. President, this great scheme of reciprocity, so called, of retaliation in fact, is advocated by its originators upon the ground that it will afford our agriculturists a market for their products in foreign countries.

Mr. MORGAN. Before the Senator from Kentucky leaves the Hawaiian treaty I should like to call his attention to a supplementary convention between the United States of America, etc., and the King of Hawaii, proclaimed on the 6th of December, 1884, in which this treaty of which he speaks was extended for another period.

Mr. CARLISLE. For seven years.

Mr. MORGAN. It was extended for seven years; and Hawaii, in order to secure that, ceded this additional provision of article 2 to us:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

That was a very important concession in favor of the United States.

Mr. CARLISLE. I was aware of that, and besides that the original treaty provided expressly that it should remain in force for seven years, and for the further period of twelve months after either party should give notice of its desire to terminate it. Now it is proposed in this bill, without a moment's notice to the Government of the Hawaiian Islands, to abrogate absolutely the treaty and repeal the law passed by Congress to carry it into effect, so that goods imported from that country will be at once subject to duty. If Hawaii were a great nation like some of the nations of Europe we would scarcely venture to do this, but we can do very much as we please with less than a hundred thousand people on the Sandwich Islands.

Mr. MORGAN. We can not do as we please with the people on the Pacific coast, however.

Mr. CARLISLE. They will pass their judgment upon this measure hereafter. I refer to it only for the purpose of showing the utter inconsistency of Senators who have by their votes sustained this so-called reciprocity proposition which came from the Committee on Finance, looking to the establishment of reciprocal arrangements with the sugar and coffee producing countries to the south of us, when they at the same time vote to abrogate the only reciprocity treaty we have with a sugar-producing country, or any other country.

THE RECIPROCITY PROVISION DELUSIVE—NO NEW OR VALUABLE MARKETS FOR AGRICULTURAL PRODUCTS.

Mr. President, in view of the fact that this so-called reciprocity is advocated upon the ground that it is to benefit the agricultural producers in this country, it may not be out of place to take a brief survey of the markets of the world in which our farmer sell their surplus products, and see where they go. Let us ascertain, if we can, what market would be furnished for the agricultural products of the United States by the countries to the south of us, to which this so-called reciprocity is expressly confined. We have had very little trade with them, so far as exports are concerned, in any kind of articles, notwithstanding the facts that we have imported very largely from nearly every one of them, and that our laws admit more than 90 per cent. of their products here free of duty; they have not taken our agricultural products for the simple reason that they produce substantially all they require for their own use, and do not need ours.

This trade has been so much on one side, notwithstanding our free admission of their products, that Mr. Blaine says we have actually lost about $142,000,000 in a single year on account of it. Who has lost it, Mr. President? The Government of the United States does not trade with the Governments of South America or with the Government of any other country. The trade is carried on by the peoples of the various countries, and it is carried on because it is mutually beneficial to them. If anybody has actually lost $142,000,000 or any other amount in trade with South America it was the merchants and others of the United States who are engaged in that trade. Nobody else could lose it or any part of it, because nobody else had any interest in the transaction.

It is incredible that the skillful and enterprising merchants of the United States have continued to carry on a trade, and are still continuing to carry on a trade, in which they lose every year out of their own pockets $142,000,000. Nor do we pay $142,000,000 in gold or any other kind of currency out of our own country, as Mr. Blaine and others of his school of political economists are constantly contending. We pay for our imports with the products of our farms, our forests, and our mines and fisheries that are exported and sold in the countries of Europe where our best markets are located. If we had undertaken to pay out of our own store of gold here at home $142,000,000 in any one year to the countries of South America or any other country it would have produced such financial disturbances at home as would have been disastrous to all our commercial and industrial interests, and Mr. Blaine knows it, or ought to know it.

We sold over $200,000,000 worth of products, mainly agricultural products, in Great Britain, during the year to which Mr. Blaine refers, more than we purchased from that country, and when our people bought the sugar and coffee and other articles that our consumers needed from South America, they drew drafts upon the proceeds of these sales of our agricultural products in Europe and thus paid for what we were compelled to buy. If we had not sent these products to Europe and sold them there so as to have the gold on deposit in the banks to meet our drafts we could not have purchased the coffee, sugar, and other articles which our people needed, because we could not have paid the money for them.

So the true measure of the value of our trade is not the amount which we send to any particular country to the south or to the north of us, but what we send to all the countries of the world and upon the proceeds of which we can draw to pay for what we want.

OUR AGRICULTURAL EXPORTS TO VARIOUS COUNTRIES COMPARED.

We exported in the year 1889 $16,616,000 worth of live cattle. England and Scotland alone took $16,189,000 worth of them, or nearly all; Cuba took $318 worth; Porto Rico took none. All South America took $54,410 worth. We exported $853,000 worth of barley, and England, Scotland, and Ireland took $616,000 worth; Mexico took $3,000 worth; Cuba took none; Porto Rico none. All South America took $52 worth. We exported 69,592,000 bushels of corn, of which England Scotland, and Ireland took over 41,000,000 bushels; Mexico took 194,000 bushels, Cuba took 145,000 bushels, Porto Rico took 3,000 bushels, and all South America took 314,000 bushels.

We exported a little over 10,000,000 pounds of oatmeal, and England and Scotland took 9,640,000 pounds; Mexico, 10,000 pounds; Cuba took none; Porto Rico took none; all South America took 1,400 pounds.

We exported 46,414,129 bushels of wheat, and England, Scotland, and Ireland took 31,568,506 bushels; France took 7,655,176 bushels; Portugal nearly 2,000,000; Mexico, 2,280 bushels; Cuba took 30 bushels; Porto Rico took none. All South America took 812,821 bushels.

Of wheat flour we exported 9,374,803 barrels, of which England, Scotland, and Ireland took 4,271,344 barrels; Mexico, 183,318 barrels; Cuba, 243,151 barrels; Porto Rico, 129,946 barrels; and all South America took 932,617 barrels, out of nearly nine and a half millions.

Our total exports of hops amounted to 12,589,262 pounds, of which England alone took 11,386,087 pounds; Mexico, 6,599 pounds; Cuba, 2,107 pounds; Porto Rico, 2,810 pounds; and all South America, 15,152 pounds.

Of canned beef, which is an important article of export, our total exports were 51,025,254 pounds, and England, Scotland, and Ireland took 37,333,528 pounds; France, 3,544,998 pounds; Germany, 2,266,793 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory lying to the north of us, with which we are to have no reciprocity, took 5,939,965 pounds; Mexico took 39,234 pounds; Cuba took 1,116 pounds; Porto Rico took 960 pounds; and all South America took 109,877 pounds. The total exports of fresh beef were 137,895,391 pounds, of which England and Scotland took 137,286,553 pounds, nearly the whole of it, being all except 508,838 pounds; Mexico took 28,465 pounds; Cuba took 2,515 pounds; Porto Rico took none, and all South America took none—not a pound out of nearly 138,000,000 pounds that we exported. Of salted beef we exported 55,006,391 pounds, and England and Scotland alone took 31,781,119 pounds; France took 1,597,691; Germany, 2,422,775; Mexico, 12,318; Cuba, 75,500; Porto Rico, 47,400, and all South America 642,208 pounds, out of more than 55,000,000 pounds.

Our total exports of tallow were 77,844,555 pounds, of which England, Scotland, and Ireland took 34,858,526 pounds; France, 2,478,399 pounds; Germany, 1,279,614 pounds; The Netherlands, 28,321,849 pounds; Mexico, 5,602,415 pounds; Cuba, 62,792 pounds; Porto Rico, 8,684 pounds, and all the South American countries took only 167,931 pounds.

We exported 64,410,845 pounds of pickled pork, of which England and Scotland took 14,912,087 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory took 16,389,233 pounds; Newfoundland and Labrador, 2,993,901 pounds; the British West Indies, 8,003,173 pounds; British Guiana, 3,258,470 pounds; Mexico, 2,038 pounds; Cuba, 713,200 pounds; Porto Rico, 2,871,400 pounds, and all South America took 512,290 pounds.

During the same fiscal year, 1889, we sold abroad 357,377,399 pounds of bacon, and of this England and Scotland took 299,796,456 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory took 28,556,591 pounds; Sweden and Norway, 3,632,824 pounds; Mexico, 80,497 pounds; Cuba, 3,521 pounds; Porto Rico, 784 pounds, and all South America purchased from us only 1,091,561 pounds.

Of hams we exported in the same year 42,847,247 pounds. England and Scotland took 34,766,806 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory took 1,908,868 pounds; Mexico, 9,645 pounds; Cuba, 3,319,956 pounds; Porto Rico, 540,186 pounds, and all the countries of South America took 778,354 pounds.

Our total exports of cheese amounted to 84,999,828 pounds, of which England and Scotland took 72,304,393; Quebec, Ontario, Manitoba, and the Northwest Territory, 10,829,027 pounds; Mexico, 69,367 pounds; Cuba, 55,695 pounds; Porto Rico, 118,363 pounds, and all South America, 247,097 pounds.

We exported and sold abroad 318,242,990 pounds of lard, of which England, Scotland, and Ireland took 165,139,325 pounds; Denmark, 11,256,296 pounds; France, 29,326,634 pounds; Germany, 48,664,002 pounds; Quebec, Ontario, Manitoba, and the Northwest Territory, 12,903,391 pounds; Mexico, 1,363,539 pounds; Cuba, 30,096,838 pounds; Porto Rico, 3,101,652 pounds, and all South America, 16,633,488 pounds.

We exported 15,504,978 pounds of butter, and England and Scotland took 7,454,107 pounds of this; France, 973,815 pounds; British West Indies, 1,560,952 pounds; Mexico, 128,784 pounds; Cuba, 112,209 pounds; Porto Rico, 68,425 pounds, and all South America, 965,428 pounds.

Our exports of clover seed were 34,253,157 pounds. Belgium took of this 1,054,163 pounds; Denmark, 1,001,170 pounds; French Possessions, 10,568,140; England, Scotland, and Ireland, 6,624,373 pounds, Quebec, Ontario, Manitoba, and the Northwest Territory, 4,332,092 pounds; Mexico, none; Cuba, 34,025 pounds; Porto Rico, none, and all South America, 2,525 pounds.

This long and, I fear, somewhat tedious statement shows that our markets for agricultural products in these countries with which alone we are to be allowed to have reciprocity under this bill is utterly insignificant, so small that it does not affect to any extent whatever the prices of our agricultural products at home or abroad, notwithstanding the fact, which I repeat again, that we have for years admitted more than 90 per cent. of their products here free of duty.

LOSING OUR FOREIGN MARKETS.

We have refused to take wool from the Argentine Republic except upon the payment of a high duty, and they are converting their sheep pastures into wheat fields and sending their products to the markets of Europe to compete with ours. In 1880 the United States, Russia, India, Australia, and the Argentine Republic sold in the European markets 208,987,072 bushels of wheat, and our share of this trade was over 69 per cent.; but in 1887 the same countries sold 187,210,303 bushels, and our share was less than 48 per cent. Our exports of this article are constantly decreasing, not only relatively, but actually. This is the result of the policy which we have adopted here, and which this bill extends, of imposing high rates of duty upon the articles which other countries want to sell us, thus inaugurating a commercial war and compelling our farmers to pay all its expenses, because retaliation, whatever may be its form, whether by the imposition of increased duties or by laws and regulations expressly imposing restrictions upon the sale or importation of our commodities, must fall most heavily upon the farmer, whose products usually constitute about 75 per cent. of our total exports.

Mr. ALDRICH. Would it interrupt the Senator if I should ask him a question?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. CARLISLE. Certainly.

Mr. ALDRICH. I should like to understand exactly the Senator's contention in this regard, whether it is that we have no part of the markets of South America or whether there are no markets there in existence.

IN FAVOR OF REAL RECIPROCITY.

Mr. CARLISLE. I assert there are no markets there for our agricultural products and never will be; but the Senator must not misunderstand me. I am not taking a position against fair and proper reciprocal trade with the countries of South America or any other country, but I am contending that the pretense, if Senators will excuse the expression, that the reciprocity now suggested is for the benefit of our farmers is a false pretense; that it can benefit only the producers of manufactured articles in this country, these being substantially the only kind of articles the people of South America need from abroad.

In the first place, I do not think any Senator upon that side of the Chamber seriously contemplates that this reciprocity clause will ever be executed in any form whatever. I do not believe any Senator on that side of the Chamber would be willing to tell the people of this country that he really expects the President of the United States to impose a duty of 10 cents a pound upon tea, 3 cents a pound upon coffee, and from 35 to 59 per cent. ad valorem upon sugar, in order to coerce the countries of China and Japan and Spain and Brazil and others to enter into reciprocal arrangements with us.

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

Mr. CARLISLE. Certainly.

Mr. BLAIR. I understood the Senator to say that he did not think this proposed reciprocity would assist the farmers of the country, but that it would help the manufacturers. I should like to ask him his opinion as to its being of substantial assistance to the manufacturing interest.

Mr. CARLISLE. I have said that in my opinion it will assist them to some extent, and that I was not opposing a proper reciprocity, but was endeavoring to expose the unsubstantial character of the grounds upon which this partial and restricted reciprocity is advocated.

Mr. BLAIR. I wish to ask another question, but I understand the Senator upon that point that he thinks this proposed reciprocity with the states south of us may be of substantial assistance to the manufacturers of the country.

THIS RECIPROCITY BENEFICIAL TO NO DOMESTIC INTEREST.

Mr. CARLISLE. Reciprocity with the countries of South America will be of no substantial benefit to our manufacturers unless it is accompanied by a stipulation that the privileges accorded to us are not to be granted to any other country, because if they are still left free to admit the goods from Germany, France, and England, which are manufactured from free raw materials, upon the same terms that they admit ours, we shall stand in the markets of South America precisely where we stand now, unable to compete with those productions. If we can not compete in our own markets here at home with European manufactured products without a high tariff to protect us against their lower prices, of course we can not successfully compete with them upon equal terms in South America or anywhere else.

Doubtless our manufacturers would be able to export to South America a few articles manufactured in whole or in part from imported material upon which a drawback is allowed by law, and sell them to the people there cheaper than they sell them to their own fellow-citizens, and this will be more probable if all our citizens are taxed to pay ships for carrying their goods, as is proposed in the subsidy bill passed by the Senate and now pending in the House.

Mr. BLAIR. Then I understand the Senator does not expect from the passage of this bill any substantial benefit either to our farmers or to our manufacturers?

Mr. CARLISLE. I do not. I have said that a real reciprocity in proper form, containing proper provisions for our security in their markets, might be advantageous to us, but this project would not be. I

regard this as a mere political device to appease as far as possible an indignant public sentiment, and to check, for the time being at least, the rising tide of opposition to the radical policy of protection and prohibition inaugurated by this bill. Its real purpose is not to divert trade from other countries to this, but to divert public attention from the enormities of this bill, and it will probably accomplish that purpose to a certain extent, but it will accomplish nothing else.

CHINA AND JAPAN—PAPER RECIPROCITY.

Mr. President, we are to have a duty under this bill of 10 cents a pound on tea and 3 cents a pound on coffee unless China and Japan remove "unequal and unreasonable" restrictions. What restrictions have they? Both admit nearly all our agricultural products free now and on all our other products sent to those countries the rates of duty are very low. We imported from China during the year 1889 40,751,000 pounds of tea, from Japan 33,303,000 pounds, and from England 4,673,000 pounds. Our total importations were 79,575,984 pounds valued at $12,654,000; and now, unless China and Japan do something on paper, because, no matter what their laws or regulations are, they will take none of our agricultural products—something on paper which will satisfy the President, we are to compel our people to pay $7,957,000 duty every year on their tea; that is to say, we are to punish the consumers of tea in the United States for some delinquency or supposed delinquency on the part of China and Japan.

Our total exports to China, agricultural, manufactured, and all others, amounted to only $2,790,000, and less than 10 per cent. of our total exports were agricultural products. Our total exports to Japan, the other tea-producing country from which we get our supply, amounted to $4,615,000, and less than 10 per cent. of those were agricultural products. This is the whole extent of their purchases from us, notwithstanding the fact that we now admit 68 per cent. of the importations from China and nearly 87 per cent. of the importations from Japan free of duty, and, Mr. President, if we should admit all their products into our markets free, they would not buy another dollar's worth of our breadstuffs or provisions, because they do not need them. But unless they will write down something or enact some law which will satisfy the Executive that they mean well toward us, we are to tax our own people a greater amount on tea alone than the total value of all our exports to both countries.

HOW THE RECIPROCITY PROVISION WILL OPERATE—BOUNTIES, TAXES, AND PRICES.

But suppose China should make a law or a regulation which satisfies the President that he ought not to impose a duty upon the Chinese tea, but Japan fails to do so; then there will be a duty of 10 cents a pound upon all the tea imported from Japan, and all the tea imported free from China will be sold to our people at the duty-paid price of the Japanese tea, of course, because until we get free tea or free coffee or free sugar substantially to the extent of our demands for home consumption the duty-paid article will fix the price of the whole, just as duty-paid sugar now fixes the price of all the sugar which comes from the Hawaiian Islands.

Suppose Brazil makes some regulation or agreement which satisfies the President that it makes no discriminations against us, and he therefore continues to admit Brazilian sugar and coffee free, but Spain does not make any such arrangement, The Netherlands do not make any such arrangement (and we get large quantities of coffee from The Netherlands possessions in the East Indies), then duties will be imposed upon sugar and coffee coming here from the Spanish and Dutch possessions, but the Brazilian coffee and sugar, admitted free of duty, will be sold to our people at the same price precisely as the duty-paid sugar and coffee from the other countries.

In the mean time a bounty of more than $7,000,000 will be paid every year to the manufacturers of domestic sugar in this country; that is to say, the duty-paid sugar from abroad will fix the price of sugar to our consumers, and we will continue to pay out of the public Treasury 2 cents a pound to the manufacturer, for this bill makes no provision whatever for the cessation of the bounty when the President imposes or reimposes a duty. They are to go on together. We are to issue the money to these favorites of the Government with both hands, from one in the form of a protective duty upon their products, from the other in the form of gold and silver from the Treasury of the people.

WHERE OUR FARMERS MUST LOOK FOR FOREIGN MARKETS

Mr. President, this is the character of the reciprocity and retaliation proposed by the pending bill. It will be of no value to our people, but may inflict great injury upon them. If we are to find markets for the products of our farms we must look across the ocean to the people who want such products and who are able and willing to buy them and pay for them. We must look also to our English-speaking neighbors on the north, who, in spite of our unfriendly tariff, purchase every year four or five million dollars' worth of our agricultural products in excess of the amount we purchase from them. If we can not have unrestricted reciprocity with the great countries of Europe, we can at least adopt, and ought to adopt, a far more liberal policy towards them than now prevails, and thus encourage their people to trade with us instead of expending millions of dollars every year to stimulate production elsewhere.

To England, France, Germany, Belgium, and The Netherlands our farmers send their products and sell them at prices which fix the prices here at home, and notwithstanding all the paper arrangements that may be made with the countries of South and Central America or China and Japan they must continue to send their surplus to those great markets in Europe. Instead of inviting genuine reciprocity or inaugurating a more liberal policy towards our best customers, we are increasing the rates of duty upon nearly all the articles which they have to sell us, contracting our trade, and depriving the farmer of a market at home or abroad for his surplus products; and this is being done upon the avowed theory that international commerce is a calamity from which the people should be protected by all the power and ingenuity of the Government.

COMMERCE IS NOT WAR; IT IS PEACE.

Very greatly to my surprise, I heard the distinguished Senator from New York who now sits in front of me [Mr. EVARTS] announce a doctrine the other day which struck me as so extraordinary in the Senate of the United States in these closing years of the nineteenth century that I made a note of it. Speaking on this bill, he said:

Sir, let us understand that with us in our system and age of civilization trade between nations stands for war in a sense never to be overlooked and never safely to be misunderstood.

The Senator then proceeded to speak of our shores being ravaged by foreign incursions in the guise of trade. That, Mr. President, is the old and barbarous doctrine that all trade between the peoples of different countries was commercial war, a doctrine which I supposed had been abandoned in every civilized and enlightened country. Commerce has, in my judgment, contributed more to the civilization of the world, more to establish fraternal relations between the peoples of different countries, than all other human agencies combined.

Commerce is not war; it is peace. People of different countries trade with each other for precisely the same reason that people of the same country trade with each other, because it is mutually beneficial; and whether there be high tariffs or low tariffs, or no tariffs at all, they will not trade unless it is profitable to do so. They do not trade for amusement or as a matter of charity or friendship, but for profit or to supply themselves with the necessaries of life; and the usual result is that both parties are benefited by the transaction.

But, Mr. President, while there are several other questions which I desired to discuss, and while, in fact, I had expected to say considerably more upon the subjects already presented, I have now occupied the time of the Senate for over two hours, and I feel that inasmuch as the vote is to be taken this afternoon I ought to close.

Mr. MORGAN. Before the Senator concludes I wish to call his attention to the state of our treaty relations with Japan. In 1868 we negotiated a treaty of commerce with Japan in conjunction with four other powers, in which we practically limited by agreement the right of the Chinese Government to tax the larger part of the imports into that country from either of those countries to 5 per cent. ad valorem. A modification of the provisions of that treaty was provided by a convention signed by the respective plenipotentiaries of the several Governments in 1868. The first article of that modification reads as follows in regard to our goods imported into Japan:

ARTICLE 1.

The contracting parties declare in the names of their respective Governments that they accept, and they hereby do formally accept as binding on the citizens of their respective countries and on the subjects of their respective sovereigns, the tariff hereby established and annexed to the present convention.

This tariff is substituted not only for the original tariff attached to the treaties concluded with the above-named four powers, but also for the special conventions and arrangements relative to the same tariff, which have been entered into at different dates up to this time between the Governments of the United States, Great Britain, and France on one side, and the Japanese Government on the other.

In class 4 of the tariff thus provided the following articles, when imported into Japan, are taxed as follows:

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF 5 PER CENT. ON ORIGINAL VALUE.

Arms and munitions of war; articles de Paris; boots and shoes; clocks, watches, and musical boxes; coral; cutlery; drugs and medicines, such as ginseng, etc.; dyes; porcelain and earthen ware; furniture of all kinds, new and second hand; glass and crystal ware; gold and silver lace and thread; gums and spices not named in tariff; lamps; looking glasses; jewelry; machinery and manufactures in iron or steel, manufactures of all kinds in silk, silk and cotton, or silk and wool, as velvets, damasks, brocades, etc.; paintings and engravings; perfumery, scented soap; plated ware; skins and furs; telescopes and scientific instruments; timber; wines, malt and spirituous liquors; table stores of all kinds, and all other unenumerated goods.

By treaty arrangement Japan is prohibited from charging the people of the United States more than 5 per cent. ad valorem upon those articles. Then follows this provision as to exports:

CLASS III.—PROHIBITED GOODS.

Rice, paddy, wheat, and barley. Flour made from the above. Saltpeter.

* * * * * * *

CLASS IV.—GOODS SUBJECT TO AN AD VALOREM DUTY OF 5 PER CENT. TO BE CALCULATED ON THEIR MARKET VALUE.

Bamboo-ware; copper utensils of all kinds; charcoal; ginseng and unenumerated drugs; horns, deer, young or soft; mats and matting; silk dresses, manufactures or embroideries; timber; and all other unenumerated goods.

I wish to call the attention of the Senator from Kentucky to the fact

that we have by stipulations with Japan agreed that wheat and wheat flour and saltpeter and the other articles I have just referred to, including rice and paddy, are prohibited from being exported from Japan, and that nearly everything we export to Japan is taxed 5 per cent. by treaty agreement.

Mr. CARLISLE. What is the date of that treaty?

Mr. MORGAN. This is the convention following the treaty of 1864. This convention was advised and ratified by the Senate on the 17th day of June, 1868. This bill is in direct contravention of that treaty. We can not get reciprocity in flour and wheat or in scarcely anything else in Japan unless that treaty is set aside.

Tea has an export duty fixed upon it in that convention of 50 cents and 75 cents on the 100 catties, according to quality, the weight of the catties being one pound and a third, English avoirdupois.

AMOUNT OF TAXES ON SUGAR, COFFEE, AND TEA TO BE IMPOSED BY THE PRESIDENT.

Mr. CARLISLE. The Senator from Maryland [Mr. GORMAN] requests me to state before concluding my remarks what would be the amount of revenue collected in addition to that already provided for in the bill in case the President should reimpose duties upon coffee, sugar, and tea. The revenue derived from sugar would be $28,000,000, from coffee $17,200,000, from tea $7,500,000, making in the aggregate an addition of $52,700,000 to the taxes under the bill.

INCREASED TAXES ON VARIOUS ARTICLES.

Mr. President, I have dwelt very briefly upon the increases made by this bill in the woolen, cotton, and linen schedules, and I shall not now consume the time of the Senate by adding anything to what has been said except that I should like permission to insert in my remarks some of the rates which have been established upon those articles. As to the matter of linen goods I desire to say that the conference committee, in one instance, at least, has imposed upon articles of wearing apparel a higher rate of duty than was put upon them by either the House or the Senate. The bill as it passed the House imposed a duty upon shirts and all other articles of wearing apparel of every description composed wholly or in part of linen of 50 per cent. ad valorem. The Senate struck that out, the effect of which was to subject these articles to a duty of 40 per cent. under the general clause embracing all such manufactures not otherwise provided for.

The conference committee has restored the clause and made the duty 55 per cent. ad valorem, instead of 50 per cent., as the House had it, or 40 per cent., the rate agreed to by the Senate. In other words, the conference committee was not satisfied either with the rate which the House had made or the rate which the Senate had made, but increased it over both, and it so stands in the bill. The effect of this is to make quite a large increase in the duties upon these articles of necessity over the existing law and over the bill as it was agreed to in both Houses.

Now, Mr. President, I ask permission to insert in the RECORD some of the rates of duty——

Mr. ALDRICH. I of course do not intend to object to the request the Senator now makes, but if it would not be asking too much of him—I know he has been speaking for some time—but I should be very glad if he could make those statements now in the hearing of the Senate, that there may be an opportunity to answer any statement which he may make as to the effect of these increases. I am quite willing that he should have consent to print them, but I should like to know something about their nature.

Mr. CARLISLE. I will state to the Senator that I have a statement prepared here which I think is accurate, but which I desire to review, of course, before putting it into the RECORD. It relates, I believe, only to woolen goods and to window-glass and cotton goods.

Mr. ALDRICH. Can the Senator have it read by the Secretary?

Mr. CARLISLE. I will make a statement from it myself. The duty on woolen and worsted yarns valued at not over 30 cents per pound is increased from 70 per cent. to more than 132 per cent.

I will say to the Senator from Rhode Island that in nearly every instance, and I believe in every one, the rate of duty stated is based upon the unit of value as shown by the importations for the fiscal year 1889. Of course the Senator will understand that there may be articles upon which the rate of duty is very much higher than this, while on some it may be lower, because the official tables give simply the average value and the actual rate on a particular article will depend on its value or cost abroad.

On one grade of worsted knit goods for underwear and women's and children's dress goods, valued at less than 30 cents per pound, the duty is increased from 73 per cent. to 170 per cent.; and on another grade from a little over 76 to 176 per cent.

On the next class, valued at between 30 and 40 cents per pound, the duty is increased from 68½ to 147 per cent.; and on the next class, valued above 40 cents per pound, the duty is increased from 67½ to 129 per cent.

The duty on worsted shawls is increased from 62 to 80 per cent. The Senate will remember that there was some controversy about the paragraph under which these articles would be taxed, and on my motion in the Senate it was expressly inserted among the woolen and worsted cloths, in order to prevent them from being subject to a much higher rate of duty under the clause relating to ready-made clothing, or the one which embraces cloaks and dolmans.

The duty on one class of woolen shawls is increased from 88½ to nearly 99 per cent., and on another class from 69½ to over 99 per cent.

The duty on one grade of flannels is increased from 67 to 120 per cent., and on blankets valued at more than 30 and not more than 40 cents per pound the duty is increased from 67 to 120 per cent.

The duty on ready-made clothing made wholly or in part of wool is increased from 54 to 84 per cent.; on cloaks, dolmans, etc., from 60 to 82 per cent. On cotton-ties and barrel-hoops the duty is increased from 35 to about 104 per cent., and on tin and terne plates from 31 to over 76 per cent.

Mr. ALLISON. I should like to interrupt the Senator to ask him a question.

The PRESIDING OFFICER. Does the Senator from Kentucky yield?

Mr. CARLISLE. Certainly.

Mr. ALLISON. I see the Senator states that on cotton-ties and barrel-hoops the rate has been increased. As I understand it there has been no increase in the rate on barrel-hoops.

Mr. CARLISLE. They are expressly provided for in the same paragraph, and if they are cut to length, or punched, or splayed, or wholly or partially manufactured in any other way, they are subjected to exactly the same rate of duty that is imposed upon cotton-ties.

Mr. ALLISON. But that is not the point. The point I make with the Senator is that cotton-ties are put upon the same rate of duty that has prevailed for years as respects every other kind of hoop-iron.

Mr. CARLISLE. That may be, but the duty on cotton-ties is increased by this bill from 34 per cent. to about 104 per cent.

Mr. ALLISON. But the duty on barrel-hoops is not increased.

Mr. CARLISLE. I may be mistaken in the statement that the duty on barrel-hoops is actually increased by this bill over the rate of the existing law, but I am not mistaken in the statement that if that article is cut to length, punched, splayed or flared, or otherwise wholly or partially manufactured for baling purposes, it will pay the same duty as cotton-ties.

Mr. ALLISON. If the Senator will allow me a moment more: Cotton-ties have been a separate article since 1883, and perhaps before that time, and they have been specially denominated in the tariff. This bill, as I understand it, simply relegates cotton-ties to the duty that has prevailed as respects other hoop-iron, which includes barrel-hoops.

Mr. CARLISLE. That may be; but it does not affect the accuracy of my statement. It is simply an argument in favor of what has been done, while I am merely stating the fact as to what has been done, and am not making an argument on the subject.

Mr. ALDRICH. Does the Senator from Kentucky mean to say that this bill in any one of its provisions fixes a duty of 104 per cent. either upon cotton-ties or upon barrel-hoops?

Mr. HARRIS. Unquestionably upon cotton-ties.

Mr. CARLISLE. I say it does upon cotton-ties.

Mr. ALDRICH. A duty of 104 per cent.?

Mr. CARLISLE. Yes, according to the statement of the expert submitted by the committee itself.

Mr. ALDRICH. The Senators upon that side discussed this question for three days, and I think every one of them said the duty fixed by the bill was 105 per cent. I notice that elsewhere in the discussion it was said that the duty was 135 per cent. Now, I want to impress upon the Senator, what he probably knows as well as I, that a statement to go out to the country that we have imposed a duty of 104 per cent. upon cotton-ties and barrel-hoops is as misleading and as incorrect as a statement can be.

Mr. CARLISLE. Does the Senator say that a duty of 104 per cent., or about that, has not been imposed upon cotton-ties?

Mr. ALDRICH. I do. I say that a duty of 1.3 cents a pound has been imposed upon cotton-ties. The Senator can take a unit of value possibly in some year when there may have been importations at a unit of value which would make a rate of duty of 104 per cent., but in the next year it may have been 52 per cent. What I mean is to impress upon the Senator, not only in regard to this increase, which he is now quoting, but the whole list he has given, that no such duties have been imposed by this bill, but it depends upon a hypothetical case which never existed.

Mr. CARLISLE. No, Mr. President, I take in every one of these cases the unit of value as given in the official statistics of importations which are here before me in the tables reported by the Committee on Finance.

Mr. ALDRICH. There are no such——

Mr. CARLISLE. And on many articles the duties are much higher than I have stated.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. CARLISLE. Certainly; but before yielding I desire to call the attention of the Senator from Rhode Island to the fact that notwithstanding he says we may "suppose" a unit of value which would put the rate of duty upon cotton-ties at 104 per cent., in the tables submitted

by the Committee on Finance the actual unit of value for the fiscal year 1889 is given and the equivalent ad valorem is calculated and stated by the expert at 103.71 per cent., which corresponds with my statement that it was nearly 104 per cent. In order that there may be no further controversy as to the accuracy of my statement, if these tables are correct, I will give the figures from the tables now before me.

In 1889 there were imported 67,573,062 pounds of cotton-ties valued at $847,012.61, and the duties collected, at 35 per cent. ad valorem, were $296,454.40. The tables state that the duty collected under the specific rate fixed by the House bill would be $878,449.80, and under the Senate bill precisely the same; that the value was 1.3 cents per pound, and that the ad valorem rate under the bill as it now stands is 103.71 per cent. This is the statement submitted by the committee itself.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Rhode Island?

Mr. CARLISLE. Yes, sir.

Mr. ALDRICH. The Senator from Kentucky understands as well as I, and I have repeated it in his presence a dozen times, that the figures which he has read are not in any sense the report of the Committee on Finance.

Mr. CARLISLE. I have not said they were, but they were submitted to the Senate by the committee with the bill.

Mr. ALDRICH. They were furnished by the Bureau of Statistics, and purport to furnish a unit of value for the importations of the fiscal year ending June 30, 1889. What I say to the Senator is that if cotton-ties are worth abroad 1.3 cents, of course a duty of 1.3 cents is 100 per cent. If they were worth 2.6 cents abroad (and they are worth to-day nearer 2.6 cents than they are worth 1.3 cents) then the duty is only 50 per cent. I say it misleads the public to assert that we have imposed a duty of 104 per cent. upon cotton-ties when we have done nothing of the sort, and it can only be made 104 per cent. upon some hypothetical case which can never exist, because the importations for another year can never be what they were in 1889.

Mr. CARLISLE. The Senator is of course proceeding upon the hypothesis that there has been an undervaluation at the custom-houses, about which I know nothing. I have taken the official statistics just as they are.

Mr. ALDRICH. But they show nothing. They do not show the rate. The Senator is undertaking to discuss the rates of this bill and he is not discussing the rates of the bill at all. He is saying that if the price of cotton-ties is 1.3 cents, a duty of 1.3 cents is 100 per cent. That is a plain mathematical proposition that anybody will agree to.

Mr. CARLISLE. Certainly, and that is all of it.

Mr. ALDRICH. But I say to the Senator if the price is 2.6 cents the duty is only 50 per cent., and I have just as much right to say that the duty fixed by this bill is 50 per cent. as the Senator has to say that it is 100 per cent.

Mr. CARLISLE. The Senator has no such right, because my statement is based upon the official returns now before me. I agree with the Senator that if the price was 5 cents a pound, for instance, 1.3 cents would be comparatively a very small duty, but the price was not 5 cents a pound, nor 2 cents a pound, nor 1¾ cents a pound, but according to the official statistics it was 1.3, and that is what I must be governed by, unless the Senator can produce evidence to show that imported cotton-ties were undervalued in 1889, or that their cost abroad has increased since that time.

Mr. ALDRICH. If the Senator will allow me, I will call his attention later on to a statement made by the Senator from South Carolina [Mr. BUTLER], who is very much interested in this question, and who read a letter or telegram, I am not sure which, from some correspondent of his in Charleston, saying that it cost at the present time to import cotton-ties $1.26½ a bundle, which is about 1.9 cents a pound instead of 1.3 cents, and fixing the rate of duty, according to his own statement, at about 70 per cent. According to the statement of the Senator from South Carolina himself the duty is only 70 per cent. instead of 103 or 105 per cent. What I object to on the part of the Senator and all Senators upon that side is that they speak of a duty based upon a hypothetical case as though it had an actual existence, when it exists merely in the imagination of Senators on the other side.

Mr. CARLISLE. Does not the report show that it has an actual existence?

Mr. ALDRICH. No, sir; not by any means.

Mr. CARLISLE. Then what does it show?

Mr. ALDRICH. It shows that during the year 1889 the unit of value on cotton-ties imported was 1.3 cents, and the Senator takes that and applies it to the proposed law and says that this proposed law imposes a duty of 104 per cent. I will agree with him that if 1.3 cents was an honest valuation, which it was not, and if the price in the year 1890 is what it was in 1889, as it is not, then he would be undoubtedly correct; but there are two "ifs" in the way.

Mr. CARLISLE. Well, Mr. President, there seems to be no real issue between the Senator and myself at all. He agrees that if these official statements are correct my deductions are correct.

Mr. HARRIS. And they are official.

Mr. CARLISLE. Now, in order to reconcile the differences between us I will agree that if these official statements are not correct my deductions are not correct.

The committee of conference has reported a clause which will bear with peculiar hardship upon the workingmen and workingwomen of the country, and I desire to call attention to it before concluding, because it contains an entirely new provision.

Mr. ALDRICH. Has the Senator completed his statement of the advances made by the bill?

Mr. CARLISLE. I have not attempted to state all the advances made by the bill, but only a few. On some grades of cotton plush and velveteens the duty is increased from 40 to over 100 per cent.; on one class at least it is increased to 118 per cent.; on hosiery, from 40 to over 60 per cent.; on some kinds of cotton wearing apparel, from 35 and 40 to 50 per cent.; and on nearly all the better grades of cotton cloth the duties are largely increased.

THE TAX ON GOSSAMERS.

Mr. President, as this bill came from the House it contained this provision in the cotton schedule:

Provided, That all such clothing ready made and articles of wearing apparel having India rubber as a component material shall be subject to a duty of 60 cents per pound, and in addition thereto 50 per cent. ad valorem.

This includes rubber or partly rubber coats, cloaks, and other garments which all our working men and women are compelled to buy and use in order to protect themselves against the inclemency of the weather, articles which can not be dispensed with if this class of our people are to be comfortable while engaged in their occupations and going to and from them. The Senate struck this provision from the bill, but the conference has reported it back in the following form:

Provided, That all such clothing ready made and articles of wearing apparel having India rubber as a component material—

Not the component material of chief value, but the component material to any extent whatever—

(not including gloves or elastic articles that are specially provided for in this act) shall be subject to a duty of 50 cents per pound, and in addition thereto 50 per cent. ad valorem.

I am advised that one of these garments for men's wear weighs about 4½ pounds, and that 2 pounds of this is rubber and the remainder of the material cotton. Rubber is free and raw cotton is free, so that the whole duty which is given by this bill is a protective duty for the exclusive benefit of the manufacturer. This article weighing 4½ pounds costs abroad $5. The duty, therefore, will be $2.25 specific and $2.50 ad valorem, making a tax of $4.75 upon this necessary article of wearing apparel, the cost of which without the tax is only $5. There is no justification whatever for this excessive rate of duty in view of the fact that the manufacturer gets all his materials free except the buttons and the thread, if any thread is used. Mr. President, I will not detain the Senate longer.

Mr. ALLISON. Mr. President, having been a member of the conference committee on the part of the Senate and having signed this report, I desire to say a few words respecting it.

I think it is well enough for us to consider the stage of the bill at this time. Of course, if this report is adopted nothing remains except the signatures of the two presiding officers and of the President of the United States to the enrolled bill.

This bill came to us from the House of Representatives on the 21st day of May. It was amended in a very large degree in the Committee on Finance and was further amended in the Senate Chamber, so that when it reached the conference upon the part of the two Houses there were, I think, about four hundred and sixty substantial amendments. These amendments in a few instances covered increases of duties, notably in the case of sugar. In a large number of instances there were diminutions of duties as compared with the House bill.

The amendments of the Senate went to the House of Representatives and were non-concurred in, so that the judgment of the House as respects the merits of the original bill and as respects the merits of that bill compared with the Senate amendments was twice expressed, non-concurring in each and all of the amendments of the Senate. So the conferees on the part of the Senate had only before them those portions of the bill wherein the Senate had disagreed from the original text of the House bill.

The Senator from Kentucky [Mr. CARLISLE] says that the conferees upon the part of the House and the Senate have largely increased the duties as compared with the bill as amended by the Senate. That is true to a certain degree, but not true with the exception of two schedules in this bill.

As I understand the duty of a conference, it is to endeavor to bring the two Houses together, and to do whatever can be reasonably done to facilitate the passage of the bill, and not to interfere with its passage. So, having that in view, I as one member of the conference committee did consent to an increase in one or two of the schedules of this bill; but with the exceptions I have named, most of the amendments proposed by the Senate were agreed to, or, if not agreed to, they were compromised, so that in the compromise the rates of duty fixed were less than those originally proposed in the House bill. I agreed to this com-

promise as a means of bringing the two Houses together and making a report and subjecting it to the judgment of the Senate.

The Senator from Kentucky says that the effect of this bill, by and large, as the conference have reported it, is to only diminish the revenues $2,000,000. I wish to differ with him absolutely as respects the effect of this bill by and large. I believe this bill as it now stands will reduce the revenues of the Government to the extent of from forty to forty-five million dollars, and it will reduce those revenues without materially increasing any burdens unless it may be upon one or two articles.

The Senator from Kentucky states that upon the basis of the importations of 1889 there will come in dutiable articles under this bill $390,000,000 in value; I think that was, in substance, his statement. Of that $390,000,000 I assert here that more than one-half of the whole is not subject to an increase of duty over and above the existing law; that of five schedules in this bill the general tenor and effect is to reduce duties. These five schedules were reiterated by me in the debate, and cover an importation of $107,000,000 in round numbers. They are Schedules A, B, D, M, and N. In these schedules the rates of duty are not substantially changed, and all the increase of revenue upon the basis of the importations of 1889 comes from two or three or four schedules in this bill.

As I stated in the debate, this increase comes largely from tobacco and from wool and woolen goods. These are the two great schedules in this bill where there are increases of duty over and above the existing law, and these increases come from the fact in the one case that the committee decided that tobacco could bear an increase of taxation—because it is taxation—and that in the other case the million or more of wool-growers in the United States were fairly entitled to an increased duty upon this farm product which they produce. Having settled that question, it became necessary in the judgment not only of this side of the Chamber, but of the other side, to increase correspondingly the duties upon woolen goods. Otherwise the farmers who produce wool could receive no benefit from that increase.

It is true that we have increased the duties upon the higher manufactures of cotton goods to some extent, but this will cut a very insignificant figure comparatively in the importations as well as in the revenue. But I do not wish to enter into the details of that discussion.

The Senator from Kentucky estimates the increase of revenue upon woolen goods at $15,000,000. That will not, in my judgment, be its effect; it will probably be an increase of one-half of that, as I estimated some days ago. The increase upon cotton goods will not exceed $700,000. The increase upon linen goods the Senator from Kentucky estimates at $5,000,000.

I think that too large an estimate, although I agree with him that the conference report does indicate a considerable increase in the duties levied upon linen goods, and I agree with him also that until this linen industry is more thoroughly established in our country it may be within the power of those who import these goods to add somewhat to the price of them. It was because the House of Representatives, that body which, by the Constitution of the United States, originates tax bills, insisted that this linen schedule as amended in the Senate was an unjust schedule to the agricultural interests of our country, that I, as one of the conferees on the part of the Senate, finally agreed to the compromise provisions which are inserted in the conference report.

The Senator from Kentucky stated that we had in one instance increased the duty beyond even the House bill. That is true. It was the intent of the conference to increase the duty upon one single article of importation of linen goods beyond the amount inserted in the House bill. That was done because we had increased the raw material of that article all along the line. But I will say to the Senator from Kentucky that unfortunately that increase is not in the conference report. I am told that a joint resolution of some kind or a concurrent resolution instructing the enrolling clerks to insert it will be introduced elsewhere and may be here for consideration very soon.

Mr. CARLISLE. I said in the conference report, because at that time I did not know that a mistake had occurred. I unite with the Senator in saying that it ought to have been there, because it was agreed to by the conferees.

Mr. ALLISON. I say it was agreed upon. The Senator from Kentucky says that we have increased the revenue upon tin-plate $8,000,000. That is true if it shall turn out that for the year ending June 30, 1892, as much tin-plate will be imported as was imported in the year 1889.

Mr. PLATT. At the same price?

Mr. ALLISON. No, without reference to the price, because we have a specific duty; but if the same quantity shall be imported between the 1st day of July, 1891, and June 30, 1892, then I agree that the revenues will be increased to that extent. But if there is any faith to be placed in the iron and steel industry of our country, which increased its product between 1880 and 1890 to the extent of 6,000,000 tons, or about trebling its productions—if there be anything in the promises, the prospects, the projects of these men, then it will turn out that when the 1st of July, 1892, shall come we shall be producing in our own country tin-plate to a very large extent, and to that extent the importations will be diminished.

We have retained substantially in the conference report the amendment introduced in the Senate by the Senator from Wisconsin [Mr. SPOONER] extending the time for a single year. That amendment has substance in it, but there is more substance combined within that than in the amendment itself. It is that if the great iron and steel industry in the United States will not, now that they are to be protected in the production of tin, engage in that production, and compel the people of the United States, as hitherto, to pay large and undiminished prices to monopolies in other countries for the tin they produce, then this tin duty will be swept from your statute-books.

I believe that within five years from this time we shall be manufacturing substantially all the tin that we consume in the United States. I believe also that instead of increasing the price that price will be diminished to all the consumers in the United States within the next five years; and I now put my own prediction against the prediction of Senators on the other side of this Chamber that within five years from this time we shall substantially produce all the tin we consume, and that we shall receive it, if we consume it, at a less price than we have paid for the last ten years to those who manufacture it abroad.

Mr. COCKRELL. What has already been the effect of this bill?

Mr. ALLISON. What has been the effect of it?

Mr. COCKRELL. Yes, sir.

Mr. ALLISON. I do not understand exactly what the Senator means.

Mr. ALDRICH. He means as to tin-plate.

Mr. COCKRELL. I ask what has been the effect already in increasing the price of tin-plate?

Mr. ALLISON. This bill certainly has had no effect in that direction, for that portion of it does not go into effect until July, 1891.

Mr. DAWES. What was the effect of the Mills bill?

Mr. ALLISON. The Senator from Massachusetts very properly asks what was the effect of the Mills bill. That certainly increased the price of tin-plate, if any statute has had that effect.

Mr. HOAR. Let me ask the Senator from Iowa if it is not true that one or two manufactories of tin-plate went into operation in St. Louis within a few days?

Mr. ALLISON. I understand that since this bill has passed the Senate there have been three tin-plate factories already established in the United States. I hope and expect to see them established in the very region in which I dwell, in Chicago and in Wisconsin, where there are inexhaustible quantities of the very best ores for the production of tin-plate.

Mr. GRAY. I understand the Senator from Iowa to say that already three manufactories for the manufacture of tin-plate have gone into operation.

Mr. ALLISON. So I have learned.

Mr. GRAY. Then they have gone into operation under the present laws and must continue under the present laws until July, 1891.

Mr. ALLISON. Undoubtedly.

Mr. GRAY. If they can do that, they can keep on.

Mr. ALLISON. Undoubtedly they will keep on. It is true we have enough tin-plate in this country for a great many years. It is only a certain class of tin-plate that our manufacturers were not able to produce because of the fluctuating price in Wales down and up as against our own manufacturers; but I did not wish to enter into the discussion of that tin-plate question beyond merely expressing my own belief respecting it.

Mr. GRAY. May I ask the Senator one other question?

Mr. ALLISON. Certainly.

Mr. GRAY. The tax proposed to be placed on tin-plate is upon all classes of tin-plate, is it not?

Mr. ALLISON. It is.

Mr. GRAY. And yet the Senator says that there is only one class that can be manufactured in this country under the present law.

Mr. ALLISON. I will say with sincerity that I have always believed that if our manufacturers had resolutely fought this combination in Wales they could have kept it out; but they have not been able to do it as respects the thinner gauges of tin-plate. That is what I am speaking of. It is not a class particularly, but we have manufactured the heavier grades of tin-plate for some years in our own country, and we have manufactured the lighter grades to a considerable extent in many of the manufactories in this country, as I am told.

We have placed a light duty upon block-tin of 4 cents per pound, but the Senator from Kentucky states that that increases the revenues $1,200,000 per annum. The importations of block-tin into the United States are very large, 18,000 tons in all, I believe, in round numbers, which is more than one-third of the entire production of block-tin in the world. Am I right about that?

Mr. ALDRICH nodded assent.

Mr. ALLISON. Certainly more than one-quarter of the entire consumption of block-tin.

Now, it is said that there are in North and South Dakota, or perhaps wholly in South Dakota, mountains of this tin, and those mines are richer in tin than the mines of Wales. Tin is a product of such scar-

city in the world that it is of immense value, not only to ourselves, but to all the world that uses tin, to develop its production. Therefore, if it shall turn out that under the provisions of this bill 5,000 tons of cassiterite shall be produced in the United States in any one year between now and 1895, the price of tin will be reduced the world over, and we shall not only secure cheaper tin by this development of this new industry in the Northwest, but all the world will secure cheaper tin, and what is true about tin is practically true of tin-plate.

As you increase the production of these articles, the consumption being the same, the price must go down; and is it not as clear as noonday that if we shall produce 250,000 or 300,000 tons of tin-plate in the United States we shall thus add to the tin-plate production more than one-half, and that the price not only here but everywhere must go down?

I wish to say one word about cotton-ties, having a memorandum of what the Senator from Kentucky said on that subject. I do not undertake to say what the duty upon cotton-ties will be under this bill. Of course it will depend upon the unit of value abroad. It may be 100 per cent.; it may be 50 or it may be 60 per cent.

But what I object to as respects the remarks of the Senator from Kentucky is that he included in that written statement of his, with cotton-ties, barrel-hoops. Why, Mr. President, those who use barrel-hoops and all other forms of hoop-iron have been compelled to pay the duty imposed in this bill for all these years, and all this bill has done is to place cotton-ties, which have hitherto been in a separate paragraph, upon an equal footing with the other forms of iron of a like quality and character. If this operates harshly upon some of the people in the Southern States it is infinitesimal in its results upon the great cotton crop of this country, as I have heretofore shown.

Mr. President, I wish to say a word or two as respects the conference agreement on this bill. The Senate reduced the crockery schedule 5 per cent. This schedule was restored as provided in the House bill, the phraseology being changed in many important respects, and especially in one, which, as I understand, is the leading change in this bill with the exception of the linen schedule. In other respects the Senate amendments stand substantially as reported, with here and there a division of the amount of duty as between the two Houses.

The Senate put upon this bill binding-twine as free. The House of Representatives with great persistence insisted upon a duty upon binding-twine, and finally these differences were composed by a substantial division between the rate imposed in the House bill and the free binding-twine proposed by the Senate, and I agreed to it. To those who object to that provision of the report I answer that it is better for those who consume binding-twine to have the duty at seven-tenths of a cent a pound rather than 2½ cents a pound, which is the present law. In other words, the rate of duty has been reduced eighteen twenty-fifths, or 72 per cent., as compared with the existing law on binding-twine.

I do not know of any other material changes as respects the rate of duty than those I have mentioned. The cotton schedule was scarcely in conference, and the woolen schedule not at all practically, for the Senate had agreed to the woolen schedule of the House substantially, so that that was not in conference. I wish to consider for a moment the question involved in the changed provisions of the bill regarding sugar, and I must say that I am not quite satisfied nor am I much gratified at the disposition of that subject exhibited in this debate by those who produce sugar.

I conversed with the planters of Louisiana on the subject when they were here, and there was not one of them with whom I conversed who did not say that this bounty of 2 cents a pound would manifestly stimulate the production of sugar in Louisiana; that if it could be maintained it would be a great boon to them. The Senator from Louisiana [Mr. GIBSON] yesterday, as I understood him, charged the committee and the conferees with discriminating against this great industry.

Why, Mr. President, so far from discriminating against them, we have discriminated in their favor. If they are to be turned out of court and not to be discriminated for, then the policy marked out by the Senator from Kentucky is to discriminate against and destroy them.

Can it be supposed by the people of Louisiana and the other States, who produce less than one-tenth of the sugar consumed in this country, that we are to tax everybody in the country in order to give them 2 cents a pound or 2½ cents a pound upon the sugar they produce? That has been the effect of it during all these years.

This protection, so called, to the sugar industry, as far as it respects the production of cane sugar in Louisiana, has been a menace to the tax-payers of the country. They have not increased substantially their product of sugar; they have not proposed to increase that product substantially; and but for the fact that there seems now to be an indication that we shall have sugar in large quantities from beets and from sorghum there would be little inducement, I confess, to give to the cane-sugar planters of Louisiana a bounty in order to develop the production. They have tried it for forty years, and they have produced this year but little more than they did forty years ago, and under special protection and stimulation beyond any other industry of the time, because even in the days of what is known as the tariff of Mr. Walker, of 1846, they had better protection than any other industry in the country, if that could be called a protective tariff.

The theory of this bill is not to discriminate against Louisiana or that industry of Louisiana. It has for its object, as I understand it, two purposes: First, to produce cheap sugar to the consumers of our country. It is just as well known as that we are sitting here to-day that we pay 2 cents more a pound for sugar than the people of England pay for sugar, sugar there being free and here being taxed on an average 2 cents per pound upon a polariscopic test of 90 degrees. Then in connection with this question of cheap sugar comes another question.

Mr. GRAY. May I ask the Senator a question at that point?

Mr. ALLISON. Yes, sir.

Mr. GRAY. Does the Senator say the effect of this bill in the sugar schedule will bring to the people of the United States, the consumers of sugar in this country, sugar at the same cost that it is obtained now in Great Britain?

Mr. ALLISON. I mean to say that the difference now between the price of sugar in this country and in Great Britain is on an average, on the polariscopic test of 90 degrees, 2 cents a pound. I mean to say that under the provisions of this bill sugar testing 90 degrees by the polariscope will come in 2 cents cheaper than it comes in now, and that the consumers of this country will have the benefit of the 2 cents reduction.

Mr. GRAY. Is it not a fact that the refined sugars will pay a tax which is not imposed in Great Britain on the sugars of the same class to-day, under this bill?

Mr. ALLISON. Undoubtedly. I am now speaking of sugars having a Dutch standard of color not more than 16, which is the common yellow sugar of our country. I am saying that as respects these sugars there will be a reduction in the price to the consumers of our country to the extent of 2 cents a pound. That is the first thing. In addition to that, by the provisions of this bill as respects refined sugar, which I will reach later on perhaps, if I have time, we shall be substantially upon a footing as respects that price, certainly not a difference of half a cent a pound between our sugars and the sugars of the world.

That is one thing sought to be accomplished by this bill. Another thing is that we believe it is to the interest of this continental possession of ours, peopled by a population of sixty-five millions, to produce all it needs of as essential an article as sugar. Therefore, having failed for one hundred years to do it by the processes that we have hitherto adopted, we said we would insert in this bill a provision whereby we would give a bounty of 2 cents a pound to every producer of sugar who would produce sugar that would test 90 degrees polariscope, thus placing the sugar producer in our country upon an exact equality with his present position as respects exisiting law. If that sugar tests less than 90 and more than 80 he is to receive 1¾ cents a pound bounty.

Mr. President, I regard this bounty as ample for the sugar producers of our own country. Therefore, I am not in sympathy with the Senator from Nebraska [Mr. PADDOCK], who criticised these provisions as respects sugar. Why do we give this bounty at all? It is only necessary because great European nations who do not give a bounty, except for exports, send their sugar here at a very low rate of cost, and our people are not likely to compete with them unless they have a bounty. Their arrangements as respects sugar are very peculiar. Their own people pay a high price for sugar, and if we could tax our people as Germany taxes her people or as France taxes hers, I have no doubt by that method we could soon establish sugar production in this country. But surely on the other side of the Chamber there would be no one willing to do that, and it would be a question of experiment with us on this side whether the people would sustain such taxes.

If beet sugar is a success in our country I have no doubt that in ten years we shall adopt that method of excluding foreign sugar. We have a right to do it, but we can not afford, nor is it necessary for us now, to tax sugar for that purpose. Germany taxes the roots, the beets, and the manufacture, and then taxes to the extent of prohibition all sugar from other countries. France does practically the same thing, and Russia does the same. It is by this double exclusion that they not only produce the sugar which they consume, but in recent years they have produced a surplus, and that surplus, under their arrangements as respects their taxes, can be exported in such a way as to result in a bounty to the men who export the sugar. Cuban sugars are excluded from Germany and from France and from Holland and from Russia and from all Europe except England, and that is the reason why the West India Island sugars practically come here. The only competition they have is the competition between the English refiners and our own and the English consumers and our own people. Therefore this bounty provision is inserted for the care and protection of all the people who produce sugar in our country, whether from beets or sorghum or cane.

But if the position taken by the Senator from Kentucky be true then all these provisions ought to fall. His argument is that under the Constitution we have no right to impose a bounty for the production of sugar. The bounty system proposed in this bill, the Senator says, is unconstitutional. He argues that all these tariff schedules are but systems of bounty, and the inevitable logic of his argument is that this whole bill is unconstitutional, although he did not quite say so. In other words, the Senator from Kentucky has argued here by the hour to show that under the Constitution of the United States we have no right to impose a system of direct or indirect bounties, and therefore

this whole bill is unconstitutional, because the effect of it is in both instances to impose bounties in favor of certain persons on certain articles.

Mr. President, if this bill be constitutional at all it is as constitutional to impose a bounty directly as it is to impose a bounty indirectly, as suggested by the Senator from Kentucky. Therefore, according to the argument of the Senator from Kentucky and the inevitable logic of his argument, we can only impose duties for revenue and for no other purpose. That is his argument, and I do not see why it is necessary for him to spend time in showing that we might impose a duty under the reciprocity provision of the bill of 10 cents a pound upon tea. According to the logic of his argument we ought to do that now in this bill for the purpose of raising revenue, instead of levying duties discriminating in favor of our industries where such discrimination is deemed wise and just; and the Senator argued for a long time to show that this direct system of bounty was in this bill. When he was arguing I took up the first volume of the United States Statutes, being attracted to it by his own statement, which was that we had given bounties to fishermen for nearly a century of time, and that in different phraseology those bounties still exist, running through all the changes and mutations of politics practically since the foundation of our Government.

I am sorry the Senator from Kentucky is not in his seat. I should like to ask him why it is that the fathers of the Republic, the men who sat in the first Congress of the United States and who passed this law, did not see the unconstitutionality of the provision as he now sees it, and nearly one-third of them were members of the Constitutional Convention itself. These men, in 1789, on the 4th day of July—a memorable day—passed the law which I hold in my hand. They began it by saying:

Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandises imported.

That was what our fathers thought of their constitutional power. But that was not all. They discriminated, and they gave bounties in this first law—to whom? They dealt with teas as we do.

On all teas imported from China or India, in ships built in the United States, and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the 15th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On Bohea tea, per pound, 6 cents.
On all Souchong or other black teas, per pound, 10 cents.
On all Hyson teas, per pound, 20 cents.
On all other green teas, per pound, 12 cents.
On all teas imported in any other manner than as above mentioned, as follows:
On Bohea tea, per pound, 15 cents.

Thus discriminating 9 cents per pound in favor of the men who at that moment owned ships in the United States and sailed them. What was the constitutional authority to give those bounties to the men who were sailing our ships in 1789? The Senator from Kentucky stated that there was a public purpose in it, to improve and build up a navy and commerce; but I should like to know what interest the Kentucky pioneer had in the building up of our commerce which was at all equal to that of the man who owned the ship to have this discrimination in his favor.

Mr. ALDRICH. My colleague on the committee will allow me to call his attention to an act which was passed in 1829, to be found in 4 Statutes at Large, page 331, which paid a bounty on refined sugar of 5 cents a pound when exported.

Mr. ALLISON. I thank the Senator, and I wish he would hand the statute to the Reporter. I should like to have it inserted.

Mr. ALDRICH. Very well.

The statute is as follows:

An act allowing an additional drawback on sugar refined in the United States and exported therefrom.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act there shall be allowed a drawback on sugar refined in the United States, and exported therefrom, of 5 cents per pound, in lieu of the drawback at present allowed by law on sugar so refined and exported: *Provided*, That this act shall not alter or repeal any law now in force regulating the exportation of sugar refined in the United States, except to change the rate of drawback when so exported: *And provided*, That this act shall cease to be in force so soon as the exports of sugar shall be equal to the imports of the same article.

Approved January 21, 1829.

Mr. ALLISON. The Senator from Kentucky says it is a great public purpose to build up a navy. So it is. If it is a great public purpose to build up an army or a navy, is it not a great public purpose to be self-sustaining as respects our Army and our Navy? Is it possible that you can draw a line in this way, splitting and dividing hairs, by saying that one thing is a great public purpose and another is not? The Senator, it seems to me, in his argument failed to draw any distinction. Now, then, as respects the importation—I only illustrate it by ten. The fourth section of the same law provides:

SEC. 4. *And be it (further) enacted by the authority aforesaid*, That there shall be allowed and paid on every quintal of dried and on every barrel of pickled fish of the fisheries of the United States and on every barrel of salted provision of the United States exported to any country within the limits thereof, in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein, namely:

On every quintal of dried fish, 5 cents.
On every barrel of pickled fish, 5 cents.
On every barrel of salted provision, 5 cents.

What was the object of putting a bounty of 5 cents upon every barrel of salted provisions? Was that to create sailors? It was said that the object of a bounty to the fishermen was to create sailors in our country, hardy seamen, but the hardy seamen and the producer of salted provisions alike became the beneficiaries of this law.

So, sir, from the very foundation of our Government to this moment we have dealt in bounties and in drawbacks which are but bounties, and we have asserted, as the preamble to the first law on this subject declares, that we have a right by our legislation to encourage and protect manufactures. So the question suggested by the Senator from Kentucky and the authorities read by him are mere "leather and prunella" in the presence of all these great facts and the history of our country in this regard.

What does it matter whether a State can give a bounty to a man who will build a mill or not? This bounty is not put upon such narrow grounds as that. It is put upon the solid ground that we believe it is as much to the interest of the 65,000,000 people that we produce our own sugar as it is that we produce our own steel rails, or our own iron, or our own guns, or our own ships. Are we to be dependent in case of difficulty with Germany upon the bounty-protected sugar of Germany? Are we to be cut off from our supplies of sugar from the islands of the sea because perchance we are in a war with Spain or Great Britain? It seems to me that this view as respects our duty to build up all these great industries necessary to our protection and preservation is as essential as any other connected with our Government.

But there is still another view as regards the sugar bounty, and that is that the main object is to produce cheaper sugar to the consumer. That is another main object. Germany thinks it wiser for her to produce her own sugar. Russia does, Belgium does, Holland does, France does. Why do they think so? They wish to utilize in the best possible way their agricultural lands, and that is found to be the best way.

Now, can it be said that because sugar may not be grown upon every acre of land in the United States, therefore the bounty is unconstitutional? That is the argument of the Senator from Kentucky. I am not so certain, and I will give a note of warning on this question of bounty to sugar-cane. If it be true that all the people who are interested in this bounty spurn it and denounce and declare it unconstitutional, they may find a Congress that will take them at their word. I for one am in favor of taking care of that industry in the same way that I take care of the beet industry; but how long can it be popular to thus administer this bounty when the beneficiaries of it say that it is unconstitutional and they spurn it?

Mr. President, I have said a good deal more than I intended when I rose to speak this morning. I merely desired to put upon record the fact that in this great bill, introduced as it has been by the Republican party, fostered and sustained as it has been by the Republican party, opposed in each and all of its stages by the Democrats, I have done the best I could as a member of the conference committee to arrange it fairly and justly as regards the interests I represent. I believe it is on the whole a fair bill to every section of this country as a protective measure, and I do not believe that its general effect will be to operate harshly upon one section of the country as against another. I think many of these duties are too high. I have so said more than once upon this floor. I have tried with my associates on this side of the Chamber and on that to modify many of them.

I have felt all the time that neither the State of Ohio nor the State of Massachusetts nor the State of Iowa, which I represent in part, could make this bill as it ought to be. We are now a people of forty-two States, having diverse interests and industries and activities. It is for us in a great measure of this kind, affecting the whole country, to so adjust it and arrange it as to create the least possible friction in any part of the country, and deal justly and fairly by every section of it. I have been animated by that spirit in what I have done personally upon this bill, and I believe that my associates upon this side of the Chamber have been so animated. It goes now to the country as an experiment in many of its features, especially as respects the sugar bounty. I hope to maintain it and sustain it in my place here, in a sense being responsible for it, as long as I have the opportunity to do so, in order to test our capacity to compete with Europe in the production of sugar.

I hope this bill will have a fair test as respects its other provisions, and if it shall prove beneficial, as I believe it will, it will settle the question of the tariff for many years to come.

But I feel sure that no measure can ever receive the approval of the American people that is possible to be framed under the interpretation of the Constitution as delineated this afternoon by the Senator from Kentucky, because if his argument is true at all it goes to the point that we are compelled always under our Constitution to draw a line such as we drew upon Japan, a 5 per cent. or 10 per cent. or 20 per cent. ad valorem rate, because under his argument we can in no way, directly or indirectly, discriminate against or in favor of any interest in this country. Surely that will not do.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 2014) for

the relief of certain settlers on the public lands of the United States and to authorize the taking and filing of final proofs in certain cases.

The message also announced that the House had passed a concurrent resolution directing the Clerk of the House to number consecutively the paragraphs and sections of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes; in which the concurrence of the Senate was requested.

SIGNAL CORPS OF THE ARMY.

Mr. BATE. I ask the indulgence of the Senate to present at this time a conference report on the bill in relation to the Signal Corps and the Weather Bureau. The bill as agreed upon by the conference committee is substantially the same as the Senate bill. There are some changes of phraseology which were mutually agreed upon by the conferees, but it does not affect the bill materially, and I therefore ask that the report be concurred in.

The VICE-PRESIDENT. The conference report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1454) to increase the efficiency and reduce the expenses of the Signal Corps of the Army and to transfer the Weather Service to the Department of Agriculture, 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 amendment to the bill of the Senate (S. 1454), and agree to the same with the following amendments:

In line 1, page 1 of the Senate bill, before the word "duties," insert the word "civilian;" and the Senate agree to the same.

In line 2, page 1 of the Senate bill, after the word "shall," insert the word "hereafter;" and the Senate agree to the same.

In line 2, page 1 of the Senate bill, after the word "upon," strike out "two bureaus, one" and insert in lieu thereof the words "a bureau;" and the Senate agree to the same.

In line 4, page 1 of the Senate bill, strike out the word "transferred" and insert in lieu thereof the words "established in and attached;" and the Senate agree to the same.

In line 4, page 1 of the Senate bill, after the word "and," strike out the words "the other to be known as:" and the Senate agree to the same.

In line 5, page 1 of the Senate bill, after the word "Army," strike out the words "to remain in the War Department" and insert in lieu thereof the words "shall remain a part of the military establishment;" and the Senate agree to the same.

In line 6, page 1 of the Senate bill, after the word "War," insert the words "and all estimates for its support shall be included with other estimates for the support of the military establishment;" and the Senate agree to the same.

In line 7, page 1, section 2 of the Senate bill, after the word "the," strike out the words "Signal Corps shall, as at present, form a part of the Army and the;" and the Senate agree to the same.

In line 9, page 1, section 2 of the Senate bill, after the word "duties," insert the words "and of;" and the Senate agree to the same.

In line 10, page 1, section 2 of the Senate bill, after the word "including," insert the words "telegraph and;" and the Senate agree to the same.

In line 10, page 1, section 2 of the Senate bill, strike out the word "absolutely" and insert in lieu thereof the word "the;" and the Senate agree to the same.

In line 11, page 1, section 2 of the Senate bill, after the word "ranges," insert the words "and other military uses;" and the Senate agree to the same.

In line 13, page 1, section 2 of the Senate bill, after the word "collecting," strike out the word "information;" and the Senate agree to the same.

In line 13, page 1, section 2 of the Senate bill, after the word "transmitting," strike out the word "it," and insert in lieu thereof the word "information;" and the Senate agree to the same.

In line 14, page 1, section 2 of the Senate bill, after the word "otherwise," strike out the words "which duty" and insert in lieu thereof the words "and all other duties usually pertaining to military signaling; and the operations of said corps;" and the Senate agree to the same.

In line 27, page 1, section 3 of the Senate bill, after the word "established," insert the words "and record;" and the Senate agree to the same.

In line 3, page 2, section 4 of the Senate bill, after the word "Chief," insert the words "of Weather Bureau;" and the Senate agree to the same.

In line 11, page 2, section 4 of the Senate bill, after the words "expert in the," strike out the words "preparation of weather forecasts, may temporarily, pending the training of a sufficient number of civilian experts for forecasting" and insert in lieu thereof the words "duties of the Weather Service may;" and the Senate agree to the same.

In line 16, page 2, section 5 of the Senate bill, after the words "shall be," insert the word "honorably;" and the Senate agree to the same."

In line 20, page 2, section 5 of the Senate bill, after the word "shall," insert the words "if they so elect;" and the Senate agree to the same.

In line 21, page 2, section 5 of the Senate bill, after the words "continue as," insert the words "it shall be in the Signal Service;" and the Senate agree to the same.

In line 23, page 2, section 5 of the Senate bill, after the word "observers," strike out the word "now;" and the Senate agree to the same.

In line 24, page 2, section 5 of the Senate bill, after the word "service," insert the words "at said date;" and the Senate agree to the same.

In line 4, page 3, section 6 of the Senate bill, after the word "performed," insert the words "long and;" and the Senate agree to the same.

In line 5, page 3, section 6 of the Senate bill, after the word "board," strike out the words "of officers;" and the Senate agree to the same.

In line 6, page 3, section 6 of the Senate bill, after the word "war," strike out the word "has" and insert in lieu thereof the words "shall have;" and the Senate agree to the same.

In line 19, page 3, section 7 of the Senate bill, after the words "which are," insert the word "hereby;" and the Senate agree to the same.

In line 20, page 3, section 7 of the Senate bill, after the words "as to," insert the words "be applicable to and to;" and the Senate agree to the same.

In line 21, page 3, section 7 of the Senate bill, after the words "corps in," strike out the word "such" and insert in lieu thereof the words "the same;" and the Senate agree to the same.

In line 21, page 3, section 7 of the Senate bill, after the words "manner as," strike out the words "now applies" and insert in lieu thereof "they now apply;" and the Senate agree to the same.

In line 25, page 3, section 7 of the Senate bill, after the word "examination," strike out the words "by and approval of" and insert in lieu thereof the words "and recommendation by;" and the Senate agree to the same.

In line 26, page 3, section 7 of the Senate bill, after the word "corps," insert the words "to be;" and the Senate agree to the same.

In line 30, page 3, section 8 of the Senate bill, after the word "made," insert the words "in the Signal Corps;" and the Senate agree to the same.

In line 16, page 4, section 9 of the Senate bill, after the words "shall be," insert the word "hereafter;" and the Senate agree to the same.

In line 19, page 4, section 10 of the Senate bill, after the word "officials," strike out the word "said" and insert in lieu thereof the word "which;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "moneys," insert the words "pertaining to and;" and the Senate agree to the same.

In line 21, page 4, section 10 of the Senate bill, after the word "and," strike out the words "it shall" and insert in lieu thereof the words "said board shall as soon as practicable;" and the Senate agree to the same.

In line 23, page 4, section 10 of the Senate bill, after the word "property," insert the word "more;" and the Senate agree to the same.

In line 24, page 4, section 10 of the Senate bill, after the word "and," insert the words "not necessary;" and the Senate agree to the same.

In line 25, page 4, section 10 of the Senate bill, after the word "corps," strike out the words "of the Army, and" and insert in lieu thereof the words "and what part of said property will be suitable and necessary for the Signal Corps, and;" and the Senate agree to the same.

In line 26, page 4, section 10 of the Senate bill, after the word "moneys," strike out the word "pertaining" and insert in lieu thereof the words "which shall be decided to properly pertain;" and the Senate agree to the same.

In line 28, page 4, section 10 of the Senate bill, strike out the words "person as" and insert in lieu thereof the words "bureau, and to the custody of;" and the Senate agree to the same.

In line 28, page 4, section 10 of the Senate bill, after the word "Agriculture," strike out the words "may direct;" and the Senate agree to the same.

WM. B. BATE,
JOS. R. HAWLEY,
C. K. DAVIS,
Managers on the part of the Senate.

B. M. CUTCHEON,
FRANCIS W. ROCKWELL,
JOS. WHEELER,
Managers on the part of the House.

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

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill.

The message also announced that the House had passed the bill (S. 3521) for the relief of Timothy Hennessy.

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

A bill (H. R. 7552) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees;

A bill (H. R. 11766) to correct the military record of Marcellus Pettitt; and

A bill (H. R. 12123) granting a pension to Sophia Wenzel.

UNITED STATES PIER AT CHICAGO, ILL.

Mr. CULLOM. I ask leave to call up a conference report.

Mr. ALDRICH. I shall have to object.

Mr. CULLOM. It will take but a moment.

Mr. ALDRICH. I allowed the report of the Senator from Tennessee [Mr. BATE] to come in on the statement that it would take but a moment.

Mr. CULLOM. I desire to go away, and this report will take but a moment. There will be no discussion about it at all.

Mr. ALDRICH. Very well.

Mr. CULLOM. I present the conference report which I send to the desk and ask to have read.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill., 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 amendment numbered 1 to the resolution of the House, and agree to the text of the same with the following amendments:

Line 3, after the word "of," strike out the words "said pier," and insert in lieu thereof the words "the United States pier at Chicago, Ill., situated north and east of the Illinois Central Railroad Company's wharf No. 1, and on south side of Chicago River."

Line 8, after the word "railroad," strike out the word "car" and insert in place thereof the word "company's."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate striking out the preamble of said resolution and agree to the same.

S. M. CULLOM,
J. N. DOLPH,
M. W. RANSOM,
Managers on the part of the Senate.

WM. E. MASON,
J. H. SWEENY,
FELIX CAMPBELL,
Managers on the part of the House.

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

The report was concurred in.

PAY AND MILEAGE OF MEMBERS AND DELEGATES.

Mr. MORGAN. This morning I entered a motion to reconsider the vote by which the Senate passed the bill (H. R. 12163) making an ap-

propriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories. I ask leave now to withdraw that motion.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Without objection, the request of the Senator from Alabama will be granted. The Chair hears no objection, and the motion to reconsider is withdrawn.

REPORTS OF COMMITTEES.

Mr. SAWYER, 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. 8124) granting a pension to George Everts;

A bill (H. R. 12012) granting a pension to Hannah B. Shepherd; and

A bill (H. R. 9767) granting an increase of pension to John S. Ferguson.

HOUSE BILLS REFERRED.

The bill (H. R. 7552) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11766) to correct the military record of Marcellus Pettitt was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 12123) granting a pension to Sophia Wenzel was read twice by its title, and referred to the Committee on Pensions.

LAND SURVEYS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10639) to amend section 2, act of May 30, 1862, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist upon its amendments to the bill and accede to the request of the House for a conference thereon.

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. WALTHALL, Mr. PLUMB, and Mr. DOLPH were appointed.

MICHAEL M'GARVEY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3196) granting an increase of pension to Michael McGarvey; which was to strike out "the same rate allowed for loss of both eyes" and insert in lieu thereof the words "forty dollars per month."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

RIGHT OF WAY ACROSS RED LAKE RESERVATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes; which was to strike out "three hundred and twenty" and insert "one hundred and sixty."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOHN M. DUNN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4370) granting a pension to John M. Dunn, which was, in line 6, after the word "of," where it first occurs, to strike out "seventy-two" and insert "fifty."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CLASSIFICATION OF VESSELS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 540) to amend sections 1529, 1530, and 1531 of the Revised Statutes of the United States relating to the Navy; which were referred to the Committee on Naval Affairs.

MARTHA N. HUDSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4481) granting a pension to Marthan N. Hudson; which was, in line 3, after the word "laws," to insert "at the rate of $8 per month."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

Mr. CHANDLER. If the Senator will allow me, I move that the Senate non-concur in the amendment and ask for a committee of conference.

Mr. DAVIS. I withdraw my motion, and accept the motion of the Senator from New Hampshire.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Senate non-concur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes.

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. DAVIS, Mr. BLAIR, and Mr. BLODGETT were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, 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 (S. 125) for the relief of Reaney, Son & Archbold;

A bill (S. 270) for the relief of the assignees of John Roach, deceased;

A bill (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition;

A bill (S. 968) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen;

A bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle;

A bill (S. 2212) relative to the Rancho Punta de la Laguna;

A bill (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel;

A bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence;

A bill (S. 3532) granting a pension to Georgiana W. Vogdes;

A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein;

A bill (S. 3952) to authorize the construction of a bridge across the Alabama River at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company;

A bill (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park;

A bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia;

A bill (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas;

A bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes;

A bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;

A bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation;

A bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.;

A bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas;

A bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes;

A bill (H. R. 11459) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes; and

Joint resolution (S. R. 125) to extend the time of payment to settlers on the public lands in certain cases.

FREE-DELIVERY SERVICE.

The joint resolution (H. Res. 218) to allow the Postmaster-General to expend $10,000 to test at small towns and villages the system of the free-delivery service, and for other purposes, was read twice by its title.

Mr. SAWYER. I ask that that joint resolution be put on its passage. The Committee on Post-Offices and Post-Roads have had a similar joint resolution under consideration and authorized me to report it.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. SAWYER. It takes no money to try the experiment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

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

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L.

PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. 179) granting a pension to Ellen Courtney;

An act (S. 577) granting a pension to Laura J. Ives;

An act (S. 626) granting a pension to Mary E. Williams;

An act (S. 1971) for the relief of William Clawson;

An act (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md.;

An act (S. 3852) to authorize the Eagle Pass Water Supply Company and the Compañía Proveedora de Aguas de Ciudad Porfirio Diaz to connect their water-works communications across the Rio Grande River at Eagle Pass, Tex.;

An act (S. 3996) to repeal sections 3952 and 3953 of Revised Statutes of the United States;

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased; and

Joint resolution (S. 123) to enable the commission having charge of the preparation and erection of the statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General Lafayette and his compatriots, to execute the purpose expressed in the concurrent resolution adopted by the two Houses of Congress on the 28th day of August, 1890.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, in response to a Senate resolution of September 29, 1890, the last report of the Government directors of the Union Pacific Railroad Company; which was referred to the Select Committee on Pacific Railroads, and ordered to be printed.

He also laid before the Senate a letter from the Postmaster-General, in response to a Senate resolution of September 20, 1890, relating to alleged records of the Confederate government valuable in connection with certain mail contractors' claims; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7254) to repeal timber-culture laws, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYSON, Mr. PICKLER, and Mr. HOLMAN managers at the conference on the part of the House.

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

A bill (S. 1658) establishing a customs collection district to consist of the States of North Dakota and South Dakota, and for other purposes; and

A bill (S. 2938) concerning the jurisdiction of courts of the United States.

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

A bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass.;

A bill (H. R. 3449) for the relief of James M. Lowry;

A bill (H. R. 6584) for the relief of certain enlisted men of the Ordnance Corps, United States Army, in the matter of claims for bounties;

A bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona;

A bill (H. R. 7641) for the relief of Daniel C. Trewhitt, of Chattanooga, Tenn.;

A bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River;

A bill (H. R. 11527) to amend chapter 1065 of the acts of the first session of the Fiftieth Congress; and

A bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations.

THE REVENUE BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be, and he is hereby, directed to number consecutively the paragraphs and sections of House bill 9416, to reduce the revenue and equalize duties on imports, and for other purposes, in the enrollment of the bill.

The Senate, by unanimous consented, proceed to consider the resolution.

Mr. ALDRICH. From the conferees on the part of the Senate I offer an amendment to the concurrent resolution, which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the resolution:

And he is hereby further directed to enroll paragraphs 362 and 372, as follows:

"362. Cables, cordage, and twine (except binding-twine composed in whole or in part of istle or Tampico fiber, manila, sisal-grass, or sunn) 1½ cents per pound; all binding-twine manufactured in whole or in part of istle or Tampico fiber, manila, sisal-grass, or sunn, seven-tenths of 1 cent per pound; cables and cordage made of hemp, 2½ cents per pound; tarred cables and cordage, 3 cents per pound.

"372. Collars and cuffs, composed entirely of cotton, 15 cents per dozen pieces and 35 per cent. ad valorem; composed in whole or in part of linen, 30 cents per dozen pieces and 40 per cent. ad valorem; shirts, and all articles of wearing apparel of every description, not specially provided for in this act, composed wholly or in part of linen, 55 per cent. ad valorem."

Mr. PLUMB. I should just like to inquire of the Senator from Rhode Island if he will accept some other amendments to the bill through the medium of this concurrent resolution. There are a number of amendments which occur to me that I think ought to be made, even at this late stage.

Mr. ALDRICH. These amendments incorporate the action of the conference committee. It was erroneously engrossed by the clerks of the two committees.

Mr. PLUMB. We have had this bill twice printed, I think, for the use of the Senate, and I supposed had finally got it in the shape in which it was desired to pass it. I do not know what veil there may be under which things may fall. Of course I presume it is all right, but I suggest that it is a very awkward way of doing business, and rather more convenient than it is safe.

Mr. CARLISLE. While I do not agree that the increases made by these paragraphs over the rates established by the bill as it passed the Senate ought to be made, yet it is a fact that they were agreed upon in the conference committee, and they have been omitted by mistake from the report. Therefore I suppose the resolution is a proper one, to make the report conform to the actual fact.

Mr. ALDRICH. So far as the first paragraph is concerned it is not an increase.

Mr. CARLISLE. But there are increases. I allude only to those parts which are increases.

Mr. INGALLS. It would be interesting to know whether now at last, on the very heels of final adjournment, this bill and the report of the conference committee have been so far examined that we know that these are all the errors which need to be corrected. It is certainly an extraordinary process that in a bill of this magnitude, involving such questions and to endure for so long a period of time, we should be called upon to vote for a concurrent resolution to direct an enrolling clerk to insert certain amendments in the frame-work of the bill.

I think before we agree to this resolution we had better have some assurance from the conferees that the bill has been gone over paragraph by paragraph and punctuation point by punctuation point, so that the assurance may be definite that there is nothing more to be done, and if this has not been already arranged we had better leave this open as a kind of basket clause to take in what other errors may be subsequently discovered.

Mr. PLUMB. It is somewhat extraordinary if in connection with the substance of this amendment it is found in fact that the conference committee have increased the duties on one certain thing at all events beyond that contemplated or made by the action of either House. It seems to me that that is stretching the parliamentary authority of the conference committee beyond reason or authority. The two Houses seem to have agreed on 50 per cent. as the proper duty on shirts and articles of wearing apparel composed wholly or in part of linen, and the conference committee very accommodatingly put it up to 55 per cent.

Mr. ALDRICH. I ought to say in answer to the suggestion made by the senior Senator from Kansas [Mr. INGALLS] that the bill has been gone through carefully and thoroughly, I think, and these are the only errors which have been discovered, and I presume they are all that will be discovered. The effect of the amendments is simply to make the bill in accordance with the conference committee's action.

Mr. HARRIS. I desire to make an inquiry in regard to the resolution. Is action asked upon the resolution?

The VICE-PRESIDENT. Upon the amendment first. The question is first on the amendment offered by the Senator from Rhode Island.

Mr. HARRIS. The resolution, as I understand it, is proposed to correct the enrollment of the bill. There are two or three bills lying upon the table of the President in respect to which similiar resolutions have been offered, which have been objected to and are lying there, I am not sure that this is not the proper method of correcting an error. I have favored it in respect to other bills, but it has been objected to. I am not quite willing to have this or any other bill corrected in its enrollment by a concurrent resolution unless the same rule is applied to the various bills in respect to which such resolutions are pending. Let the resolution lie over for the present. We can consider it later.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. GRAY. Mr. President, I had intended to submit to the Senate to-day some remarks in regard to the reciprocity feature that has been attached to this bill as it is now before the Senate and comes to us from the conference committee. The Senator from Kentucky [Mr. CARLISLE], in the able and exhaustive speech which he has made, has so

entirely covered the ground of criticism that I am not disposed to detain the Senate by any remarks of my own.

I should have been glad, sir, if there had been more opportunity for the discussion of this most important report on this most important and serious measure of taxation, if there had been greater opportunity for Senators on this side and Senators upon that to have found out from those who have reported this bill back to the Senate from the conference what were the reasons that constrained them at last to dissent from the very moderate amendments and the very slight modifications that were made by the Senate to the bill as it came from the House.

But it appears that we are to be denied that opportunity. The fiat has gone forth that this bill is to be passed. It is to be hurried to the final act that is to make it a law. Whether it be that its friends upon that side have discovered signs of disintegration in the party that nominally support it is not for me to now question, but it is with unseemly haste being rushed through the Senate without just opportunity for criticism and examination.

The Senator from Iowa [Mr. ALLISON] took occasion to criticise the position taken by the Senator from Kentucky [Mr. CARLISLE] in his most able and searching examination of the reciprocity feature of this bill, this addendum that has been made in the Senate, this flag of truce, as the Senator from Alabama [Mr. MORGAN] called it, that is to head the marching column of home-market adherents as they come before the people. He seemed to think that because the Senator from Kentucky contended that a subsidy that was to be given to a particular class in this country, a subvention out of the pockets of the people, out of the Treasury of the United States to certain favored individuals, was not within the power of Congress, then his argument ought to have gone farther and to have extended to a denial of the power of Congress indirectly to aid a class or an industry or an interest by tariff taxation.

Mr. President, there would be much to say upon that topic if this were the time and if this were the opportunity to discuss the power of indirect taxation, but the position taken by the Senator from Kentucky nevertheless stands, and has not been directly attacked by the Senator from Iowa. It is incapable in my opinion of being successfully attacked by any one or in any quarter, and this must remain as a sheer, bald assumption of usurpation of power on the part of Congress to take from the common Treasury of all the people these millions of dollars to place in the pockets of those who shall manufacture sugar in Louisiana or elsewhere within the borders of the United States.

The Senator from Iowa seemed to think that there could be no distinction drawn between the broad grounds for a tax for a public purpose and those which support a tax levied for private purposes and concern individual and special interests.

But, Mr. President, I only rose to say a very few words on one or two features of this report. We have just had our proceedings interrupted by a resolution to correct errors in the enrolling of the bill, and it is gratifying to know that in the accelerated speed with which this measure is being put through its preliminary stages this dropped stitch has been discovered, and somebody who had a cheap shirt on his back has been hauled up and told he will not get off by any omission on the part of the conferees.

We have discovered that we have allowed, owing to the speed with which it is necessary to go through with this matter, this important article of clothing to escape that tax which in all propriety you have put upon such articles, and therefore this man with a cheap shirt on his back is not going to get off scot free, as he thought he might do, by the omission and carelessness of the committee. Well, I do not know whether there may be any other omissions or not.

But, Mr. President, I was calling attention to this matter of the subsidy, which the Senator from Iowa seems to think is not amenable to the criticisms of the Senator from Kentucky, and that a subsidy is not only a proper and legitimate exercise of the legislative power, but that in itself it is to be commended; that there is no obstruction to be found in the grants of legislative power to Congress to the passage of this or any other subsidy that the Congress of the United States may in its wisdom believe to be for the general good and the public welfare.

I will stop long enough to call the attention of the Senator from Iowa to the fact that there are broad distinctions necessarily lying at the basis of all legislation of this kind between a public object and a private object to which the money of the people can be appropriated. A subsidy that is to encourage one industry at the expense of others, that is to bestow a special favor upon a class or upon individuals that is not conferred upon all classes and upon all individuals, is obnoxious to every principle that lies at the basis of the institutions of this country.

The Senator from Iowa seemed to think that a subsidy, a bounty, because it has obtained at certain times in our history, and been given upon certain public grounds, may at all times lawfully obtain and be given indiscriminately whenever the Congress of the United States shall think it is proper that it should be bestowed.

But, Mr. President, I only want to call the attention of the Senator from Iowa to the extreme result to which he is led by that logic. If this subsidy to the sugar manufacturers of this country, in Louisiana, or in Kansas, or Nebraska, is legitimate and within the scope of our legislative power, then a subsidy to any other industry is likewise legitimate. There is no obstacle between the demand for such a subsidy on the part of any manufacturer and its reception except the will of Congress. If this is legitimate, then Congress may bestow upon a still larger class, and if worth is to be estimated by the extent of the class upon a worthier class, upon the growers of wheat and corn, upon the farmers of the country, a bounty or a subsidy out of the pockets of the people in order to encourage their very depressed industry. There is no limit that can be placed by the argument of the Senator from Iowa to the exercise of this power.

Then, Mr President, we would be coming directly to that state of things towards which many steps have been taken in this bill, a state socialism, in which the Government is to become a partner in all industries, and in which the Government is to be called upon to aid and encourage, as it is called, any industry that is unprofitable by a bounty or by a tax. It matters not in principle whether this is done directly or indirectly. To this result must the logic of the Senator from Iowa bring us if we are to pursue his argument as a sound one.

Mr. President, I only rise more particularly before this debate closes to place in the RECORD a table which I have, that has been prepared very carefully by a very competent man, in regard to the labor-cost of one of the most important articles contained in this scheme of tariff taxation. I mean the labor-cost in the production of steel rails, about which in the course of the debate during the last two months a good deal has been said on both sides of this Chamber. There has been no argument made justifying the tariff tax that has been laid upon steel rails or upon any other of the numerous commodities that are the subject of this bill except that it was meant to equalize the conditions of the manufacturers in this country and abroad, in order that the manufacturer in this country might compete upon fairly equal terms. It has been called to the attention of the Senate more than once that if that were the only excuse for this taxation it was necessary to get at the exact difference in the labor-cost for the production of these articles in this country and in Europe.

I am fortunate in having had at this late day worked out, as I said, by a very competent statistician, a statement of the cost of labor in the production of 1 ton of steel rails in the United States, the continent of Europe, and Great Britain, compiled from the preliminary report of the Commissioner of Labor as contained in House of Representatives Miscellaneous Document No. 222, as compared with the report of Senate Miscellaneous Document No. 198.

By this table, which I shall ask leave to print in full in the RECORD, it appears what is the labor-cost in the production of 1 ton of steel rails in the United States, taking all the elements of cost, commencing with the production of the iron ore from the mines, 4,137 pounds of iron ore necessary to the production of a ton of steel rails; the labor-cost of the production of 1,497 pounds of limestone, necessary in fluxing that much ore; the labor-cost of the production of 4,898 pounds of bituminous coal, which is necessary, according to the tables that we have before us, for the reduction of that much iron ore, for the conversion of that much coal into 3,082 pounds of coke; the labor-cost for the conversion of the ore, of the limestone, and the coke into 2,469 pounds of pig-iron, and the labor-cost and fuel for the conversion of the pig-iron into 2,488 pounds of steel ingots; and finally, the labor-cost for the conversion of the steel ingots into 1 ton of steel rails. All the steps are taken into the account, so that this progression of labor-cost, which the Senator from Vermont [Mr. EDMUNDS] has been so fond of referring to as being the only proper and accurate way of getting at the labor-cost of an article, is carried out, and we have as the result in the United States, according to Mr. Carroll D. Wright and according to these documents that have been presented to the Senate and are now before them, $11.5983 as the labor-cost in the United States for the production of 1 ton of steel rails.

From nine establishments on the continent of Europe and in Great Britain we have also a calculation of the labor-cost, taken from these same documents. The average of all the nine establishments on the Continent and in Great Britain for the production of a ton of steel rails calculated in the same manner, commencing with the production of the iron ore and ending with 2,240 pounds of the finished product of steel rails, is $11.40 and fifty-five one-hundredths, making a difference of only 19 cents between the labor-cost of a ton of steel rails in the United States and the average labor-cost computed upon the product of these nine establishments in Great Britain and on the continent of Europe of a product of like amount.

Therefore we have, to condense what I have just said, this remarkable statement, that according to the Commissioner of Labor, Mr. Carroll D. Wright, labor receives in the United States $11.59 to produce a ton of steel rails, and according to the same report of this same Commissioner the average cost of production for labor in nine mills in Europe, including the Continent and Great Britain, is $11.40 per ton. Hence in the United States the cost of labor is $11.59 and in nine mills on the Continent and in Great Britain it is $11.40. The difference in favor of the foreign-produced article, 1 ton of steel rails, is only 19 cents.

And yet to cover that difference we have now a tax in the House bill

of $11.20, and in the Senate reduced by an amendment to this bill to $11.76, but raised by this committee of conference back to the House rate of $13.44.

Mr. President, this is only one of the very many exposures of what the Senator from Kentucky properly called the false pretenses that are contained in this bill. It is not to cover the difference in labor-cost; it is not in order to protect the laborer in the mills and in the mines that these rates are imposed. There is another and a different object which is patent to every one who reads these schedules. I submit the table, which is as follows:

Comparative statement of the cost of labor in the production of one ton of steel rails in the United States, the continent of Europe, and Great Britain.

[Compiled from the preliminary report of the Commissioner of Labor, House Miscellaneous Document No. 222, and compared with the report Senate Miscellaneous Document No. 198. Compiled by Ivan C. Michels, from House Miscellaneous Document No. 222, pages 29, 30, 33, 35, 41, 46, 47, 50, 59, and 60.]

Materials and successive stages of conversion.	United States.	Continent of Europe.							Great Britain.		General average of Europe of nine mills.
		No. 3.*	No. 4.*	No. 5.*	No. 6.*	No. 7.*	No. 8.*	No. 9.*	No. 10.*	No. 11.*	
For production of 4,137 pounds of iron ore	$2.1423	$2.6352	$4.0087	$2.6476	$3.3385	$2.9765	$0.9204	$1.6548	$1.1811	$2.5028	$2.4295
For production of 1,497 pounds of limestone	.2051	.2904	.2904	.2904	.2904	.2904	.2904	.2904	.2904	.2904	.2904
For production of 4,808 pounds of bituminous coal	1.9728	1.4952	2.1010	2.5145	2.1924	2.3355	.6779	1.6539	1.6731	1.6299	1.8082
For conversion of above coal into 3,082 pounds of coke	.5983	.6996	.4299	.4222	.2773	.2141	.3082	.3729	.5886	.6501	.4292
For conversion of above ore, limestone, and coke into 2,469 pounds of pig-iron †	1.5763	.9457	.9456	1.2079	.7960	.7986	.9841	.9227	.9004	.9004	.9335
For conversion of above pig-iron into 2,488 pounds of steel ingots	1.6894	1.2141	.5473	1.0623	1.2589	1.2600	1.2912	.8459	1.9779	2.1148	1.2858
For fuel (1.11 tons bituminous coal) for conversion of above pig-iron into 2,488 pounds of steel ingots	.9124	.6904	.9701	1.1610	1.0123	1.0878	.3130	.8769	.7725	.7525	.8485
For conversion of above steel ingots into one ton (2,240 pounds) of steel rails	1.5100	1.0430	2.5190	4.6410	2.5830	2.6890	2.9740	2.0100	2.5480	1.3680	2.4860
For (1.17 tons) bituminous coal for conversion of above steel ingots into 1 ton of 2,240 pounds of steel rails	.9617	.7277	1.0225	1.2238	1.0670	1.1466	.3299	.9243	.8143	.7932	.9844
Total	11.5983	9.7413	12.8345	15.1707	12.8158	12.7985	8.0891	9.5518	10.7463	10.9021	11.4055
Total cost of 1 ton of steel rails, including material, labor, salaries of officials and clerks, fuel, supplies, repairs, as well as taxes	25.777	19.576	22.184	25.632	23.121	23.190	23.743	27.025	21.907	18.588	22.776

* Number of locality of steel-rail mills as per page 34 of the preliminary report of the Commissioner of Labor, House Miscellaneous Document No. 222.

† A clerical error in the report of the Acting Commissioner of Labor in Senate Miscellaneous Document No. 198, of transposition of figures, "2,469" should read "2,649," which have duly been taken note of in the compilation of the above comparative statement.

Let me say while I am on this subject, lest I may be thought to have omitted anything that is at all important to the problem, this gentleman having worked out the difference in the labor-cost of the common steel rails, commencing with the iron ore in the mine, also deals with the figures taken from the report of the Commissioner of Labor that concern the total cost of a ton of steel rails in this country and in Europe, including material, labor, salaries of officials and clerks, fuel, supplies, repairs, and taxes. In the United States the cost, including all these things, the taxes, the salaries of clerks and high-paid officials, presidents of companies, vice-presidents, and secretaries, and so on, is $25.777, and in Europe the average of these nine mills on the continent and in Great Britain is $22.776, making a difference altogether of $3 in the labor-cost, including all these items, between Europe and this country.

Mr. President, is it not a monstrous injustice, is it not a shame and a reproach to this Senate, that they should sit here day after day with these facts ascertainable staring them in the face and yet gaining their own consent to place a burden like this upon the necks of the American people, a tax of $13.44 to cover a mere labor-cost of 19 cents, and a cost, covering all possible charges, taxes, materials, salaries, and all, of only $3 between the production of a ton of steel rails in Europe and in this country?

Mr. President, that same analysis might be pursued as to the other schedules in this bill, and in every case you would find that the tax, instead of being made to fit the difference in labor-cost in this country and abroad, would multiply that difference many fold; and that in the face, so far as steel is concerned, of the evidence that has been quoted here more than once of Major Bent, who is the president, I believe, or manager, of one of the largest steel works in the United States, that if you gave him free material he wanted no protective tax at all and could compete with the steel-rail makers of the whole world upon equal terms.

I am not about to detain the Senate any longer. My principal object was to place upon the record this latest analysis that I have seen of the labor-cost of one of the most important articles contained in the schedules of the bill before us. I know that I can not by detaining the Senate delay the passage of this bill, and I must submit, as the rest of the citizens of the United States are compelled to submit, to the imposition of the burdens that are contained in it, and only hope for that relief which may come in the revolving years, from a change of sentiment in Congress, brought about by an indignant expression of popular opinion.

There are many other things in regard to the features of this bill that deserve comment and to which the attention of the people should be called. There is no opportunity now to do it.

The general adoption of specific duties in this bill is one of its most iniquitous features, adopted in the interest professedly of a better administration of the customs of our country, but really intended to increase the rate of taxation, by the device of a hard and fast duty upon a commodity to head off and meet that cheapening process which is going on all over the world in its great industries and in the commodities that are the products of those industries. So that when you lay a specific tax of so many cents or so many dollars per pound or per ton, you may laugh at the cheaper product that time and invention and skill evolve, for you meet the cheapening process by the specific tax. This specific duty, amounting now to 50 or 60 per cent. ad valorem, in the process of time and by the cheapening of these commodities mounts as they lower in the scale and becomes 70 or 100 or even more per cent., as some of these taxes have become where they have been laid for long periods of time.

It is one of the devices of those classes and of those interests for whom this tariff tax has been so enormously increased. They seek to obscure from the people an idea of the true enormity of the measure of this taxation and veil from them the burdens that they are bearing by this laying of a specific tax instead of the ad valorem tax, which always speaks for itself and explains what proportion of the value of an article goes in the way of tax either to the public Treasury or to the coffers of the protected manufacturers.

But, Mr. President, I shall not detain the Senate longer upon this subject, and only trust that the people of this country will be able to bear with such equanimity as may come to them this increased tax burden, and will in due time understand the selfishness of the measure and of the men who are promoting it.

Mr. HIGGINS. Mr. President, at an earlier stage of this debate, the exact date I have not before me now, the Senator from Missouri, who is not now in his seat [Mr. VEST], had printed in the RECORD, in the course of some remarks that he submitted upon the pending bill, an editorial from the New York Evening Post, of the 17th of April, I think, reflecting very severely upon the course of Mr. Joseph Wharton, of Philadelphia, in respect of his position concerning the duties upon nickel, it being the fact that Mr. Wharton is the principal manufacturer of that product in this country.

I regret to say this in the absence of the Senator from Missouri, but I have his assurance that were he present he would himself put upon the record what I am now asking leave to do in reading the retraction that was made at a subsequent date by the editor of that journal upon a letter from Mr. Wharton concerning the editorial in question and which he also printed in his paper. I will not make any further reference to Mr. Wharton's letter, which is quite long, but beg to read what the editor of the Post said concerning the matter. He said:

> We frankly apologize to Mr. Wharton for the misrepresentations into which we have been led concerning his attitude towards the duty on nickel ore and concerning his mining industry. If we return to the subject of his letter it will not be for the sake of excusing ourselves in these particulars.

It was only just to the gentleman, who could not have an opportunity to correct this statement which had been put upon the record, that this correction should be put upon the record.

Mr. STEWART. Mr. President, I do not rise to discuss this bill further than to remark that it is the result of the best deliberations that the two Houses could bestow upon the measure. There are things in the bill which I wish were otherwise. It does not come up in all respects to my standard of protection. I would not force any American citizen to work in competition with the pauper labor of other lands.

I would so place the tariff that we should only be compelled to compete with others living in this country and enjoying the same advantages.

Against the constant declaration that the tariff is a tax upon the American people I desire to enter my protest. It is a tax upon those seeking our markets, not upon our people; and experience has shown that the only way to permanently cheapen prices is to do our work at home. If manufacturing is done abroad it will be done by trusts and monopolies. If done here in this country, where there is ample room for sharp competition among the American people, they will increase the amount of production and lower the prices throughout the country. There can be no doubt about that.

There has been so much said about foreign trade that I desire to call the attention of the Senate to the fact that a foreign market for farm products can not continue; that it will be but a few years when it will be impossible for us to enjoy any portion of the European market for any farm product except cotton, and it is very doubtful whether we shall enjoy that monopoly long. The history of the world for the last fifteen years has been entirely changed. New fields have been opened not hitherto explored. The market of Europe is a limited market. They only buy the deficiency to make up what is necessary for their consumption of farm products, and they are making efforts which are producing great results to supply that market independent of the United States.

For example, France at home has so improved the cultivation of wheat that her average yield, I am told, is 45 bushels to the acre. Other countries are taking other means to obtain a supply of that and other farm products. The Argentine Republic is being opened. It is as good a country as our own for the production of all the farm products that we can produce, and in equal abundance, and with less labor. They have grand rivers running up through that country, which give them water navigation to the interior, and they are populating it by the million with the people of southern Europe who work at low wages. Italians, Austrians, and Portuguese are emigrating to that country by the million, and their products are already enormous and are increasing yearly. We can not compete with them unless we get down to the grade of civilization and the grade of wages that they are willing to work for.

Africa is being explored and opened, and it is a virgin field for the production of the raw material, as it is called, although I claim that nothing is raw material upon which labor has been bestowed, but the materials that are least manufactured, upon which the least labor has been bestowed.

There are other fields being opened. India is traversed by new railroads, and over a thousand millions have been expended in twenty-five years in the construction of railroads and irrigation works for the purpose of developing the resources of India. Russia is also extending railroads over her vast domain.

The millions of poorly paid laborers of those countries are going to supply Europe, and it will be but a few years when there will be no market whatever for any of our farm products in Europe unless we produce on the level of the lowest paid labor in the world and against the virgin fields of these new continents that are being opened. The American people can not be reduced to that level. It is idle to talk of a foreign market for farm products. That we must give up. We must have some other market or no market at all. Cotton is in danger. They are attempting to raise cotton in India. They will find other places besides the Southern States where they can produce it.

The resources of Africa are not explored and not understood. It is said that portions of South America can produce cotton. The time may come when that means of export will also be cut off. Then what shall the United States export?

We must buy from foreign countries those articles that we can not produce at home. We will buy them at whatever cost. We will have our tea and coffee and sugar, if we do not produce them at home. I believe we can, however, in a short time produce sugar; but meanwhile we will have those articles at whatever cost. How are we to purchase them? Not by the so-called raw material, farm products, for the poor-paid labor of these new countries will drive us out of the foreign markets in that respect. Then how are we to do it?

I say that there is but one mode of obtaining it, and that is to compete with Europe in the higher grades of civilization and of labor and send our manufactured articles into those countries, as Europe does. We have all the advantages of Europe of having our raw material at home, and if we protect our manufacturers and aid our labor at home and bring the artisans of Europe here, and not their manufactured articles, and manufacture here, we shall have a market of our own amply sufficient to absorb all the farm products that can be produced.

The farmer is short-sighted who looks across the ocean when already our home market is 90 per cent. at least of our entire market for farm products, and the other 10 per cent. hangs as a dead weight upon the energies of the country, because the surplus that we sell abroad determines the price of what is sold at home.

If you want better prices, have more consumers at home and use up the surplus here, and then you will fix your own price; competition here will fix the price of farm products. We are fast making a market at home. This bill will add to that market. This bill, if it is allowed to stand, will bring hundreds and thousands and millions of artisans into the field to consume, and every farmer will have near his home a market for the products that he can raise to support the manufacturers. If we do that and have large establishments, the skill and genius of our people will manufacture better and will be able to compete in any department of industry with any part of the world.

Then we want one thing more. We want cheap and quick communication with the world, so that we can send them our manufactured articles. With the product of the skill and genius of the American people let us buy what we need abroad and cease to attempt to compete with the servile labor of these new countries that are being opened for the express purpose of supplying Europe with farm products. I rejoice that there has been a step forward in this bill. Although it is not all we can desire, I shall vote for it with the highest pleasure.

Mr. COCKRELL. Mr. President, I merely want to read two telegrams that I have received in regard to this matter. One of them is dated Kansas City, Mo., September 24, 1890, and is as follows:

> Free tin-plates are urgently needed by the West. The benefit that would result from them to the agricultural and other interests is incalculable. We respectfully ask you to use all your influence in favor of free tin-plate.
>
> ARMOUR PACKING COMPANY.

The other I have just received to-day, dated St. Joseph, Mo., September 30, 1890, and is as follows:

> We understand conference committee places duty on beans at 40 cents per bushel. The crop United States this year is a failure. Not more than quarter to one-third crop. This will necessitate the importation of large quantities beans from foreign countries, and advanced cost will have to be borne by Western people. If date on which duty takes effect could be extended it would be a great boon to the Western people, as their supply of this article must come from France and Germany and the short time given will not permit importation to this country for consumption until after the higher duty takes effect, which will be a hardship to consumers.
>
> J. W. WALKER,
> *President Board of Trade.*

Mr. ALDRICH. Mr. President, it is a subject of congratulation for the Senate and the country that the prolonged and wearisome discussion of the pending bill is at last to close. After a debate of such unusual length, extending to every paragraph and section of the bill, I do not deem it necessary to detain the Senate this evening beyond a brief examination of some of the criticisms made upon the conference report by Senators upon the other side of the Chamber.

A comparison of the elaborate provisions of the measure, which is soon to receive the official approval of Congress, with the terms of any tariff law which has heretofore been enacted, will illustrate the magnitude of the task we have had in hand, and will at the same time furnish striking evidence of our wonderful industrial growth and development. It has been found necessary to insert in this bill many provisions and to include many items not contained in any prior tariff act, items covering articles and industries which had no existence, even at the time of the adoption of the act of 1883.

This measure embodies the most complete and comprehensive revision and readjustment of tariff rates that has been attempted in the annals of our customs legislation. That it is complete and perfect in all of its details I think no member of the Finance Committee or of the Senate will claim. That it is entirely satisfactory in all of its provisions to every Senator or to any individual Senator I shall not claim. In its final form, as reported from the conference committee, it may be said to fairly represent the average judgment of the majority of Congress upon the interests of the whole people as well as upon the claims of sections and industries.

We have been challenged this morning by Senators upon the other side of the Chamber to present a justification for the many radical changes proposed, and to give to the country some statement of the principles which controlled the construction of the bill. As I was associated with the Senator from Iowa [Mr. ALLISON] and the Senator from New York [Mr. HISCOCK] in the preparation of the Senate tariff bill of 1888, which in most of its substantial features was identical with this, I may perhaps be permitted to speak upon this subject with some degree of authority.

It is proposed by this measure to reduce the revenues, to relieve the people from unnecessary taxation, to correct the errors and remedy the defects and inequalities of existing tariff laws, and to impose or readjust impost duties to meet the requirements of new or changed conditions. The framers of the bill, while striving to accomplish these results, have endeavored to preserve and extend the beneficent influences of the protective system. In order to provide for the successful prosecution of established industries and to secure the development of new ones, they have sought to equalize, so far as legislation can do this, the conditions under which the various industries of the United States are carried on, in competition with similar industries in competing countries.

These unequal conditions arise largely, if not entirely, from the greater compensation and the greater earnings of all the people engaged in all the useful occupations in the United States. The greater sum paid here to labor in all its forms enforces upon the domestic manufacturer of many articles a greater cost of production than that within the reach of his foreign competitor. To maintain the much higher level of wages in the United States, and at the same time to secure the widest possi-

ble diversification of our industries, it is necessary, in the view of those who believe in the wisdom of the protective policy, to levy duties which are equal to the difference between the cost of production and distribution in the United States and in competing countries. The Committee on Finance believe that in no case has a greater duty been imposed by the provisions of this bill than is necessary to secure this equalization. Certainly no such case has been brought to their attention in the course of this long debate.

I must confess my surprise that the distinguished Senator from Kentucky [Mr. CARLISLE] should have devoted almost his entire speech this morning to subjects which, however important and interesting they may be, are simply collateral to the great problems of this bill. The questions he discussed belong, it seems to me, to the ante-bellum period, or more accurately, to an epoch long anterior to that.

The right of Congress under the Constitution to levy protective duties and to authorize the payment of bounties for the encouragement of domestic industries has been exercised so frequently without serious question that the Committee on Finance did not suppose that the authority of the Federal Government in this respect was a subject of doubt. The first Congress that met after the adoption of the Constitution imposed duties for protective purposes in definite terms and granted bounties in lieu of impost duties to develop the fisheries, and I believe it is too late for the Senator from Kentucky [Mr. CARLISLE] and the Senator from Delaware [Mr. GRAY], with all of their ability, to convince the people of the United States that Congress is no longer in the possession of powers which it exercised at the very beginning of its existence at the suggestion and with the concurrence of the men who framed the Constitution.

I regret that Senators upon the other side of the Chamber should have taken up a large portion of the day in the discussion of constitutional questions, and that they have found little time for an examination of the details of the bill. Both the Senator from Kentucky and the Senator from Delaware have contented themselves with denouncing the bill in severe terms, and calling attention in a general way to what they call its enormous increases in rates. The Senator from Delaware illustrated what he meant by enormous increases by citing one case, that of steel rails. As the rates upon steel rails are reduced by the bill from an existing duty of $20.16 per ton on light rails and $17 per ton on heavy rails to a rate of $13.44 per ton on all rails, it is difficult to appreciate the force of the Senator's argument. The Senator from Delaware apparently has fears that this reduction is not sufficient to drive out of existence our rail industry and to allow the rail-makers of Belgium and Great Britain to supply the American market; but why he should seize upon a reduction of 30 per cent. in a rate of duty as the basis of a claim of enormous increases is something which I do not understand.

In the new adjustment and rearrangement of schedules it is true that increases in rates upon various products competing with our own have been made, and I propose to show, in as brief a time as I may, the character of these. They may for purposes of consideration be divided into four classes.

The first class includes articles where an increase of rates was necessary to correct errors or inequalities. To this class belongs the increase in duties upon articles like tin-plate and cotton-ties, where by an erroneous construction of the law or by faulty legislation the duty upon an article has heretofore been placed at a lower rate than that fixed either upon the materials from which it was made or upon articles used for the same purposes. To illustrate what I mean I will take the item of tin-plate.

The duty upon galvanized-iron sheets, which are used for many similar purposes with tin-plates, is 2½ cents a pound. The duty upon the iron and steel sheets from which tin-plates are made is 1½ cents a pound. The cost of coating these plates with tin in the United States is three-fourths of a cent per pound more than the cost in Wales, and yet the duty upon tin-plate is fixed at 1 cent per pound. We have thus provided an effective legislative prohibition against the production of tin-plate in the United States.

Hoop-iron, from which cotton-ties are made, pays a duty of 1.2 cents per pound. Hoops for baling hay, hops, or other products, or for use on barrels, tubs, buckets, or other articles in general use, pay a duty of 1.45 cents per pound, while cotton-ties for baling cotton have been admitted at a duty averaging less than one-half of one cent per pound. The result has been the destruction of the business of making cotton-ties in the United States and an improper discrimination in favor of a class and a section.

As protective duties to be effective must always equal the difference between the cost of production here and in competing countries, and as this difference increases with every advancing process in manufacture, so in a symmetrical and harmonious protective tariff the rates imposed must increase with mathematical precision from the duty levied on the crude material through each successive stage of manufacture to the ultimate finished product. Any infraction of this rule will result in discrimination and destruction.

Take, for illustration, the metal schedule. If a rate is fixed which equalizes conditions in the case of iron ore, a higher rate must be fixed upon pig-iron, and iron in bars must have a still higher rate, and so on up through the whole scale of iron and steel duties. If we should fix upon a duty of $6.72 per ton upon pig-iron as amply protective, and then place a duty of $8 per ton upon all iron and steel in bars or other forms, there would be no more pig-iron produced in the United States, and this industry would be lost to our people for the obvious reason that with lower cost of production abroad all iron and steel would be imported in bars, billets, or other more advanced forms.

In the construction of the pending bill its framers have sought as far as possible to cure all defects and to remedy all inequalities growing out of a want of proper relation in rates, and their action in this regard should be considered rather as a correction of rates than an increase in duties.

There is another, more numerous, and much more important class of articles upon which increases have been made, more important not only from their greater value, but from the ultimate effect which their production here would have upon the industrial future of the country. These are the articles or industries which, in the act of 1883 and in prior tariffs, we have surrendered without question to our foreign competitors, articles which we were then willing to confess could not be made in the United States and upon which we have never levied protective duties. These include all the finer and more expensive manufactures in every schedule of the bill. For illustration, as in the cotton schedule; we have increased the duties on all the finest cotton cloths, those which in texture and in cost rival silk fabrics. We have advanced the rates on cotton velvets, chenille goods, and on all fine fashioned hosiery and knit goods. In the flax schedule we have increased rates on all fine linen goods, on laces, lace window-curtains, and embroideries of every description. In the woolen schedule we have advanced rates on the finer dress goods for women's wear, on all the more expensive kinds of cloths for men's wear, and upon fancy articles composed of wool. In the silk schedule we have raised the duties on silk velvets, and plushes, and upon silk laces and embroideries, and on ready-made clothing composed of silk. Increases have also been made on ornamented and decorated glassware, china, and porcelain. On some of the more expensive manufactures of iron and steel the duties have been advanced. Other increases have been made on musical instruments, on fine tissue and surface-coated papers, on manufactures of ivory and shell, and many other miscellaneous manufactures of fancy articles. From any economic standpoint an increase in the rates upon these articles is justifiable. They are all articles of voluntary use; none of them necessary for the comfortable existence of our people. It was the purpose of the committee in the preparation of this bill to formulate a declaration that hereafter they should be produced by American working men and women. We have now the requisite skill, taste, and the material for their manufacture, and every patriotic impulse dictates that we should make their production possible in the United States.

Our importation of these articles amounted last year to $200,000,000 of foreign value, and including duties and importers' profits, cost our people $350,000,000. Their production here would give employment to a million of men and women, and, if we include their dependents, four to five million people would be supported by this addition to our national workshop. These five millions of people would in turn be clothed and fed here and would furnish greatly enlarged markets for our farmers and manufacturers.

There is a third class of increases in duties where ad valorem rates levied years ago have proven inadequate as protective barriers. The protection afforded by an ad valorem duty varies with the foreign price of the article upon which it is imposed. The uniform and persistent decline in values during the past twenty-five years of all manufactured articles and nearly all the products of the soil has greatly lessened the protective power of such rates.

The relative difference in the labor-cost of production, say in producing a pound of yarn or a yard of cloth, between our own and competing countries, has not changed to our advantage during this period. Other elements of cost have been greatly reduced, but with equal pace on both sides of the Atlantic. Fuller and more accurate statistics than were formerly accessible leave accentuated the difference in wages between the United States and European countries in every one of the great industries.

If these differences are not greater than ten or twenty years ago we are more definitely conscious of their actual existence, and more thoroughly convinced of the necessity that they should be counteracted. To illustrate the decreasing value of an ad valorem rate with falling prices, I take the duties on cotton hosiery, although the article itself belongs to the class I have heretofore alluded to. Prior to 1883 there was a duty of 35 per cent. upon all cotton hosiery. At that time the finer kinds of women's fashioned hosiery were worth, say, $3 a dozen, and the duty would be $1.05 a dozen. There has been since 1883 a decline in price equal to one-half of the value, or, say, to $1.50 per dozen, and the rate imposed by this bill would be 95 cents per dozen, and although it equals 65 per cent. ad valorem it furnishes less protection to the domestic manufacturer than the old rate of 35 per cent. furnished at the time it was levied.

This may be further illustrated by the statistics of the importation of woolen cloths. The unit of value in 1868, as determined by the imports for that year, was $1.52 per pound. For the year 1889 the unit of value on the same class of imports was $1.076 per pound. In

this instance a decline in values equivalent to nearly 30 per cent. is indicated in the period of twenty-one years, and a duty of 50 per cent. ad valorem in 1889 would afford no greater protection than 35 per cent. in 1868. An increased ad valorem duty does not, therefore, furnish evidence of increased protection.

Taking the prices of merchandise as our standard, 50 per cent. ad valorem represents a lower tariff to-day than 25 per cent. represented during the war, or to take for the comparison a more recent period, 50 per cent. in the pending bill will not afford the American producer as much protection as 40 per cent. yielded him at the time of the last tariff revision in 1883.

Mr. HARRIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. ALDRICH. Yes, sir.

Mr. HARRIS. I desire to ask the Senator from Rhode Island, who is in charge of this bill, if he does not admit that in levying the duties imposed by the bill the committee were controlled absolutely or largely by the idea of protecting American manufacturers, and not at all or in a very small degree if at all, by the idea of the amount of revenue necessary to be raised by tariff taxation for revenue purposes.

Mr. ALDRICH. I will say to my friend from Tennessee that the committee gave ample consideration alike to questions affecting the revenue and protection, as they deemed both very important.

I have already alluded to three classes of articles upon which we have recommended increases in rates. There remains but one other, namely, agricultural products. The rates upon wool, tobacco, barley, and the whole list of agricultural products have been increased very largely. This action has been taken at the request of the representatives of the agricultural sections and upon the demand of the farmers of the country, who believe that the large importations of competing products—large in the aggregate, although perhaps not large relatively—have injuriously affected their interests.

Every article upon which the rate of duty has been increased by the bill except those included in the liquor and tobacco schedules belongs to one of the four classes I have referred to. As to all others the rates remain unchanged or have been reduced. There has been no increase in rates upon any of that large class of manufactures which our friends upon the other side are so fond of calling the necessaries of life. On many articles in common use by the great mass of the people of the country, including all ordinary grades of cotton cloth, all the low grades of woolen cloth, there have been reductions. Upon none of these in any schedule has there been any increase, and I call the attention of Senators upon the other side of the Chamber to this statement, and challenge them to question its accuracy in any particular.

Mr. CARLISLE. Will the Senator allow me a moment?

Mr. ALDRICH. Certainly.

Mr. CARLISLE. As the Senator challenges Senators upon this side——

Mr. ALDRICH. I shall be glad to have the Senator point out a single exception to the statement I have made.

Mr. CARLISLE. Does the Senator undertake to say that the cheap woolen and worsted goods are not necessaries of life for our people?

Mr. ALDRICH. They are necessaries of life, and the duty on them is reduced by this bill below the rates in existing law.

Mr. CARLISLE. It is much greater.

Mr. ALDRICH. I beg to assure the Senator that it is not.

Mr. CARLISLE. In the first place it is increased largely by changing the classification above the line down to the value of 30 cents to 15 cents per pound, and also by increasing the specific rate of duty as well as the ad valorem.

Mr. ALDRICH. The Senator is aware that upon the lowest grades of woolen and worsted cloths the present rate of duty is 35 cents a pound and 35 per cent. ad valorem. Under the provisions of this bill it is 33 cents per pound and 35 per cent. ad valorem. It is undoubtedly true that upon some cloths valued at or about 80 cents a pound there is an increase of duty, but those cloths do not belong to the class of which I am now speaking.

Mr. CARLISLE. But the present law imposes a duty, which the Senator has stated, upon all goods up to the value of 80 cents a pound.

Mr. ALDRICH. I understand that.

Mr. CARLISLE. And the duty of 33 cents specific and so much ad valorem applies to goods worth less than 30 cents a pound.

Mr. ALDRICH. I understand that.

Mr. CARLISLE. And on all above 30 cents and between 30 and 80 cents it is largely increased.

Mr. ALDRICH. That is true as to the higher-priced goods.

Mr. CARLISLE. And so in regard to worsted goods for women's and children's wear.

Mr. ALDRICH. I understand that, and have so stated, that upon the finer and expensive goods valued at 80 cents a pound or in that neighborhood we have increased the specific rate, an increase made necessary, however, by the increase of the duty upon wool.

Now, I repeat that upon all the articles which Senators upon the other side have described to-day as the necessaries of life there are not only no enormous increases in rates by this bill, but there are none whatever. The American manufacturer is not asking for any increases in the protective duties on any of this class of articles, as none is necessary; he has the entire American market to-day, and will retain it whether the tariff is higher or lower. In fact if it were not for guarding our producers against the surplus product of Europe in periods of great depression in prices, existing rates might with safety be very greatly reduced. Our manufacturers supply nine-tenths of the domestic consumption of all the articles of iron and steel except those which have been discriminated against by legislation, like tin-plate. They supply the cloths to make the clothing of the working men and women. Our cotton manufacturers supply the cotton cloths and all other manufactures of cotton in ordinary use by our people. This is also true of all articles in common use included in all the schedules. Not only have our own manufacturers control of the market of the United States, but we exported last year of this class of manufactures $107,000,000 worth.

Senators upon the other side point out advances in certain paragraphs and seek from this to create the impression that we have made an enormous increase all along the line. These generalizations are wholly misleading and inaccurate. They have sought to prejudice the farmers of the West against the measure by the pretense that the articles in every-day use by them will be greatly increased in price by its provisions. After a few months of experience with this new tariff act these same farmers will find that they can purchase clothing for themselves and their families and their utensils for farming or domestic purposes at the same or lower prices than before, and they will learn to correctly value the gloomy forebodings and croakings of the whole brood of tariff reformers. I would suggest to my friends upon the other side that the event is quite too near to make it safe to enter the realms of dismal prophecy.

I do not believe that the higher and finer forms of manufacture to which I have alluded will be increased in price by our action unless it should be temporarily. As the Senator from Vermont [Mr. EDMUNDS] very truly suggests, all of our previous experience shows that when American production and competition have been added to foreign production the result has been a diminution in price. Do Senators upon the other side of the Chamber seriously claim that the great mass of the people of the country will be outraged by an increase of the duty upon linen laces, or upon the finer kinds of cotton, woolen, or linen goods for men's or women's wear? These are the items to which they have repeatedly called attention.

Mr. GRAY. How about cotton laces?

Mr. ALDRICH. Cotton laces are the most expensive of all.

Mr. GRAY. Oh, no.

Mr. ALDRICH. They certainly are, and they are not worn by the poor people in my part of the country. They may be in Delaware.

Senators upon the other side are not content with claiming that enormous increases are universal throughout the bill, but they insist that the rates have been raised much higher upon articles in common use by the poor than upon articles of the same class that are used by the rich. These claims are equally inaccurate and groundless. To sustain them an ingenious scheme has been devised of substituting in place of the rates actually levied by the bill what are naively called "equivalent ad valorems." To such an extent has this been carried that Democratic Senators no longer speak of the real rates imposed in the schedule, but always of these imaginary ones; for instance, as I stated in a colloquy with the Senator from Kentucky [Mr. CARLISLE] this morning, they never quote the duty on cotton-ties at 1.3 cents per pound, the rate fixed in the bill, but invariably at 105 or some other extravagant per cent. ad valorem.

To illustrate: As we have levied a duty of $30 per head on horses, if horses are worth $5 each, this specific rate would be equal to 600 per cent. ad valorem, and our friends may be found stoutly claiming that we have taxed horses 600 per cent. ad valorem. We may not be able to say in reply that there are no horses in Canada or Mexico valued at $5 each, yet the gross injustice, not to say absurdity, of the claim that the bill levies a duty of 600 per cent. on horses would be evident to all fair-minded men.

This plan of campaign, of attempting to show the vicious character of the bill by a jugglery with figures, seems to have been first brought to the attention of our friends on the other side by a delegation of New York importers who appeared before the Finance Committee some months ago. The statements made by this delegation have apparently formed the warp and woof, if not the entire fabric, of most of the speeches that have been made upon this subject on the other side of the Chamber. The hearing to which I refer was a notable one. It was the first time in the history of this country that importers as a class had undertaken to dictate what its tariff laws should be. The spectacle was one which will long retain a place in my memory. A large number of men, filling the reception-room and the corridors of the Senate to overflowing, representing, as they said, more than five hundred firms and $200,000,000 in capital, appeared before your committee and demanded that no increase in existing tariff rates should be made, and that a bill that had already received the approval of the representatives of all the people should not be permitted to become a law. If I had the power

to faithfully reproduce that scene it would make the strongest possible argument in favor of the speedy passage of this bill.

I have no intention of questioning the eminent respectability of the gentlemen who composed the delegation. Many of them were citizens of the United States and entitled of course to all the rights enjoyed by other citizens. Others were residents, temporarily at least, in our country, and entitled in the spirit of international comity to respectful treatment.

One could not help admiring the aggressiveness of this unique delegation. Intelligent—knowing precisely the limitations of their own wants; skillful—the promptings of selfish interests having trained them to master the intricacies and weaknesses of our tariff laws; astute—with all the inherited shrewdness which belongs to generations of merchants; famous—bearing names familiar upon every exchange in Europe; no such collection of men ever before appeared at the doors of the American Senate to influence its legislation. As importers they are entitled to have the revenue laws enacted by Congress enforced honestly and without discrimination as to individuals. But these gentlemen should be politely informed that in the fixing of tariff rates broad questions of public policy are to be considered, and not alone the special interests of a class whose enlarged prosperity might furnish the best indication of national decay. It may not be strange that these gentlemen should seek to guard their own business interests, but it is to my mind incomprehensible that the representatives of a great party should submit to their demands and make the cause they advocate their own.

These gentlemen undertook, by the ingenious system of figures and jugglery with ad valorem rates to which I have alluded, to show that the House bill imposed higher rates upon the goods used by the poor than upon those used by the rich. I propose to carefully examine some of these statements.

Mr. HARRIS. Will the Senator allow me to ask him, as he has spoken of a large number——

Mr. ALDRICH. I hope the Senator from Tennessee will wait until I have concluded my statement, and then I shall be glad to hear his suggestions.

Mr. EDMUNDS. Why not wait a moment and let the Senator from Rhode Island make his explanation?

Mr. HARRIS. The Senator has spoken of a large number of importers who, he says, made their demands. Will he be kind enough to state to the Senate the number of manufacturers who appeared before the Committee on Ways and Means of the House and the Senate Finance Committee making their demands in the same way?

Mr. ALDRICH. I thank the Senator for having put in antithesis these two classes of people, and for calling public attention to the effect their respective demands have had upon the parties on either side of the Chamber as shown by their action upon this bill. As the Senator from Massachusetts [Mr. HOAR] suggests, one class represents American labor and American industries, while the other class represents foreign interests alone.

But all this is aside from the examination that I was about to make. I will first take the rate of duty on cotton velvet. The Senator from Kentucky [Mr. CARLISLE] stated this morning that we had increased the duty upon cotton velvets from 40 to 118 per cent., thus adopting a statement furnished by the importers of this article. These importers further state in their printed brief that cotton velvets "are used principally by the very poorest classes of the population of the United States, and largely by the negroes of the South," and that it would be a very marked injustice to this large class of people if the duty upon cotton velvets should be increased.

In order to make it appear that this bill levies a duty of 118 per cent. upon cottton velvets, a foreign valuation is assumed of sixpence, or 12 cents, per yard for goods 25 inches wide. Upon goods of the same width costing 40 cents per yard abroad the duty by the bill would be 17.6 cents per yard, equivalent to 44 per cent. It is further assumed by these importers that the velvets paying the rate equivalent to 118 per cent. are used by the poor people and those paying 44 per cent. are used by the rich, and upon this assumption is based the statement that we have levied upon the poor man's velvets nearly three times as much duty as upon the rich man's, and this in the face of the fact that the actual duty per yard levied by the bill on the cheaper goods would be 14.1 cents, while on the dearer it would be 17.6 cents.

For the purpose of ascertaining the magnitude of the benefit which the poor colored people who are said to be the principal purchasers of these goods derive from the present low rate of duty upon cotton velvets, I had a very careful inquiry made a few days ago as to prices at the various dry-goods stores in the city of Washington, and the lowest price at which a yard of 25-inch cotton velvets could be bought was 70 cents. I was desirous of finding out just how careful these importers were of the welfare of their wards; for if you should read the statements made to the Committee on Finance by these innocent gentlemen you would suppose that they were entirely oblivious to their own interests and that they simply appeared as the special guardians of the poor people of the country whose rights were endangered.

Now, if cotton velvets can be bought at 6*d.* per yard in Great Britain and are sold for 70 cents in Washington, who receives the difference? The present duty is 40 per cent., or 4.8 cents per yard, and the total cost laid down here would be, say, 17 cents per yard. Who is to-day engaged in robbing these poor colored people in Washington and throughout the South through the sale of this article? Certainly not the American manufacturer, because very few cotton velvets are now made in the United States. An additional duty of 10 cents per yard could be levied on cotton velvets and a margin of profit still remain of 43 cents per yard between the importer and the consumer. The enormous wealth of the importer would not be lessened materially by this shrinkage in his gains. I have not alluded in any invidious way to the great wealth of the importers who appeared here, although it is doubtless true in many cases that those who spoke for the several classes of manufacture, represented more wealth in the aggregate than all the manufacturers in the United States engaged in making the same goods.

The duty on pocket-knives is another item which has disturbed the consciences, if not the sleep, of Senators upon the other side of the Chamber, and the increase which we have made in the rates upon cutlery has been paraded throughout the country as one of the great enormities of this bill. They say that we propose to levy 117 per cent. upon cutlery; they seek to prove this by showing that if pocket-knives are worth 18 cents a dozen, or a cent and a half each, the rate we propose would be equivalent to 117 per cent., and they say further that as the rate upon a pocket-knife costing a dollar would be equivalent to only 75 per cent., therefore we are discriminating against the poor man who buys a cent-and-a-half knife and in favor of the rich man who buys the dollar knife, notwithstanding the fact that the duty actually levied by the bill on the lower-priced knife is but 1¾ cents upon each knife, while the duty upon each of the higher-priced knives is 75 cents. An impression is created, by quoting these equivalent ad valorem rates of 75 and 117 per cent., that we are actually levying a higher rate of duty upon low-priced knives than upon the high-priced ones.

I was anxious to find out who received the advantage derived from the boon of 1¾-cent jack-knives, and I made a tour of the hardware stores of Washington, and the lowest-priced knife I could find anywhere was 25 cents.

Mr. FRYE. Twenty-five cents apiece?

Mr. ALDRICH. Yes, 25 cents apiece as against an alleged cost of 1½ cents. I did find in a toy store what was called a knife, which sold for 10 cents, but it was utterly valueless.

The duty on razors is another of the items that gentlemen use to illustrate the enormities of this bill. They say that upon razors worth 6 cents each or 72 cents per dozen the rate of duty is 170 per cent., while upon razors worth 33 cents each the duty is only 56 per cent., and therefore that the razors for the poor are taxed 170 per cent., while the razors for the rich are taxed only 56 per cent. Instead, however, of the duty being more than three times in one case what it is in the other, as would appear from this statement—I am speaking of the actual duty now and not the duty which is produced by this jugglery of figures—it is 10.1 cents each on the lower-priced razors and 18.2 cents each on the higher priced. The lowest-priced razor I could find in any of the Washington shops was 70 cents, but I was told they could be bought at 40 or 50 cents. My informant, however, added, "They are not good for anything, and I would not advise you to buy one." [Laughter.] I followed the advice. I did not intend to buy one, but I wished to know what became of these 6-cent razors.

Another item which these gentlemen have used to illustrate the iniquities of the House bill—I am glad to say the Senate is relieved to some extent in this respect—is that fixing the duty on spectacles. In this case the rate is placed at 300 per cent. They say that if spectacles were worth 1.4 cents per pair the duty on them would be equivalent to 300 per cent. [Laughter.] The lowest priced spectacles I could find anywhere in Washington were 25 cents per pair, and the man who offered them for sale was candid enough to say of them, "The glass is window-glass and the bows are worthless."

This whole plan of showing that enormous increases in rates have been effected by this bill is based upon mathematical exploits similar to these. If worthless pocket-knives, razors, and other articles named are ever imported into the United States at the low prices indicated, then the American people are the sufferers, for they are forced to purchase them at the price of useful articles. Positive prohibition would be the best remedy for this class of imports.

Now, I will not take up the time of the Senate, as I might do very profitably, to go through this entire list. I could refer you, if time permitted, to similar statements made in regard to dress goods, woolen cloths, and many other articles. In commenting upon this bill Senators upon the other side, or their allies the importers, never quote the rates actually imposed. It is always the equivalent ad valorem based, as I have shown, upon some impossible or imaginary foreign value. I fear that this method of discussing a serious question, however, will be continued to the end, and that in the campaign which ends on the first Tuesday in November, from every platform in the United States and in every newspaper we shall have this story repeated *ad nauseam*, of the 105, 170, 200, or 300 per cent. ad valorem rates imposed by this bill.

Possibly we ought to be satisfied with the self-restraint of these gentlemen. It would be just as easy to say that if spectacles were worth seven-tenths of a cent a pair, instead of 1.4 cents per pair, the rate of duty would be 600 per cent.; or that if jack-knives were worth one-half of a cent each instead of 1½ cents each the rate would be 350 per cent. ad valorem; or that if razors were worth 1 cent each instead of

6 cents each that the ad valorem rate would be 1020 per cent. If a high ad valorem equivalent is desired to revive a failing cause, without regard to facts, there is no limit to the mathematical capacity of the gentlemen who are engaged in the importing of these articles.

There are two or three provisions of the bill that have been the objects of special attack as to which I feel that I ought to make an explanation in behalf of the committee.

There is no paragraph in this bill which has been so persistently and so bitterly opposed, and there is none which appeals for support with such irresistible force to all protectionists, as the paragraph which levies an increased duty upon tin-plate. To give some idea of the magnitude of the interests involved in this change I will say that in 1889 we imported 360,000 tons of tin and terne plates from Great Britain, of the foreign value of $21,002,209, upon which duties were paid amounting to $7,279,459. All these plates came from one locality, and we took three-quarters of their entire output. I have already given the reasons why these plates were not produced in the United States. Our failure results solely from defective tariff legislation, which we now propose to remedy.

Tin-plates are simply thin iron or steel sheets, cleaned in an acid bath and coated with tin. The coating process is very simple, and consists in dipping the sheets alternately into palm or some other oil and into the molten tin. If the tin-plate industry should be fully established in the United States, as it can be, it would give employment to at least 70,000 people.

We enter the competitive race for this product with no disadvantages except the greater cost of labor and the want of experience. We can and do roll the iron and steel sheets; all the sources of supply of block-tin are open to us, and it is a disgrace for which Congress is alone responsible that we are dependent upon foreigners for our entire supply of this exceedingly useful article. In almost every other direction the development of our manufactures of iron and steel has been remarkable.

For instance, the production of pig-iron in the United States increased from 3,700,000 tons, or 147 pounds per capita, in 1880, to nearly 10,000,000 tons, or 313 pounds per capita, in 1890. This surprising exhibit is but an indication of similar growth in every department of iron and steel production, with the exceptions I have named. As the metal schedule of the existing tariff act is, from a protective standpoint, with the exception I have referred to, the most complete and satisfactory of any, this wonderful expansion affords an apt illustration of the beneficence of the protective system and furnishes an unanswerable argument in behalf of the continuance and enlargement of that policy. I deem it necessary, however, in view of the importance which this proposed change in rates has assumed in public estimation, that the objection urged against its imposition should be clearly set forth and definitely answered.

It is urged that the effect of the additional duty of 1.2 cents per pound will be to largely increase the cost of tin-plate to the American consumers. To this I answer that the price paid by the American consumer for a number of years has been greater than it would have been if American competition had been insured by a protective duty. Foreign manufacturers and importers have taken advantage of their complete control of the American market to maintain prices at a higher level than would otherwise have been possible. This is shown conclusively by the following table comparing prices of tin-plate for a series of twelve years with the prices of galvanized-iron sheets, steel rails, and cut nails for the same period. The difference in the relative percentages of decline is very marked.

Comparison of average prices for twelve years, from 1878 to 1889, of tin-plates, galvanized-iron sheets, steel rails, and cut nails.

Year.	Prices in the United States: Charcoal IC, per pound.	Liverpool prices.		Prices in the United States.		
		Tin-plate, IC coke.	Tin-plate, IC charcoal.	Galvanized-iron sheets, per pound.	Steel rails, per ton.	Cut nails, per keg.
	Cents.	s. d.	s. d.	Cents.		
1878	5.55	14 9	19 3½	6½	$42.25	$2.31
1879	5.57	17 8½	21 8	7½	48.25	2.69
1880	6.25	19 1½	24 9½	7½	67.25	3.68
1881	5.78	15 4½	19 9½	7½	61.12½	3.09
1882	5.78	15 11½	19 10½	7½	48.50	3.47
1883	5.78	15 11½	19 11½	6½	37.75	3.06
1884	5.20	15 10	18 3	5½	30.75	2.39
1885	5.20	13 8½	16 9½	4½	28.50	2.33
1886	5.32	13 0½	16 5½	4½	34.50	2.27
1887	5.09	13 1½	16 7	4½	37.12½	2.30
1888	5.55	13 6	17 6	4½	29.87½	2.03
1889	5.32	13 7	18 0	4½	29.25	2.00
Average for twelve years	5.56	15 1	19 1	5.9	41.26	2.63
Percentage of price of 1889 below average price	4.5	9.9	5.7	28.3	29.1	24.1

It will be observed that the price of charcoal tin-plate for the year 1889 in the United States was but 4½ per cent. below the average for the whole period of twelve years, disclosing a significant constancy, while the decline upon the other articles mentioned, where the American manufacturer was brought in competition with the foreign producer, was very much greater. On galvanized-iron sheets, which compete with tin-plate for many uses, the average price for the same twelve years was 5.9 cents per pound, and the average price in 1889 was 4½ cents, the price in 1889 being 28.3 per cent. less than the average for the whole period. Compare this with a reduction of but 4½ per cent. on tin-plates. The average price of steel rails for the same twelve years was $41.26 per ton, while the price in 1889 was $29.25 per ton, or a decline of 29.1 per cent. The price of cut nails, upon which the tariff rate was prohibitory for the whole period, was 2.63 cents per pound, while the price for 1889 was 2 cents a pound, or a reduction in that year as compared with the average for the whole term of 24.1 per cent.

For this comparison it will be seen that I have taken three articles in common use, upon which the duty during the whole period has been protective, and the American market supplied by domestic producers, and these show a decline in price of from 24 to 29 per cent. as against a decline of 4½ per cent. in the price of tin-plate. Further examination would show that the price of tin-plate has been more successfully sustained than that of any other manufacture of iron or steel.

It should be borne in mind that the quotations used by Senators upon the other side to show the low cost of tin-plate to American consumers apply only to one grade and that the cheapest. This quality, IC coke, is sold by dealers here on a comparatively small margin of profit. The price at which this grade is sold is from 4.4 to 4.5 cents per pound, but all the heavier weights of bright tin-plate and all terne-plates are sold at a much higher price. The following table shows the prices of the better class of tin and terne plates:

Brands.	Size of sheets.	Gauge.	Weight per box (112 sheets).	Cost to consumer, present duty, 1 c. per lb. added (per box).	Cost to consumer per lb.	Proposed bill, increase 1.2c. per lb., would add to cost per box.	Increase on present cost to consumers.
Brand "Melyn," or first-class grade bright tin, charcoal:	*Inches.*		*Lbs.*		*Cents.*		*Per ct.*
IC	14 by 20	29	108	$6.00	5.55	$1.29	20.50
IX	....do	27	135	7.50	5.55	1.62	21.60
IXX	....do	26	160	9.00	5.62	1.92	21.33
IXXX	....do	25	180	10.50	5.83	2.16	20.56
IXXXX	....do	24	200	12.00	6.00	2.40	20.00
IC	20 by 28	29	216	12.00	5.55	2.59	21.58
IX	....do	27	270	15.00	5.55	3.24	21.60
IXX	....do	26	320	18.00	5.62	3.84	21.33
IXXX	....do	25	360	21.00	5.83	4.32	20.56
IXXXX	....do	24	400	24.00	6.00	4.80	20.00
Charcoal roofing-plates (terne), lead and tin coat, (brand M. F.), or equal:							
IC	14 by 20	29	108	6.75	6.25	1.28	18.90
IC	20 by 28	29	216	13.50	6.25	2.59	19.23
"Hamilton's Best" IC	....do	29	216	16.50	7.63	2.59	15.69
For cheap work ("Bessemer" coke tin) cheapest and poorest grade made (for cans):							
IC	14 by 20	29	108	4.75	4.39	1.29	27.15

It will appear from this table that when IC coke is sold to the American consumer at 4.39 cents per pound, other weights vary in price from 5.55 to 7.63 cents per pound. Most of the importers and large dealers in tin-plate have special brands which they commend to their customers that are sold at a still higher price. For instance, I have before me a large number of quotations, taken from trade papers in Chicago, St. Paul, and other points in the West, in which special brands are quoted at from 7.40 to 8.10 cents per pound. This table also shows the percentage of increase in present price which would take place with an increased duty of 1.2 cents per pound, if this rate should be added to the cost.

Of the importations of tin and terne plate in 1889, amounting to 727,945,972 pounds, about 40 per cent., or 290,000,000 pounds, were terne-plates—these are steel or iron sheets coated with lead and tin—of various weights, and used for roofing or other purposes. This would leave an importation of 437,000,000 pounds of bright tin-plates. From this, however, should be deducted 166,000,000 pounds exported, this latter amount being substantially all bright tin-plate of the cheaper grades, leaving a net importation of 271,000,000 pounds of bright tin-plate of all gauges and widths consumed in the United States. There are no statistics available showing the relative proportion of light and heavy weight bright tin-plates which go into domestic consumption.

The Senator from Kentucky in the course of the discussion read a letter from a gentleman by the name of Potts, I think, of Philadelphia, in which it was stated that the price of tin-plate was 4.22 cents per pound; that he could not buy the steel sheets from which it must be

made, in Pittsburgh, at less than 5¼ cents per pound; and the Senator concluded from this that tin-plate could never be made in the United States.

Now, I hold in my hand a letter from this same Mr. Potts quoting the price of imported steel sheets in another form. He quotes "IC 20 by 28 terne ALT old process $7.50 per box" of 108 pounds, or 6.94 cents per pound.

Mr. CARLISLE. Tin-plate or terne-plate?

Mr. ALDRICH. Terne-plates, which are less expensive to produce than tin-plates, the lead costing very much less than tin, and the cost of manufacture being no greater.

The importers and dealers who have these special brands and sell them at high prices are among the most persistent objectors to an increase in duty, as American production might interfere with their profits. While imported iron and steel sheets coated with lead are selling, as I have shown, at from 6 to 7½ cents per pound, iron or steel sheets of corresponding gauges coated with zinc, of American production, are sold at 4.22 to 4.87 cents per pound. This contrast shows the relative effect of the presence or absence of protective duties.

I believe I have demonstrated that our people are to-day and have been for years paying a higher price for the iron or steel they purchase in the form of tin and terne plates than in any other form. Senators upon the other side ask, "Why then do we not make our own tin-plate?" For the reason that the Welsh and English iron-masters control this market, and whenever an attempt is made to commence its production here the price goes down, as it did in 1873 and in 1879, when such attempts were made.

It is objected that the additional duty will so increase the cost of the tin utensils in universal use, and of other articles made from tin-plate, as to impose grievous and unnecessary burdens upon all consumers of these articles, and to cripple, if not destroy, great industries which have been built up with cheap tin-plate.

It is said that the people who buy dairy-pans, coffee-pots, dinner-kettles, and tin cups will be enormously taxed by the imposition of this duty. The Senator from North Carolina [Mr. VANCE] not now in his seat dwelt in eloquent terms upon the feelings of the poor colored woman in North Carolina when she found that the price of her tin cup was advanced by this monstrous bill.

This allegation demands careful examination. I hold in my hand a statement which has been very carefully prepared, giving the prices of all the tin utensils in ordinary use by all classes of our people. This table shows the wholesale price, the size, the weight of each, and the sum which would be added to the cost of each by the 1.2 cents per pound additional duty, and also the present retail price.

Mr. FRYE. If the duty is a tax?

Mr. ALDRICH. Yes; if the duty is a tax, and if the whole of it should added to the present cost of these various articles. The wholesale prices are taken from the price-list of reputable manufacturers in Baltimore, and the retail prices were obtained from a well known establishment in Washington.

Manufacturers' wholesale prices of tinware, with present duty on tin-plates, and cost of same if whole of proposed increased duty of 1.2 *cents per pound is added, together with the present retail price.*

Articles.	Size.	Cost per dozen.	Cost each, present duty.	Weight, each.	Cost with increased duty, 1.2 cents per lb., added.	Retail prices of same, each.
			Cents.	*lbs. oz.*	*Cents.*	*Cts.*
Coffee-pots, hinged covers	3 quarts	$1.10	9.1	1 4	10.6	25
Buckets, covered	do	.75	6.2	14	7.5	15
Cups	½ pint	.12½	1	2½	1.4	5
Do	1 pint	.18¾	1½	3½	1.8	5
Dish-pans	12 quarts	1.42	12	1 8	13.8	35
Dish-kettles	10 quarts	1.23	10	1 8	11.8	30
Milk-kettles, improved side handles.	4 quarts	1.75	15	1 8	16.8	30
Dinner-kettles, trays, and cups.	3 quarts	1.44	12	1 4	13.5	50
Do	4 quarts	1.80	15	2 4	17.4	60
Square dinner-kettles, tray, flask, and cup.	No. 1	3.30	27	2 12	30.3	50
Do	No. 2	3.75	31	3 4	34.9	60
Tea-kettles, straight	3 quarts	1.40	12	1 8	13.8	40
Oil-cans, improved	2 quarts	1.00	8.3	1 8	9.5	15
Lard-cans, improved	5 gals. (40 lbs.)	2.25	19	3 0	22.6	25
Dairy-pans, IC	4 quarts	.42	3½	8	4.1	15
Milk-pans, IX	do	.55	4½	10	5.3	20
Pudding-pans, IC, retinned.	do	.75	6½	8	6.9	20
Rinsing-pans, IC, retinned.	10 quarts	1.60	12½	1 4	14	25
Dish-pans, IX, deep, retinned.	14 quarts	2.10	17	2 0	19.4	40
Saucepans, retinned	4 quarts	1.15	9½	12	10.4	20
Wash-bowls	No. 7 (11½-inch)	.44	8½	8	4.1	10
Dippers, IC	1 pint	.25	2	4	2.3	10
Pie-plates	9-inch	.20	1½	3	1.7	*4
Sprinklers	10 quarts	4.50	38	2 8	41	65

*35 cents per dozen.

This table is in itself a complete answer to the charge that the larger duties on tin-plate will augment the price of any article of tin-ware to the purchaser for use.

I shall not take the time of the Senate to read the whole of this statement, but will call attention to the result in a few cases. Take for instance a pint tin cup, which seems to be the article which troubles our friends on the other side most. They cost at wholesale 18¾ cents per dozen, which is a trifle over a cent and a half each, and they weigh 3½ ounces, and if the whole duty were hereafter to be added the total cost would be 1.8 cents each; and they sell at retail everywhere in the United States at 5 cents each. Does any Senator seriously believe that anything will be added to the price of a tin cup to the purchaser at retail on account of this increase in cost at wholesale (if it should take place) of three-tenths of a cent on each cup?

The present wholesale price of coffee-pots is $1.10 per dozen, or 9.1 cents each. The weight is 1 pound and 4 ounces, and if the additional duty is added the total cost will be 10.6 cents each, and the retail price is 25 cents.

Four-quart dairy pans that our agricultural friends are interested in cost now 42 cents per dozen, or 3½ cents each, and they weigh half a pound. They would cost with the higher rate of duty added 4.1 cents each, and they sell at retail for 15 cents.

Mr. CARLISLE. Does the Senator mean they will cost 4.1 cents more than they cost now?

Mr. ALDRICH No; the entire cost if the new duty is added would be 4.1 cents. The cost at present is 3½ cents; they will cost, if the whole duty is added, 4.1 cents.

Mr. CARLISLE. Has the Senator any statement which will show the increased cost of all the tin utensils used in the United States by reason of this increased duty—because that, after all, is the test—not what a tin cup or a coffee-pot or a pan or some other article used will cost, but what would be the increased cost of the whole consumption of these tin utensils? Of course the Senator may select any particular article and show that the increased cost will be so small as to be almost inappreciable, but when you come to the aggregate, the whole amount, we have the correct test as to what will be the effect of this bill, because it applies not merely to tin cups and coffee-pots and pans, but to all the articles of tin consumed in this country.

Mr. ALDRICH. If the additional duty should be added to the cost of all the articles produced in the United States and this entire sum paid by one person, say by the poor working man or woman the Senator refers to——

Mr. CARLISLE. It is all paid by the people.

Mr. ALDRICH. It would undoubtedly prove a serious burden.

I would suggest to the Senator from Kentucky that there are two important questions in controversy between us in regard to this matter: First, whether the addition of 1.2 cents per pound to the present duty upon tin-plate will increase its cost or the cost of the articles made from it in the United States. I do not myself think it will permanently, but if it does, the next question is, who will pay this increased cost? I am now engaged in an attempt to show that if the duty should be added to the cost of articles or utensils made from tin-plate this additional cost would not be paid by the purchaser of such articles at retail. The amount that would be thus added to the wholesale price in any case would not be sufficient to increase the cost of the article at retail in any part of the United States. Neither would the margin of profit to the retail dealer be materially diminished.

If the cost of roofing-plates should, as a result of this legislation, be increased 1.2 cents per pound it would add to the cost of a roof .65 of 1 cent per square foot, or increase the cost of a roof of a house 25 by 50 feet in size, $4.87.

I agree fully with my friend from Iowa [Mr. ALLISON], who in his remarks this morning stated that the effect of the imposition of this duty will be to transfer this industry from Wales to the United States, and furnish our people with cheaper and better tin-plate.

Mr. FRYE. Has the Senator the price of tin cans?

Mr. ALDRICH. Yes; and I will give them to the Senator in a moment. The competition between the American iron and steel manufacturers and those of Great Britain for the American tin-plate market will be intense; but I greatly mistake the temper and the ability of our mechanics and manufacturers if within three years from this time they are not able to show to Congress such results, both as to prices and production, as will fully justify the action we are about to take.

The American producer will experience only the disadvantage I have alluded to. We have equal skill, energy, and capital, and if, by wise legislation, we equalize conditions as to labor, the American market is ours, ours to enjoy forever. I am quite willing that the future of the protective policy should depend upon the success or failure of the duty imposed by this paragraph.

Mr. GRAY. Am I to understand the Senator from Rhode Island to say that he thought in three years it would be possible in this country to produce all the tin-plate consumed here?

Mr. ALDRICH. I beg the Senator's pardon; I did not hear his remark.

Mr. GRAY. Do I understand the Senator from Rhode Island to say that he thought in three years it would be possible to produce the tin-plate in this country that would be adequate for its consumption?

Mr. ALDRICH. A very considerable portion of it.

Mr. GRAY. I will ask the Senator from Rhode Island, in the mean time who will pay about $50,000,000 of tax at the rate of 2.2 cents a pound that will be collected on tin-plate imported in those three years?

Mr. ALDRICH. It will probably be divided between the foreign manufacturers, the importer, the producer of these articles for sale at wholesale, and possibly the retailer. I think there will be a division all along the line. I do not think any purchaser of tin cans or of tin buckets for consumption will be affected to the slightest extent by the change in the rate of duty.

Mr. GRAY. That is to say, the tax of $50,000,000 will be collected in three years while we are waiting for this industry to be developed, and will not be an appreciable burden, in other words, to anybody in this country!

Mr. ALDRICH. It will be an appreciable burden, of course, in the sense that it will diminish profits now altogether too large. It will not be a burden felt by the mass of the people, like the sugar duty, for instance, which Senators upon the other side of the Chamber with one voice are seeking to retain.

Mr. FRYE. What is the difference on tin cans?

Mr. ALDRICH. If the difference in duty should be added to the cost of 3-pound cans it would amount to about four-tenths of a cent each.

The Senator from Delaware [Mr. GRAY] made a touching appeal to us the other day in behalf of the canners of fruit in Delaware, begging that they might be relieved from the great impositions placed upon them by this bill. It must have escaped the attention of that Senator that we propose to reduce the cost of sugar 2 cents per pound for his friends, and if they use a pound and a half of sugar in a 3-pound can, as they may occasionally, we save them 36 cents per dozen on canned fruits as against a possible increase of 6 cents per dozen in the cost of the cans.

I say to that Senator that I do not think the people of Delaware will suffer very much from this bill, take it by and large. We shall reduce the cost of their sugar in spite of the protest and vote of one of their representatives here.

Mr. GRAY. The Senator is laboring under the impression that sugar is used in the canned products, or in a large proportion of them.

Mr. ALDRICH. It is certainly used in the canning of fruits unless the canners of Delaware have some peculiar process by which they avoid the use of sugar.

Mr. GRAY. The Senator has not learned quite as much as he thinks he has.

Mr. ALDRICH. Very well. I undoubtedly have not. If the canners of Delaware do not use any sugar I have much to learn in that regard.

I have taken more time than I intended in the discussion of the tin-plate duties, but there is one other objection which I think should be noticed. It is said that if this new burden is imposed the destruction it would cause would be unavailing, as tin-plate can not be produced in the United States; that it never has been made successfully outside of a small district in Great Britain, and that all attempts to promote its production in Germany and elsewhere, even in other parts of the British Islands, have resulted in failure. It is claimed that the Welsh people have such a peculiar aptitude for or knowledge of this manufacture as to make its successful production elsewhere impossible.

The experience of Germany is the best answer to this. The production of tin-plates in that country in 1884 was 12,100 tons; in 1886, 13,600 tons; in 1887, 16,720 tons; in 1888, 18,231; in 1889, nearly 20,000 tons. The importations into Germany from Great Britain, which in 1884 amounted to 5,417 tons, had been reduced in 1890 to about 2,000 tons. The Germans do not use as large an amount of tin-plate as we do, for obvious reasons, but it is very evident that the German manufacturers have secured the control of the German market.

I have here—but will not stop to read it—a statement taken from a French newspaper showing that the production of tin-plates in France last year was more than 14,000 tons, or nearly the whole amount consumed in that country. In fact, every other nation with energy and skill is engaged in making its own tin-plates, and it is incomprehensible that Senators upon the other side should in this respect so persistently discourage every attempt to place American producers on an equality with their foreign competitors.

The Senator from Kentucky has undertaken to show the general effect of this bill by the use of average ad valorem rates, as in another case I have referred to. He says if the merchandise dutiable under this bill should be hereafter imported in the same quantities and at the same values as in 1889, that according to his computation—I do not quite know how he makes it—the duty paid would average 60 per cent. ad valorem.

Mr. CARLISLE. I said nearly 58 per cent., without including anything for the increase made by the administrative bill.

Mr. ALDRICH. I will say to the Senator, in order that there may be no misapprehension here or elsewhere about the effect of this bill, that the average ad valorem rate upon all the dutiable merchandise in 1889 was 45.13 per cent. under existing law, and if merchandise should be imported in 1891 in exactly the same quantities and of exactly the same kinds and value, the average ad valorem rate of duty imposed upon it by the provisions of this bill would be 44.26 per cent. instead of 60 per cent. as he has suggested.

Mr. CARLISLE. If the Senator will allow me, I understand him to say that if all the importations——

Mr. ALDRICH. I made the statement as plain and explicit as the English language could make it, that if goods in exactly the same quantity and of exactly the same value that were imported and paid a duty in 1889 should be imported in 1891, the average would be as I have stated. I will say further that under the provisions of this bill the average ad valorem rate upon all merchandise, free and dutiable, taking the importations of 1889 as a basis, would be 27.10 per cent., which is greatly below the average rate of the Mills bill or any bill ever prepared by any Democratic committee in either House of Congress.

Mr. CARLISLE. That is upon the supposition that the statements in the tables are correct and show all the increase in the rates of duty, a statement which I undertook to show this morning could not be accepted because the expert who made the table himself admits that there are many cases in which he could not make the calculation, and in order to ascertain exactly all the increases here we have to resort to information outside for the purpose of ascertaining quantities and values; and my statement was that upon the articles still remaining upon the dutiable-list under this bill the rate of duty will be nearly 58 per cent.

Mr. ALDRICH. I understood the Senator's argument perfectly, and his statement, and he will agree with me, I suppose, that if we should still further increase the free-list by placing three-quarters of the remaining dutiable goods upon it, leaving nothing but spirits and tobacco upon the dutiable-list, the rate would be raised still higher.

Mr. CARLISLE. Of course that would be the effect.

Mr. ALDRICH. The statement of the Senator from Kentucky—I do not mean any disrespect to that Senator—is another of those mathematical exhibits which can be made to suit varying tastes or opinions. As a comparison it is not fair. The items considered are not the same in both cases, as in one the most important of all, namely, sugar, is left out.

Mr. CARLISLE. Sugar is now taken off the dutiable list.

Mr. ALDRICH. I understand that, but you are endeavoring to show the effect of this bill as compared with the present law, and you do not take into consideration the relief to the people of the United States of $60,000,000 of taxes which are now imposed by the duties upon sugar.

Mr. CARLISLE. Certainly, but I undertook to show that, notwithstanding you put $60,000,000 on the free-list, you add more than $64,000,000 to the dutiable list, which offsets it and nearly $4,000,000 besides.

Mr. ALDRICH. Does the Senator mean that we have placed $64,000,000 on the dutiable list from the free-list?

Mr. CARLISLE. I include upon the free-list about $5,000,000 transferred from the free-list to the dutiable list, and the remainder is made up by the increase of rates on articles still remaining on the dutiable list.

Mr. ALDRICH. I of course do not know the basis upon which the Senator makes that statement. I may perhaps be pardoned if I am somewhat suspicious of average ad valorem rates when I find that they are so often based upon hypothetical goods and imaginary facts. I have not seen the Senator's computation, but it must have been made by some system of mathematics not familiar to me.

Mr. CARLISLE. It is the old system.

Mr. ALDRICH. Yes, the old Democratic system.

In 1888 we had for the first time, I think, in the history of this country a tariff bill made in terms and by name the essential part of a party platform. The indorsement of the so-called Mills bill by the Democratic party at St. Louis was definite and distinct. That was the inspired measure which was to lead the people of this country from poverty to wealth. It embodied the wisdom and the intelligence of a great party. This bill, its teachings and provisions, have been treated by Democratic Senators in this discussion with silent contempt. To the three hundred and ninety paragraphs in the schedules, up to and including Schedule 277, amendments were offered by Senators upon the other side of the Chamber, and of these, one hundred and thirty-five, or nearly one-half, were at rates greatly below those in the Mills bill. The platform adopted with such solemnity two years ago has been forgotten or is passed by in disdain. Every one of the amendments I have alluded to received the solid support of Democratic Senators. There was no schedule and hardly a paragraph of the bill that escaped your attacks. Attempts were made to reduce duties on alcoholic perfumery, cosmetics, embroideries, and articles of luxury of every description greatly below the rates in the Mills bill, and yet amendments of this nature received the vote of every Democratic Senator. If all amendments offered from the other side had been adopted, no Congress would have dared to enact them into law. They would have ruthlessly destroyed every great industry in the United States. These amendments did not represent any economic system nor the matured convictions of any large number of people. Your attack was made without order and with no idea of consistency, and it is very fortunate

for the people of the country that you did not succeed in any instance.

I would like, if time permitted, to say a few words about the woolen schedule, but it is now nearly 6 o'clock. ["Go on!" "Go on!"] I must, however, say a word about the duty upon binding-twine, over which a long contest took place in the conference. The conferees on the part of the Senate called the attention of the House conferees to the influences and considerations which controlled the action of the Senate. We were met by the suggestion, which it was very difficult for us to combat successfully, that aside from any exhibition of folly and greed on the part of some of the gentlemen engaged at present in making binding-twine this industry was entitled to reasonable care and protection. With conflicting views the result was necessarily a compromise. We divided the Senate rate, making the duty seven-tenths of a cent per pound.

I hope that with this rate the domestic manufacturers of this article will be enabled to continue its production. They may, by close economy and by reducing their expenses in every possible way, be able to exist; but I have some doubts about it. If the rate proves inadequate to secure the manufacture here we may trust to the wisdom and good sense of some future Congress to correct our mistake.

The duty upon binding-twine at present is 2½ cents per pound. It was proposed by the Mills bill to make the rate 15 per cent. ad valorem, which, upon the range of prices for the past two or three years, would have been equal to 1½ or 1¾ cents per pound. This rate of seven-tenths of a cent a pound is therefore the lowest rate which has ever been incorporated in any tariff bill reported to Congress by any committee, Republican or Democratic.

Mr. CARLISLE. As the Senator refers to the Mills bill, I think it is important to state exactly what the Mills bill did. This bill, as it stands, puts a duty of 2½ cents upon binding-twine made from hemp and 40 per cent. on binding-twine made from jute, if there be any made from jute or ramie or china grass, while the Mills bill ——

Mr. ALDRICH. The Senator will pardon me but there never has been a pound of binding-twine made from foreign hemp.

Mr. CARLISLE. I said if there be any made from hemp. The Mills bill put 15 per cent. upon all binding-twine, no matter of what material it was made, hemp, jute, jute butts, sunn, sisal grass, ramie, china grass, etc.

Mr. ALDRICH. The Mills bill made the rate 15 per cent. ad valorem——

Mr. CARLISLE. Fifteen per cent. ad valorem.

Mr. ALDRICH. And as the Senator knows the binding-twine used in this country is made largely from sisal grass and manila, and that the price of imported twine would have been from 10 to 12 cents per pound, the rate of duty would have been from 1.5 to 1.8 cents per pound. Of course the rate fixed by us is an experiment. It is a very great reduction. If a farmer should import 1,000 pounds of binding-twine now he would be obliged to pay $25 in duties. If imported under the Mills bill the payment would have been $15, and under this bill $7. The fact that there was a combination of some kind among the manufacturers which had resulted, as was believed, in obliging the farmers to pay a price for binding-twine that was exorbitant and unjust, created a feeling of prejudice in this Chamber which was quite natural and which we had to recognize the force of in dealing with the matter in conference.

At the request of the Senator from Kansas [Mr. INGALLS] I will allude to the rate of duties imposed by this bill upon woolen goods. I have already alluded to the fact that the duties on woolens have been increased by the bill, but these advances have been largely on the higher-priced goods, and all have been rendered necessary by the increased duties on raw wool.

Mr. HOAR. I wish to ask the Senator from Rhode Island what is a very obvious question, but I should like to have him state it. I ask whether it would be of advantage to anybody to increase the duty on wool in this country unless the rate of duty on manufactures of woolen goods increased in proportion to the amount of the increase of the rate on wool?

Mr. ALDRICH. Certainly not, and that fact was recognized and accepted alike by the wool-growers and woolen manufacturers.

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

Mr. ALDRICH. Certainly.

Mr. SPOONER. Is there any increase of duty upon woolen goods not made necessary by the increase of duty on wool?

Mr. ALDRICH. None whatever in any case, as I believe I can demonstrate to the Senator's satisfaction.

While the most persistent of the complaints made against this bill by importers and others are directed against the woolen-goods duties, it is not true that these duties are, in their analysis, higher than those in other schedules, nor higher than they ought to be to accomplish the purpose sought in all the schedules alike. There has been so much confusion and misunderstanding, not to say misrepresentation, in regard to this portion of the bill, that it may be necessary to explain again, as clearly and concisely as possible, the principle upon which it is constructed.

The following statement, which clearly sets forth the purposes which actuated the framers of the wool tariff of 1867, is alike applicable to existing conditions:

> The object sought was to give sufficient protection to the wool-grower and to place the manufacturer in the same position as if he had his wool free of duty. A duty supposed to be sufficient to protect the wool-grower against wool competing with his own was placed upon such wools, and such a specific duty was placed upon woolen cloths as was supposed to be sufficient to reimburse to the manufacturer the expenses of carrying the duty on wools, * * * the duties on drugs and other materials used in manufacture, and to furnish the required protection.

In framing the wool schedule of this bill the problem was to reconcile conflicting interests more patent and far-reaching here than elsewhere. A large majority of the woolen manufacturers of the country recognize and accept the fact that a broad public policy founded upon a mutuality of interests forbids them the advantage which other textile manufacturers have of free materials. They did not accept the free-wool proposition offered them as a temptation by the Mills bill, because they recognized the interdependence of interests of which I have spoken, and were wise enough to know that no tariff law which seeks to build up one great interest at the expense of another can stand or ought to stand.

It is no doubt true that if the American manufacturer could go into the wool markets of the world, side by side with his English, Belgian, or German competitor, and there select the precise wools best suited to his immediate purpose, without reference to any other consideration, he would be better able to meet these competitors in our own market, with simply the ad valorem duties we impose, than he would be with dutiable wool and our scale of specific and ad valorem rates.

In a broad sense, this statement of a fact—and the advocates of free wool will hardly venture to deny that it is a fact—contains a complete vindication of the rates of specific duties fixed in Schedule K. But it may be well to justify it also in its particular details. Reverting to the origin of this bill, it will be recalled that the manufacturers did not, as a rule, undertake to influence Congress or its committees as to what was a proper duty to be imposed upon raw wool. They said, Let the duty fixed on wool be more or less, the compensatory duties to be effective must be increased or lowered correspondingly, in accordance with a certain mathematical formula, the result of their combined and prolonged experience.

That formula is very simple. It accepts 4 pounds of greasy wool as the quantity of raw material consumed in the finished production of a pound of cloth, and states proportionate relations for a pound of yarn or a pound of clothing. This formula does not mean that 4 pounds of unwashed wool necessarily enter into every pound of finished cloth. It means that in a pound of the best cloth 4 pounds of certain clips of wool, greasy wools of heavy shrinkage, abundantly accessible to foreign manufacturers, but not accessible to our own except by the payment of the duty thereon, are necessarily consumed.

It means that if our manufacturers are to make an equal grade of cloth, on equal terms, out of home-grown or imported wools, or a mixture of both, they must be compensated to the full amount of the shrinkage and waste established as existing in these wools from the use of which they are practically debarred. If they are driven to the use of other wools, costlier wools of lighter shrinkage, they must still be compensated to the extent of the 4 pounds, or they are at a disadvantage as compared with manufacturers who can and do use these heavier and cheaper wools, to say nothing of the additional disadvantage of a restricted choice in their selection of material, for which the bill does not attempt to compensate them.

Some effort has been made in the course of this debate to dispute the accuracy of this computation. But in every such effort, whether made by Senators on information furnished them by others or by importers anxious for lower duties, these critics have misapprehended or misstated the nature of the problem. They have selected certain kinds of wool, and declared that in these particular instances the proportion of shrinkage and waste is only as 2 or 3 pounds of wool to 1 of cloth. I grant there are such instances; but as it is the weakest link in the chain or the lowest point in the levee that determines efficiency, so we are bound to take the highest-shrinkage wools accessible to foreigners and to calculate the compensatory duty on the basis of these. If our manufacturers are excluded from the use of this class of wools, their competitors do use them, and it is against these that the equalization of conditions is to be effected.

Again, it has been argued that the formula is wrong because certain fabrics are produced, in which 4 pounds of wool, even of this high shrinking quality, are not required to manufacture a pound of goods, while the compensatory duty is fixed at four times the wool duty. Goods woven on cotton warps, or containing some admixture of shoddy are cited. I grant the facts in this instance also. But we must, as I have already shown, arrange the compensation on the basis of the best cloths, otherwise we should determine, by our legislation, that the manufacture in this country shall be confined to the lower grades of goods. That would be to affix the brand of permanent inferiority upon our woolen manufacturers. Nor is it possible in a tariff bill to so adjust a system of compensatory duties that it shall exactly fit the amount of wool consumed in an almost infinite variety of fabrics.

To provide for goods mixed with cotton or other substances we have adopted a sliding scale of values with three classifications and different compensatory rates. These gradations could not have been extended without rendering the compensation inadequate at points where it would work injustice.

Attention has also been called to the fact that while the duty on wool of the first class is increased 1 cent a pound, the compensatory duty on cloths is in some cases increased more than 4 cents per pound. It was the failure in the act of 1883 to properly adjust the compensatory duty on woolen goods that has worked great mischief to the woolen manufacture of the United States and subjected that legislation to universal criticism. The wool-grower and the wool manufacturer have suffered alike and together from the mistake. The wool-grower of this country, no matter what duty he has upon his wool, can not prosper unless the woolen manufacturer prospers. No wool duty will avail him without a market for his products.

By fixing an inadequate compensatory duty in 1883 Congress limited the market for American wool by depriving the American manufacturer of the power to compete on equal terms with his foreign rivals. The wool-grower has suffered more by reason of the inadequate compensation on goods in the law of 1883 than he has suffered from the reduction of the wool duty in that act. The compensatory duty was reduced in much larger proportion than the wool duty. The symmetry of the law was thus destroyed. The mistake we have rectified in this bill, not only for the benefit of the manufacturer, but equally for the benefit of the wool-grower. The latter will derive more substantial advantage from this restoration of the proper relations between the wool duty and the compensatory duty on goods than he will from the increase we have provided of 1 cent a pound in the wool duty, for he will thus secure the market for the lack of which he has been suffering.

Our experience under the wool tariff of 1867, as contrasted with the results under the act of 1883, furnishes an effective demonstration of the correctness of the principle upon which the former act was constructed. Under the act of 1867 the business of manufacturing woolens was as prosperous in the United States as anywhere in the world. From 1883 it has suffered here as it has suffered nowhere else. It has been unable to stand up under the constantly increasing influx of foreign goods. The proportion of imported to home-made goods consumed by our people has increased from year to year since 1883, while under the act of 1867 the increase was as steadily in favor of the domestic production. Last year the foreign value of woolen goods imported was $56,000,000 in round numbers, or a duty-paid value nearly equal to one-third the American product. In no other of the great national industries does such an anomalous condition exist. I attribute it to the illogical adjustment of the compensatory duties which this bill remedies. It will rapidly disappear under the operation of the bill.

The remarkable increase in woolen importations, from $37,000,000 in 1882 to $56,000,000 in 1890, justifies us in accepting, in fact compels us to accept, the principle we have adopted for adjusting compensatory duties as correct and necessary.

Under the protection we propose the industry in this country will enter upon an era of unexampled prosperity. The wool-growing industry will participate in the full measure of that success. As a result of it we shall make in our own mills, by the well-paid labor of our own people, millions of dollars' worth of clothing now made for us in England and upon the Continent. As the production of woolen fabrics thus increases, the price of all varieties will continue to tend steadily downwards, as they have heretofore with adequate protection. As a result, within a period of time that will seem to the framers of this bill exceedingly short, in view of the magnitude of the achievement, the people of the United States will be clothed better than any other people in the world, and more cheaply than ever, in fabrics entirely of their own manufacture, made chiefly from wools of their own growth.

I have been asked to make a statement of the relative increase in rates upon wools and on woolens.

The percentage of increase in rates on wools, noils, wool wastes, and on shoddy and other substitutes for wool varies from 10 to 300 per cent. The average increase upon woolens, as shown by the following table, based on the importations for 1889, is very nearly 10 per cent.:

Statement showing increase of cost, landed in the United States, under rates proposed in Senate bill, over the present tariff, on the principal lines of imported woolen goods.

[Calculations based on the averages of the actual importations of 1889.]

Description.	Unit of value, importation of 1889.	Present rates of duty.	Rates under Senate bill.	Cost under present law in United States.	Cost under proposed law in United States.	Increase of cost under proposed law.	Increase of cost over present law.
							Per ct.
Dress goods, mixed:							
Not above 15 cts. per square yard..	.15	5 cts. per sq. yd. and 35 per cent.....	7 cts. per sq. yd. and 40 per cent.....	$0.2525	$0.28	$0.0275	10.89
Over 15 cents per square yard	.349	7 cts. per sq. yd. and 40 per cent.....	8 cts. per sq. yd. and 50 per cent	.5586	.6035	.0449	8.04
Dress goods, all wool:							
Less than 4 ozs. per square yard...	.199	9 cts. per sq. yd. and 40 per cent.....	12 cts. per sq. yd. and 50 per cent.....	.3686	.4185	.0499	13.54
Over 4 ozs. per square yard.....	1.073	35 cts. per pound and 40 per cent.....	44 cts. per pound and 50 per cent.....	1.8522	2.0495	.1973	10.65
Cloths, per pound	1.076	35 cts. per pound and 40 per cent.....	44 cts. per pound and 50 per cent.....	1.8564	2.054	.1976	10.64
Shawls, per pound.....	1.267	35 cts. per pound and 40 per cent.....	44 cts. per pound and 50 per cent.....	2.1238	2.3405	.2167	10.20

Mr. GRAY. What was the last statement of the Senator from Rhode Island? I could not hear it.

Mr. ALDRICH. I stated that the average increase in rates upon woolen goods would not exceed 10 per cent., and this computation is based upon the importations for 1889.

Mr. CARLISLE. I understand the Senator to say that the increase upon woolen goods will not exceed 10 per cent. I suppose he means that the increase upon the whole woolen schedule will not exceed 10 per cent. He does not mean to assert that there is not an increase of as much as 30, or 40, or 50 per cent. on some classes of goods?

Mr. ALDRICH. I only gave the average result.

I should be glad, if I had the time, to make some allusion to the ad valorem rates in the woolen schedule, and to show the necessity for their imposition, but the Senator from Nebraska [Mr. MANDERSON] reminds me that I have promised to explain the action of the conference in regard to the sugar duties. As every Senator knows, I was earnestly in favor of a duty upon all sugar above No. 13 Dutch standard in color. I believed that the commercial interests of the country, as well as the interests of the beet-sugar producers of Nebraska and other States, would be promoted by the rates as fixed in the Senate amendments; but it became evident soon after the conferees met that it would be impossible to maintain the color line at No. 13, and I reluctantly, speaking now only for myself, relinquished my views and acceded to the wishes of a large majority of the conferees. I did so with the hope that my own fears as to the effect of our action upon American trade with countries producing low-grade cane sugars would not be realized.

I believe that the sugar-refining industry of the country will live with the duties that are provided by the conference report, and that the beet-sugar industry of the West will be developed, not as rapidly as we would like, perhaps, under its provisions. By the bill reported from the conference a bounty of 2 cents a pound will be paid to all producers of sugar testing by the polariscope 90 degrees or more. That is more than double the net bounty which is paid by any other country in the world. The highest net bounty paid by any country outside of the United States is by France, and this is a little less than 1 cent per pound.

Mr. MANDERSON. Will the Senator state what will probably be the polariscopic test of the beet sugar?

Mr. ALDRICH. It will be in all cases over 90 degrees. I think there is none produced in Germany that does not test from 95 to 98. I presume that all that may be produced here will average at least 95 degrees.

Mr. PADDOCK. Mr. President, my investigations as to the bounties paid by European countries do not permit me to credit the statements of my distinguished friend from Rhode Island. As I have been able to determine as to that, the bounty in no one European country is less than 2 cents. The bounty of Austria is almost double. Taking the drawback system which obtains in those countries, though it is somewhat covered up in the administration, the bounty is not less than 2 cents.

Mr. ALDRICH. I think the Senator could not have understood my statement. I said the "net bounty."

Mr. PADDOCK. It is susceptible of proof beyond the possibility of contradiction that the net bounty in the countries named is not less than 2 cents a pound.

Mr. ALDRICH. I regret to be obliged to say that the Senator from Nebraska is very much mistaken.

Mr. PADDOCK. The Senator from Nebraska is not mistaken, and if I had the time I could prove it to the Senator.

Mr. ALDRICH. I have the laws of the various bounty-paying countries here on my desk.

Mr. PADDOCK. I know the history of this matter in all those countries, for I have given it the fullest and most careful investigation, and know that I am correct.

Mr. ALDRICH. I hope my friend from Nebraska will not allow his intention to vote against the conference report to rest upon the accuracy of his information in regard to sugar bounties. The European countries all place prohibitory duties on imported sugars, but as all these countries, owing to their export bounties, export sugars, these duties are useless. France and Germany levy internal taxes on sugar-producing beets, the amount of tax being based on an arbitrary yield which is always exceeded in practice. Germany, France, and Austria-Hungary, which are the principal sugar-producing countries of Europe, pay bounties upon the exportation of sugars and in no other case. The amount of these bounties depends in Germany and Austria on the polarization of the sugar. In France it is paid on refined sugar.

To ascertain the net bounty paid in France and Germany the amount of the tax—taking some average yield for the basis of computation—must be deducted from the gross amount paid as a bounty.

In some remarks made by me on the sugar duties two weeks ago I submitted the following table showing the amount of export bounty paid by Austria on sugar of different tests and the net bounties paid by Germany and France:

BOUNTIES PAID ON SUGAR EXPORTED FROM VARIOUS EUROPEAN COUNTRIES.

Austria pays a direct export bounty—
On sugars 88 to 93 degrees polarization, 1 florin 50 kreutzers, equals .60 cent per pound.
On sugars 93 to 99½ degrees polarization, 1 florin 60 kreutzers, equals .64 cent per pound.
On sugars 99½ degrees polarization, 2 florins 30 kreutzers, equals .92 cent per pound.
In France—
The drawback amounts to 60 francs per 100 kilograms.
The tax equals 48 francs per 100 kilograms.
Leaving net 12 francs per 100 kilograms, equal to 1 cent per pound.
Germany allows on sugar exported—
On sugars not above 98 degrees, 8.50 marks, equals 2.04 per kilogram, equals .93 cent per pound.
On sugars above 98 degrees, 10 marks, equals 2.40 per kilogram, equals 1.09 cents per pound.
Loaves, 10.65 marks, equals 2.55 per kilogram, equals 1.16 cents per pound.
Germany taxes beets at—
12 per cent. yield equals .73 cent per pound of sugar.
13 per cent. yield equals .60 cent per pound of sugar.
18 per cent. yield equals .47 cent per pound of sugar.
Giving a net bounty on the lowest yield of—
12 per cent. of from .20 to .43 cent per pound.
15 per cent. of from .33 to .56 cent per pound.
18 per cent. of from .46 to .69 cent per pound.

It will be seen by this table that I was quite within limits when I said that the largest net bounty paid by any European country was not more than 1 cent per pound, as the amount varies from .43 cent to 1 cent. Since this table was submitted to the Senate a recent change in the French law has been brought to my attention (see Journal des fabricants de sucre, August 13, 1890), the effect of which is to reduce the net bounty paid on exported refined sugar to eighty-two one-hundredths of 1 cent per pound. I think this disposes of the bounty question.

The effect of the abolition of sugar duties will be to cheapen the cost of sugar to all consumers at least 2 cents per pound and to increase its use. It will develop an important industry by stimulating the use and production of preserved fruits. Its direct and indirect beneficial effects will be felt and appreciated more thoroughly than any other change contained in this bill.

The VICE-PRESIDENT. Is the Senate ready for the question? The question is on agreeing to the conference report.

Mr. GORMAN. I trust the Senator from Rhode Island in charge of this bill will favor the Senate and the country with a statement of the effect of this measure as it comes from the committee of conference on the revenues of the Government. I have listened patiently to all he has said about the details of the bill, but I should like to have a statement more in detail as to its effect upon the revenue.

Mr. ALDRICH. The bill as reported from the conference increases the reductions in revenue as made by the bill when it passed the Senate about $6,280,000.

Mr. GORMAN. I should like to have a little fuller statement than that from the Senator from Rhode Island, who, I know, is entirely familiar as to the effect of the schedules.

Mr. ALDRICH. The additional reduction, of course, chiefly results from a diminution of the tobacco tax and the abolition of the special taxes upon wholesale and retail dealers in tobacco. I estimate that the bill, outside of these items, will produce about the same amount of revenue as when it left the Senate.

Mr. GORMAN. I confess, Mr. President, I am a little dull, probably, and do not comprehend exactly what the Senator states. When this bill was first introduced and presented elsewhere, a very full report was made as to its provisions and its effect upon the revenue. I read from the report numbered 1466, House of Representatives, of the present session, in which the estimate was made that there would be a reduction in taxation of $71,264,414. That was the entire reduction as it came to the Senate and was presented to the country. Now, during the consideration of this bill in the Senate the Senator from Iowa [Mr. ALLISON], in a speech made on the 2d day of September, favored us with a statement, made up with all the ingenuity of that Senator, in which he showed that the bill would carry reductions only of $33,500,000. Since then the bill has been in committee of conference, and now I understand the Senator from Rhode Island to say that the committee of conference have added nearly $5,000,000 to the dutiable-list.

Mr. ALDRICH. We have provided that block-tin shall be added to the dutiable-list after 1893, but it does not remain dutiable after 1895 unless certain conditions are met in its production. There will be a million or more dollars added to the revenue from that source whenever tin is dutiable.

Mr. CARLISLE. But, if the Senator will allow me, the Senate itself, after the bill came from the Committee on Finance, and in the committee of conference, has added nearly $5,000,000, because the duty on tin was put on in the committee of conference.

Mr. ALDRICH. Does the Senator from Kentucky mean that the conference have added $5,000,000 to the revenue?

Mr. CARLISLE. Oh, no; the Senate and the committee of conference. The Senate so changed the House bill after it came here, and so changed the bill in the conference committee, as to add tin, the duty upon which will amount to about one million three hundred and fifty-odd thousand dollars, and some other things; and then the committee of conference struck some other articles from the free-list which the Committee on Finance had recommended to be made free and put them upon the dutiable-list, and altogether the action of the Senate after the bill came first from the Finance Committee, and the action of the conference committee, have added nearly $5,000,000. I gave the exact amount this morning.

Mr. ALDRICH. The statement made in behalf of the Finance Committee and with my concurrence by the Senator from Iowa was, that the bill as it passed the Senate, all the amendments having been agreed to, when the estimate was made, would reduce the revenue about $36,000,000. The changes made in conference would increase the estimated reduction from six to seven millions of dollars, and I now estimate the aggregate annual reduction made by the bill as reported from the conference committee at from forty-two to forty-three millions of dollars. Of course, if the Senator from Maryland is willing to accept the statement made to-day by the Senator from Kentucky, there will be an increase of the revenue instead of a diminution, but I assume that this estimate was made for campaign purposes rather than for serious examination here. I have stated to the Senate my own conclusions and those of the Committee on Finance.

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

Mr. COCKRELL. Upon that I ask for the yeas and nays.

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

Mr. WALTHALL (when Mr. BERRY'S name was called). The Senator from Arkansas [Mr. BERRY] is paired with the Senator from Colorado [Mr. TELLER].

Mr. BLAIR (when his name was called). On this question I am paired with the senior Senator from Mississippi [Mr. GEORGE]. If he were present I should vote "yea."

Mr. PASCO (when Mr. CALL'S name was called). My colleague [Mr. CALL] is paired with the Senator from South Dakota [Mr. PETTIGREW]. If my colleague were here he would vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], who is absent. If he were present I should vote "yea."

Mr. CULLOM (when Mr. FARWELL'S name was called). My colleague [Mr. FARWELL] is paired with the Senator from Ohio [Mr. PAYNE]. If my colleague were present he would vote "yea."

Mr. KENNA (when Mr. FAULKNER'S name was called). My colleague [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. If my colleague were present he would vote "nay."

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR], and if present would vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. By a transfer of that pair to the Senator from North Carolina [Mr. VANCE], the Senator from Michigan [Mr. MCMILLAN] and myself can both vote. I vote "nay."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. GORMAN (when Mr. MCPHERSON'S name was called). I was requested by the Senator from New Jersey [Mr. MCPHERSON] to announce that owing to indisposition he is unable to attend the session of the Senate, but if present he would vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, he would vote "nay." I therefore vote as he would vote if present. I vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, he would vote "nay," and I therefore vote "nay."

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

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague

[Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present, he would vote "yea."

Mr. WOLCOTT (when Mr. TELLER'S name was called). My colleague [Mr. TELLER] is detained from the Chamber by illness. He is paired with the Senator from Arkansas [Mr. BERRY]. If my colleague were present, he would vote "yea" and the Senator from Arkansas [Mr. BERRY] would vote "nay."

Mr. VOORHEES (when Mr. TURPIE'S name was called). My colleague [Mr. TURPIE] is necessarily absent, and is paired with the Senator from Minnesota [Mr. WASHBURN]. Were my colleague here, he would vote "nay."

Mr. RANSOM (when the name of Mr. VANCE was called). My colleague [Mr. VANCE] is paired, as stated by the Senator from Tennessee [Mr. HARRIS], with the Senator from Vermont [Mr. MORRILL]. If my colleague were present, he would vote "nay."

Mr. COCKRELL (when Mr. VEST'S name was called). My colleague [Mr. VEST] is paired with the senior Senator from California [Mr. STANFORD]. If present, my colleague would certainly vote "nay," and the Senator from California, I presume, would vote "yea."

Mr. EDMUNDS. He would certainly vote "yea."

Mr. DAVIS (when Mr. WASHBURN'S name was called). My colleague [Mr. WASHBURN], if present, would vote "yea." He is necessarily absent from the city, and is paired with the Senator from Indiana [Mr. TURPIE].

The roll-call was concluded.

Mr. DIXON. The Senator from Delaware [Mr. HIGGINS] is necessarily absent, and asked me before he left the Chamber to announce his pair with the Senator from New Jersey [Mr. MCPHERSON] and to state that, if present and at liberty to vote, he would vote "yea."

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE] and the Senator from New Hampshire [Mr. BLAIR] is paired with the Senator from Mississippi [Mr. GEORGE]. We have agreed to pair off the two Senators who are absent, and that each of us shall vote. I therefore vote "nay."

Mr. BLAIR. I vote "yea."

Mr. DOLPH. I announce my pair with the senior Senator from Georgia [Mr. BROWN]. I do not know how he would vote upon this bill, but at the suggestion of his colleague I will withhold my vote and announce my pair. If at liberty to vote, I should vote "yea."

Mr. HISCOCK. I think, perhaps, I ought to announce, in connection with my pair with the Senator from Arkansas [Mr. JONES], that if present he would vote "nay."

The result was announced—yeas 33, nays 27; as follows:

YEAS—33.

Aldrich,	Dixon,	McMillan,	Sherman,
Allen,	Edmunds,	Manderson,	Spooner,
Allison,	Evarts,	Mitchell,	Stewart,
Blair,	Frye,	Moody,	Stockbridge,
Cameron,	Hale,	Pierce,	Wilson of Iowa,
Casey,	Hawley,	Platt,	Wolcott.
Chandler,	Hoar,	Power,	
Cullom,	Ingalls,	Sanders,	
Dawes,	Jones of Nevada,	Sawyer,	

NAYS—27.

Barbour,	Coke,	Hearst,	Pugh,
Bate,	Colquitt,	Kenna,	Ransom,
Blackburn,	Daniel,	Morgan,	Reagan,
Blodgett,	Gorman,	Paddock,	Voorhees,
Butler,	Gray,	Pasco.	Walthall,
Carlisle,	Hampton,	Pettigrew,	Wilson of Md.
Cockrell,	Harris,	Plumb,	

ABSENT—24.

Berry,	Farwell,	Jones of Arkansas,	Stanford.
Brown,	Faulkner,	McPherson,	Teller.
Call,	George,	Morrill,	Turpie,
Davis,	Gibson,	Payne,	Vance,
Dolph,	Higgins,	Quay,	Vest,
Eustis,	Hiscock,	Squire,	Washburn.

So the report was concurred in.

HOUSE BILLS REFERRED.

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

A bill (H. R. 113) to provide for the disposition and sale of lands known as the Klamath River reservation; and

A bill (S. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States.

The bill (H. R. 12187) to set apart certain tracts of land in the State of California as forest reservations was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 1910) for the relief of Isaac H. Wheat was read twice by its title, and referred to the Committee on Claims.

The joint resolution (H. Res. 158) providing for printing the fifth annual report of the Commissioner of Labor was read twice by its title, and referred to the Committee on Printing.

LEAVE OF ABSENCE.

Mr. SANDERS. Mr. President, circumstances make it important that I should be absent, and I ask leave of absence indefinitely for this session. The condition of the Committee on Enrolled Bills seems to me to make it proper that I should make this request.

The VICE-PRESIDENT. The Senator from Montana asks that he may be granted an indefinite leave of absence during the remainder of the session. The Chair hears no objection, and leave is granted.

EXECUTIVE SESSION.

Mr. EDMUNDS. 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 fifteen minutes spent in executive session the doors were reopened.

J. L. CAIN AND OTHERS.

Mr. MITCHELL 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. 2990) for the relief of J. L. Cain and others, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recedes from its amendment, and agrees to the bill as passed by the House of Representatives.

JNO. H. MITCHELL,
ANTHONY HIGGINS,
S. PASCO,
Managers on the part of the Senate.
W. C. CULBERTSON,
W. J. STONE,
W. E. SIMONDS,
Managers on the part of the House.

The report was concurred in.

THE REVENUE BILL.

Mr. ALDRICH. I should like to have the concurrent resolution directing a change in the enrollment of the tariff bill disposed of, if the Senator from Tennessee is willing.

Mr. HARRIS. I interposed the objection two or three hours ago. I am not inclined to retard or delay the Senate in any action that it chooses to take in respect to the matter. I interposed the objection because I have a similar resolution pending that has been objected to and it is lying on the table; but I will not retard the action of the Senate in respect to the resolution from the other House, and I withdraw the objection that I made two or three hours ago.

There being no objection, the Senate resumed the consideration of the concurrent resolution.

The VICE-PRESIDENT. The question is on agreeing to the amendment moved by the Senator from Rhode Island [Mr. ALDRICH].

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

FOREST RESERVE IN CALIFORNIA.

Mr. PLUMB. The Committee on Public Lands instruct me to report favorably the bill (H. R. 12187) to set apart certain tracts of lands in the State of California as forest reservations. The committee at its meeting some days ago considered this bill, although it was not then before it in the sense of being actually present, but the subject was there with all its details, and I was instructed to ask the Senate to consider the bill when it should come from the other House.

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

Mr. COCKRELL. What is the bill?

Mr. PLUMB. It is a bill creating a forest reserve in the State of California surrounding the Yosemite reservation. It is recommended by all the California delegation, by the governor of the State, and by the Interior Department.

Mr. HALE. It ought to have been done years ago.

Mr. PLUMB. It ought to have been done years ago.

Mr. INGALLS. Has the bill been read?

The VICE-PRESIDENT. It has not.

Mr. INGALLS. Let it be read for information.

The Secretary proceeded to read the bill.

Mr. EDMUNDS. Oh, we can not understand that. Let it go over until to-morrow and be printed.

The VICE-PRESIDENT. The bill will go over.

Mr. EDMUNDS subsequently said: I wish to withdraw the objection I made to the House bill just now begun to be read, because it has been explained to me as being one for the preservation of some of the forests in California, and I do not wish to object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

HENRY S. FRENCH.

Mr. HARRIS. I now ask that the concurrent resolution submitted by me some days ago in respect to the Henry S. French case may be considered.

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

The Secretary read the concurrent resolution submitted by Mr. HARRIS on the 20th instant, as follows:

Whereas Senate bill No. 145, for the relief of the legal representatives of Henry S. French, referred the claim to the Court of Claims; and

Whereas said bill does not require said Court of Claims to determine the jurisdictional fact of the loyalty of the said Henry S. French; and

Whereas said bill passed the Senate and subsequently passed the House of Representatives and was sent to the President and was, by concurrent resolution, recalled from the President in order that the bill should be so amended as to require the court to determine the question of loyalty of the said Henry S. French: Therefore,

Resolved by the Senate (the House of Representatives concurring), That said bill be re-enrol ed, and in the re-enrollment of said bill there shall be inserted after the word "parties," in line 9 of said enrolled bill, the following:

"And if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and such loyalty having been thus established;"

So that said bill when re-enrolled shall read as follows:

"An act for the relief of the legal representatives of Henry S. French.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the legal representatives of Henry S. French, deceased, late of Nashville, Tenn., be, and are hereby, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of 230 bales of cotton taken at Jonesborough, Ga., in September, 1864, by General William G. Le Duc, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine and render judgment in conformity with the rights of the respective parties; and if said court shall find that said Henry S. French did not give any aid and comfort to the rebellion, but was throughout the war loyal to the Government of the United States, and said loyalty having been thus established, if it shall further find that said Henry S. French in buying such cotton did not violate any non-intercourse act, and that it, or any part thereof, was taken by the officers of the United States and the proceeds turned into the Treasury, then, and in that event, judgment shall be entered for the claimant for such proceeds, which judgment shall be paid out of the captured and abandoned property fund; and the said court shall, in the hearing of said claim, consider any evidence that may have been taken under the direction of the Southern Claims Commission in regard to the claim of Henry S. French, with authority on the part of the United States or the claimants to take additional testimony under the rules of said court: *Provided*, That an appeal shall lie in said cause from said court to the Supreme Court as in other cases."

Mr. EDMUNDS. I do not understand that. I think we had better have the resolution printed and go over.

Mr. HARRIS. It has been printed. It was printed some days ago.

Mr. COCKRELL. It simply requires proof of loyalty in the claimant. That is all. It was left out of the bill by mistake.

Mr. HARRIS. It only requires that the court shall inquire as to the question of loyalty.

Mr. EDMUNDS. I am told that the matter has been considered before and I shall not interfere now.

Mr. HALE. We had it before the Senate the other day.

The VICE-PRESIDENT. If there be no objection to the present consideration of the concurrent resolution, the question is on agreeing to the same.

The concurrent resolution was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, 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. 9254) to increase the pension of Stephen L. Kearney; and

A bill (H. R. 4396) granting a pension to John Grant.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass.—to the Committee on Claims.

The bill (H. R. 3449) for the relief of James M. Lowry—to the Committee on Claims.

The bill (H. R. 6584) for the relief of certain enlisted men of the Ordnance Corps, United States Army, in the matter of claims for bounties—to the Committee on Military Affairs.

The bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona—to the Committee on the Judiciary.

The bill (H. R. 7641) for the relief of Daniel C. Trewhitt, of Chattanooga, Tenn.—to the Committee on Military Affairs.

The bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River—to the Committee on Commerce.

The bill (H. R. 11527) to amend chapter 1065 of the acts of the first session of the Fiftieth Congress—to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH. I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, October 1, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 30th day of September, 1890.

MINISTER RESIDENT AND CONSUL-GENERAL.

George S. Batcheller, of New York, to be minister resident and consul-general of the United States to Portugal, *vice* George B. Loring, resigned.

CONSULS.

Oscar Malmros, of Minnesota, to be consul of the United States at Denia, *vice* John D. Arquimbau, recalled.

Horace W. Metcalf, of Maine, to be consul of the United States at Bermuda, *vice* Henry W. Beckwith, recalled.

POSTMASTERS.

Charles W. Cox, to be postmaster at Conway, in the county of Faulkner and State of Arkansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Henry H. Myers, to be postmaster at Brinkley, in the county of Monroe and State of Arkansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Hubert E. Carpenter, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Carl C. Crippen, to be postmaster at Eustis, in the county of Lake and State of Florida; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

August Hoppe, to be postmaster at Apalachicola, in the county of Franklin and State of Florida; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Joseph F. Doyle, to be postmaster at Savannah, in the county of Chatham and State of Georgia, in the place of George W. Lamar, removed.

William W. Washburn, to be postmaster at Morgan Park, in the county of Cook and State of Illinois; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William A. McDaniel, to be postmaster at Thorntown, in the county of Boone and State of Indiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

James M. Overshimer, to be postmaster at Elwood, in the county of Madison and State of Indiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

George E. Comstock, to be postmaster at Fayette, in the county of Fayette and State of Iowa; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Sidney A. Breese, to be postmaster at Cottonwood Falls, in the county of Chase and State of Kansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Henry E. Cowgill, to be postmaster at Baldwin, in the county of Douglas and State of Kansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Wilson Liff, to be postmaster at Weir, in the county of Cherokee and State of Kansas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William L. Bingham, to be postmaster at Pineville, in the county of Bell and State of Kentucky; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Albert E. Rankin, to be postmaster at Augusta, in the county of Bracken and State of Kentucky; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Morley H. Wallis, to be postmaster at Houma, in the county of Terre Bonne and State of Louisiana; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Daniel A. Hurd, to be postmaster at North Berwick, in the county of York and State of Maine; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

John Furnis, to be postmaster at Nashville, in the county of Barry and State of Michigan; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

August E. Anderson, to be postmaster at Kasson, in the county of Dodge and State of Minnesota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Joseph McMurtrey, to be postmaster at Windom, in the county of Cottonwood and State of Minnesota; the appointment of a postmaster

for the said office having, by law, become vested in the President on and after October 1, 1890.

Fred E. Wheeler, to be postmaster at Appleton, in the county of Swift and State of Minnesota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Thaddeus S. Clarkson, of Omaha, Nebr., to be postmaster at Omaha, Nebr., *vice* Constantine V. Gallagher, resigned.

William C. May, to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Christopher Ehni, to be postmaster at Raritan, in the county of Somerset and State of New Jersey; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Thomas Palmer, to be postmaster at Frenchtown, in the county of Hunterdon and State of New Jersey; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William P. Phelps, to be postmaster at Merchantville, in the county of Camden and State of New Jersey; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Charles J. S. Randal, to be postmaster at Rouse's Point, in the county of Clinton and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Woodhull N. Raynor, to be postmaster at Sayville, in the county of Suffolk and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Lambert A. Bristol, to be postmaster at Morganton, in the county of Burke and State of North Carolina; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Theodore E. McCrary, to be postmaster at Lexington, in the county of Davidson and State of North Carolina; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Charles W. Dawson, to be postmaster at New Richmond, in the county of Clermont and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Carleton A. Horn, to be postmaster at Plain City, in the county of Madison and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Frederick Knagi, to be postmaster at Toronto, in the county of Jefferson and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Mary S. J. McGroarty, to be postmaster at College Hill, in the county of Hamilton and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Henry Andrews, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

James B. Haines, jr., to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Nelson H. Hastings, to be postmaster at Austin, in the county of Potter and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Michael M. Kistler, to be postmaster at East Stroudsburgh, in the county of Monroe and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Seth Orme, to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Robert H. Wilson, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania, in the place of Israel P. Loucks, resigned.

Robert R. Tolbert, to be postmaster at Greenwood, in the county of Abbeville and State of South Carolina; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William S. Chase, to be postmaster at Sturgis, in the county of Lawrence and State of South Dakota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Frank H. Hooper, to be postmaster at Eureka, in the county of McPherson and State of South Dakota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Robert H. Armstrong, to be postmaster at Kaufman, in the county of Kaufman and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William E. Singleton, jr., to be postmaster at Atlanta, in the county of Cass and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

George W. Smith, to be postmaster at Ballinger, in the county of Runnels and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

George M. Douglass, to be postmaster at West Rutland, in the county of Rutland and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Frank L. Martin, to be postmaster at Bethel, in the county of Windsor and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Amos F. Stevens, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William P. Rucker, to be postmaster at Lewisburgh, in the county of Greenbrier and State of West Virginia; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

Michael Sweet, to be postmaster at Plymouth, in the county of Sheboygan and State of Wisconsin; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

William N. Hewitt, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey, in the place of Samuel A. Lansing, removed; Isaac T. Nichols, who was confirmed by the Senate April 3, 1890, not having been commissioned.

PROMOTIONS IN THE ARMY.

Fifteenth Regiment of Infantry.

First Lieut. George A. Cornish, to be captain, September 29, 1890, *vice* Bean, retired from active service.

Second Lieut. Edward Lloyd, to be first lieutenant, September 29, 1890, *vice* Cornish, promoted.

Retired.

First Lieut. George W. Kingsbury, United States Army, retired, to be captain of infantry, to date from February 12, 1886.

INDIAN AGENT.

David L. Shipley, of Herndon, Iowa, to be agent for the Indians of the Navajo agency, in New Mexico, *vice* Charles E. Vandever, to be removed.

WITHDRAWAL.

Executive nomination withdrawn by the President September 30, 1890.

David A. Dudley, to be postmaster at Americus, in the State of Georgia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September* 30, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

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

CLERK TO COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the clerk of the Committee on Immigration and Naturalization be continued on the roll at the rate of $6 per day during the recess of the present Congress, the committee having been authorized to sit during the recess; and that the Clerk of the House be authorized to pay the same out of the contingent fund of the House.

Mr. HOLMAN. I should like to have an explanation of the necessity for this.

Mr. LEHLBACH. I will state to the gentleman that the Committee on Immigration and Naturalization have been authorized to sit during the recess. The testimony that has been taken within the last six months has to be completed and corrected, so that the clerk will be kept busy during the entire recess, and certainly he ought to be paid for the work when he is doing it.

Mr. HOLMAN. Has the committee a stenographer also?

Mr. LEHLBACH. No. This is the regular clerk of the committee.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BRECKINRIDGE. I do not rise for the purpose of objecting, but if it is in order I wish to suggest that perhaps this resolution might, without impropriety, be made somewhat broader than it is. Of course I have no interest in the matter, being in the minority, but we have only two months intervening between the end of this session and the beginning of the next, and it seems to me that it would not be improper to make the resolution broad enough to include more than the clerk of this particular committee—to include, for instance, the per diem men and the pages who work here, so as to let them be borne on the rolls until the beginning of the next session, or else to give them an extra month's pay.

I simply make the suggestion. I do not care to offer any amendment.

Mr. LEHLBACH. I offer this resolution simply because this man will be employed during these two months; and certainly he ought to be paid if he does the work. There can be no objection to this proposition; and I think an amendment such as the gentleman from Kentucky suggests might be objected to. I hope this resolution will go through on its merits.

Mr. BRECKINRIDGE. It seems to me that when a session of Congress is prolonged until October, making so brief an interval before the beginning of the next session, the principle which treats certain officers as session employés, instead of permanent employés, does not justly apply. Such employés, if their residences are at a distance from the capital, do not make enough to justify them in incurring the expense of going home for so short a time, an insufficient time to enable them to engage in any other occupation. I simply make this suggestion.

The question being taken, the resolution was adopted.

PRINTING OF REPORT OF COMMISSIONER OF LABOR.

Mr. RUSSELL. I present for consideration at this time a joint resolution reported favorably by the Committee on Printing.

The Clerk read as follows:

Joint resolution (H. Res. 158) providing for printing the fifth annual report of the Commissioner of Labor.

Resolved by the Senate and House of Representatives, etc., That there be printed 54,000 copies, in cloth binding, of the fifth annual report of the Commissioner of Labor; 26,000 copies for use of members of the House of Representatives, and 13,000 copies for use of members of the Senate, and 15,000 copies for the use of the Department of Labor, the latter number to be wrapped for mailing in such manner as the Commissioner of Labor may direct.

SEC. 2. That the sum of $31,000, or so much thereof as may be necessary to defray the cost of the publication of said report, and the further sum of $300, or so much thereof as may be necessary to defray the cost of wrapping 15,000 copies for the Department of Labor, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

EMPLOYMENT OF HOUSE LABORERS DURING RECESS.

Mr. PAYNE. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be authorized and directed to retain in the service and pay of the House during the months of October and November all persons employed by the session in his department now on the laborers' roll, at the same rate of compensation now paid such persons; and the Clerk of the House be directed to pay such persons out of the contingent fund of the House.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. HOLMAN. I hope that the matter will be explained.

Mr. BRECKINRIDGE. How many persons does this resolution cover?

Mr. PAYNE. It covers ten employés, at an expense not exceeding $1,200. The resolution is similar to one adopted two years ago. On account of the length of the session, there not being enough laborers to do the necessary cleansing of the Hall of the House and the committee-rooms unless these ten men are employed, the adoption of the resolution is necessary.

Mr. HOLMAN. I suggest that the number of employés be specified.

Mr. PAYNE. I have no objection to specifying the number. I will move an amendment to insert, after the words "all persons," the words "not exceeding ten."

The SPEAKER. Is there objection to the present consideration of this resolution?

There being no objection, the House proceeded to the consideration of the resolution.

The SPEAKER. The question is on the amendment which has been stated by the gentleman from New York [Mr. PAYNE].

The amendment was agreed to.

The resolution as amended was adopted.

EXPERIMENTAL FREE-DELIVERY SERVICE.

Mr. BINGHAM. I ask the consideration of a joint resolution favorably reported by the Committee on the Post-Office and Post-Roads.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That the Postmaster-General be enabled to test at small towns and villages the practicability and expense of extending the free-delivery system to offices of the fourth class, and other offices not now embraced within the free delivery, said test to be made on petition of the patrons and in the discretion of the Postmaster-General, the sum of $10,000, which sum shall be taken from the amount appropriated for the free-delivery service for the fiscal year ending June 30, 1891, and shall be applied to the payment of carriers for one hour or two hours per day, as may be necessary for the convenience of the public and advantage of the postal service, said pay to be fixed by the Postmaster-General at rates per hour not exceeding the present maximum rates for pay of carriers.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. KERR, of Iowa. I understand that this resolution proposes to increase the force at post-offices below the third class?

Mr. BINGHAM. The object is simply to authorize an experiment which the Postmaster-General asks to be allowed to make, that its results may be reported at the next session of Congress. It involves no increase of expense, as the money required will come from the fund already appropriated for this service.

Mr. KERR, of Iowa. At how many places is this trial to be made?

Mr. BINGHAM. Subject to the discretion of the Postmaster-General, it is to be made wherever there may be applications from places coming within the terms of the resolution. It is merely a tentative matter—a test.

Mr. HOLMAN. What object is there in naming specially the fourth-class post-offices, and not those of the third class?

Mr. BINGHAM. What is contemplated is simply to go into outlying or country sections——

Mr. HOLMAN. But why should fourth-class offices be named, and not those of the third class?

Mr. BINGHAM. The object is to reach out into what might be called the thoroughly rural sections. It is merely an experiment and involves no additional expense. The Postmaster-General is desirous to try experimentally the system now common throughout England as well as Canada.

Mr. BRECKINRIDGE. I sincerely hope the gentleman from Indiana will not object. I think this is an experiment which ought to be tried, so that if the results be favorable the system may be permanently adopted.

Mr. HOLMAN. I do not desire to object; but I ask that the resolution be again read, as it was not distinctly heard.

The Clerk again read the resolution.

Mr. HOLMAN. I suggest that the resolution be amended so as to read "offices of the third and fourth class."

Mr. BINGHAM. The language already in the resolution is sufficient to embrace third-class offices.

Mr. HOLMAN. There are certainly very few third-class offices that have free delivery. I know of but one in the whole southern portion of Indiana. That is the reason of my suggestion.

Mr. BINGHAM. I will state, with the permission of the gentleman from Indiana, that if he will allow the Clerk to read again the joint resolution he will find that it embraces the third-class offices.

Mr. HOLMAN. I think not. In my judgment, it seems to discriminate against them.

Mr. BINGHAM. Not at all.

Mr. CANNON. If my friend will allow me, there are many second-class offices, I believe, throughout the country where there are less than ten thousand people and less than $10,000 of revenue——

Mr. HOLMAN. This act, however, only applies to the third and fourth class offices.

Mr. CANNON. I beg pardon, if the gentleman will permit me. I understand the third-class offices are those where the salary is less than $2,000.

Mr. BINGHAM. Yes; over one thousand and less than two.

Mr. CANNON. And if more than $2,000 it becomes a second-class office.

Mr. HOLMAN. That is correct.

Mr. CANNON. Now, I suggest to the gentleman that there are many offices in the country where the salary is more than $2,000, but where the revenue is less than $10,000 a year.

Mr. BINGHAM. I think the gentleman is entirely in error.

Mr. CANNON. I am not. I know a number of them myself. One instance is Mattoon, Ill., and towns of that class.

Mr. BINGHAM. Let me say that the gentleman misunderstood and misinterprets the whole scope and purpose of this joint resolution. The Department is thoroughly familiar with the requirements of the cities embracing less than 10,000 population or producing $10,000 of revenue.

The Senate of the United States has extended the free-delivery service to cities having 5,000 population and producing $5,000 of revenue. That bill was considered and discussed before the Committee on the Post-Office and Post-Roads, but postponed for consideration until the next session of Congress. That will embrace every line of request that the gentleman desires in connection with the investigation contem-

plated by this resolution, for the reason that the Department is satisfied with the service in regard to such places. It is not a matter requiring experiment. But this resolution proposes to reach an entirely different class. It proposes to reach out into the rural section.

Mr. CUTCHEON. The villages.

Mr. BINGHAM. And this is for the purpose of testing the expediency of the service in the rural districts, so that the result of the experiments can be reported to Congress with a view to a practical extension of the service at the next session if it shall be found to be desirable or practicable. The Department desires to extend the service to a greater extent than is now proposed; but before doing so it is necessary that these experiments should be undertaken.

Mr. HOLMAN. But it is entirely discretionary with the Postmaster-General as to where he shall apply this appropriation?

Mr. BINGHAM. Yes, upon application.

Mr. HOLMAN. I hope my friend will not discriminate against the third-class offices, for as a rule they have no free delivery. I will suggest to him, therefore, to insert third-class offices.

Mr. BINGHAM. Very well; I have no objection to that. Let them also be included.

Mr. CANNON. Why not insert all offices not now entitled to the free-delivery service?

Mr. HOLMAN. That is just what the resolution does.

Mr. CANNON. No; I think not.

Mr. HOLMAN. Oh, yes; it says "all other offices."

Mr. McCREARY. Let me ask the gentleman on what theory towns or cities of 5,000 population or less are not as much entitled to the free-delivery service as the larger towns?

Mr. BINGHAM. I can give no reason, except that the law provides for towns of 10,000 inhabitants and upwards.

Mr. McCREARY. I understand a bill has passed the Senate allowing free delivery in towns of 5,000.

Mr. BINGHAM. Yes, sir.

Mr. McCREARY. And that bill is before your committee?

Mr. BINGHAM. It is.

Mr. McCREARY. I want to say I hope the committee will report it favorably.

Mr. BINGHAM. I respond to the gentleman's wish, and have no objection to saying that I am in favor of such a proposition myself.

Mr. STONE, of Kentucky. Let me ask the gentleman from Pennsylvania this question: Is it not true that the $10,000 appropriated here is simply to be used as an experiment to see whether or not the system can be applied to all offices in the country?

Mr. BINGHAM. That is the sole purpose of the appropriation.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

J. L. CAIN ET AL.

Mr. STONE, of Kentucky. I submit a privileged report, Mr. Speaker, from a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2990) entitled "An act for the relief of J. L. Cain and others," having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the bill as passed by the House of Representatives.

W. C. CULBERTSON,
W. J. STONE,
W. E. SIMONDS,
Conferees on the part of the House.

JOHN H. MITCHELL,
ANTHONY HIGGINS,
S. PASCO,
Conferees on the part of the Senate.

The House conferees submit the following statement:

It will be seen that the effect is that the Senate recedes from its amendment, and the bill agreed upon by the conferees is exactly the bill as it passed the House.

The conference report was adopted.

PUBLIC LANDS, FLORIDA.

Mr. DAVIDSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3817) for the protection of actual settlers who have made homesteads or pre-emption entries upon the public lands of the United States in the State of Florida, upon which deposits of phosphate have been discovered since such entries were made.

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

The bill was read, as follows:

Be it enacted, etc., That any person who has in good faith entered upon any lands of the United States in the State of Florida, subject at the date of said entry to homestead or pre-emption entry, and has actually occupied and improved the same for the purpose of making his or her home thereon, under the homestead or pre-emption laws, prior to the 1st day of April, A. D. 1890, shall have the right, upon complying with the further requirements of the law, in other respects to complete such homestead or pre-emption entry and receive a patent for the land so entered, occupied, and improved, notwithstanding any discovery of phosphate deposits upon or under the surface of any of said lands after such entry was made: *Provided*, That the entryman had no knowledge of the existence of such phosphate deposits upon the land which is the subject of such entry at the date when the settlement thereon was made.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, was passed.

UNITED STATES LANDS, SAN FRANCISCO, CAL.

Mr. MORROW. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill, which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, etc., That the right, title, and ownership of the city and county of San Francisco, in the State of California, to the body of land hereinafter described are hereby confirmed, and all the right and title of the United States to said land are hereby granted and relinquished to said city and county, and to those persons, and their successors in interest, to whom portions of said land have been heretofore granted and conveyed by or on behalf of said city and county, to the extent of their interest in said land. Said land hereby granted is described as follows: Situated within the corporate limits of said city and county, and being all that strip of land which is bounded upon the south by courses numbered 269, 270, 271, 272, 273, 274, as the same are designated and located by the final survey for a patent of the land granted by the United States to said city and county by an act of Congress dated March 8, 1866, and bounded on the north and west by the line of ordinary high-water mark of the Pacific Ocean and on the east side by the Presidio military reservation.

SEC. 2. That upon the approval of this act the Commissioner of the General Land Office shall issue a patent for said land to said city and county; and said patent shall inure to said grantees of said city and county, and their said successors in interest, as a confirmation of said city and county's grants of said land.

SEC. 3. That all laws in conflict with the provisions of this act are hereby declared inapplicable to the lands hereby granted and relinquished.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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. MORROW. I ask unanimous consent to print the report in the RECORD in connection with the bill.

There was no objection.

The report is as follows:

Mr. PAYSON, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 7552:

The Committee on the Public Lands, to whom was referred the bill (H. R. 7552) relinquishing certain lands to the city of San Francisco, Cal., submit the following report:

The purpose of this bill is to relinquish to the city and county of San Francisco a small strip of land lying between the line of the pueblo as designated and located by the final survey, for a patent of the land to the said city and county of San Francisco, and ordinary high-water mark of the Pacific Ocean as described and designated as a boundary in the final decree of the United States circuit court confirming the claim of the city of San Francisco to its pueblo lands entered May 18, 1865.

The line of ordinary high-water mark as determined by the court and described in its final decree is the correct boundary of the pueblo grant, but the line of the patent for a distance of nearly 6,000 feet along such boundary on the west and northwest erroneously follows certain inland courses and distances of an early survey made for another purpose. The result is that a strip of land containing about 70 acres between such inland courses and distances and ordinary high-water mark of the Pacific Ocean has been by mistake left out of the patent.

The mistake occurred as follows: After the decree of confirmation in the United States circuit court whereby the lands of the pueblo were confirmed to the city of San Francisco, and the passage of the act of Congress approved March 8, 1866, further relinquishing, granting, and confirming the said lands to the city, a survey of the pueblo was ordered by the General Land Office. There were several tracts of marsh land upon the east and northeast of the pueblo. Parties claiming title thereto under the State contended that the marsh land should be excluded from the pueblo survey.

Other parties, claiming title under the city, claimed that the marsh should be included, and litigation followed in the Land Office between these adverse claimants, and before its termination three official surveys were made of the pueblo under the direction of the Land Department.

The first was made by James T. Stratton in 1867 and 1868.

The second was made by George F. Allardt and William Minto in 1882.

The third and last survey was made by F. Von Leicht in December, 1883.

In making the first survey Mr. Stratton did not actually run the line along the high-water mark of the Pacific Ocean on the west and northwest, but adopted for such line the field-notes of a survey made by L. Ransom in April, 1864, in the following language:

"Thence meandering along the line of ordinary high tide to the Pacific Ocean, adopting the field-notes of L. Ransom, deputy surveyor, in subdividing township 2 south, range 6 west."

This Ransom survey was made before the decree was entered in the United States circuit court confirming the pueblo. It had no reference to the lines of the pueblo, but was made under the direction of the surveyor-general of the United States for the purpose of subdividing township 2 south, range 6 west, under the general land laws of the United States. For that purpose the surveyor ran his west and northwest lines along the high land above the shore, which he meandered by inland courses and distances.

In the second survey the surveyors were instructed substantially to correct certain lines on the east and northeast, but to adopt Stratton's notes of survey for the western and northern boundaries.

In the third survey the surveyor was instructed to take in the marsh land, which had been excluded by the Stratton survey; to run the southern boundary farther north, so that the area included should be equal to 4 square leagues; and as to the western and northern boundaries he was to adopt Stratton's notes. The field-notes of the Ransom survey were, therefore, erroneously adopted by all the subsequent surveys, without examination or survey in the field, as designating the line of ordinary high-water mark of the Pacific Ocean.

This strip of land along the shore, left out of the survey and patent by mistake, was unquestionably confirmed to the city by the final decree of the circuit court in 1865, and further relinquished, granted, and confirmed by the act of Congress approved March 8, 1866.

The procedure of the Land Office will not permit the remedy of this defect without an expenditure of time, money, and labor altogether out of proportion to the relief sought.

Your committee therefore recommend the passage of the bill.

A copy of the decree of the United States circuit court, entered May 18, 1865, and of the act of Congress approved March 8, 1866, are appended.

Final decree confirming the claim of the city of San Francisco to its pueblo lands, entered May 18, 1865.

The City of San Francisco *vs.* The United States.

The appeal in this case taken by the petitioner, the city of San Francisco, from the decree of the board of land commissioners to ascertain and settle private land claims in the State of California, entered on the 21st day of December, 1854, by which the claim of the petitioner was adjudged to be valid, and confirmed to lands within certain described limits, coming on to be hea d upon the transcript of proceedings and decision of said board, and the papers and evidence upon which said decision was founded, and further evidence taken in the district court of the United States for the northern district of California pending said appeal—the said case having been transferred to this court by order of the said district court, under the provisions of section 4 of the act entitled "An act to expedite the settlement of titles to land in the State of California," approved July 1, 1864—and counsel for the United States and for the petitioner having been heard, and due deliberation had, it is ordered, adjudged, and decreed that the claim of the petitioner, the city of San Francisco, to the land hereinafter described, is valid, and that the same be confirmed.

The land of which confirmation is made is a tract situated in the county of San Francisco, and embracing so much of the extreme upper portion of the peninsula above ordinary high-water mark (as the same existed at the date of the conquest of the country, namely, the 7th of July, A. D. 1846), on which the city of San Francisco is situated, as will contain an area of 4 square leagues; said tract being bounded on the north and east by the bay of San Francisco, on the west by the Pacific Ocean, and on the so uth by a due east and west line drawn so as to include the area aforesaid, subject to the following deductions, namely: Such parcels of land as have been heretofore reserved or dedicated to public uses by the United States; and also such parcels of land as have been by grants from lawful authority vested in private proprietorship, and have been finally confirmed to parties claiming under said grants by the tribunals of the United States, or shall hereafter be finally confirmed to parties claiming thereunder by said tribunals, in proceedings now pending therein for that purpose, all of which said excepted parcels of land are included within the area of 4 square leagues above mentioned, but are excluded from the confir mation to the city. This confirmation is in trust, for the benefit of the lot holders, under grants from the pueblo, town, or city of San Francisco, or other competent authority, and as to any residue, in trust for the use and benefit of the inhabitants of the city.

FIELD, *Circuit Judge.*

SAN FRANCISCO, *May* 18, 1865.

GRANT BY CONGRESS.

CHAP. XIII.—*An act to quiet the title to certain lands within the corporate limits of the city of San Francisco.*

[Approved March 8, 1866.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to the land situated within the corporate limits of the city of San Francisco, in the State of California, confirmed to the city of San Francisco by the decree of the circuit court of the United States for the northern district of California, entered on the 18th day of May, 1865, be, and the same are hereby, relinquished and granted to the said city of San Francisco and its successors, and the claim of the said city to the said land is hereby confirmed, subject, however, to the reservations and exceptions designated in said decree, and upon the following trusts, namely:

That all the said land, not heretofore granted to said city, shall be disposed of and conveyed by said city to parties in the bona fide actual possession thereof, by themselves or tenants, on the passage of this act, in such quantities and upon such terms and conditions as the Legislature of the State of California may prescribe, except such parcels thereof as may be reserved and set apart by ordinance of said city for public uses: *Provided, however*, That the relinquishment and grant by this act shall not interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico, or the United States, or preclude a judicial examination and adjustment thereof.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

THOMAS OWENS AND WILLIAM MARTIN.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2562. I make this request at the instance of my colleague from Mississippi [Mr. CATCHINGS]. If the House desires any further information on the subject than is contained in the report I will refer the House to the gentleman from Iowa [Mr. DOLLIVER].

The bill was read, as follows:

A bill (S. 2562) to authorize the appointment of Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the line of promotion, to the position of surgeons, United States Navy, not in the line of promotion, and for other purposes.

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the line of promotion, to the rank of surgeons, United States Navy, not in the line of promotion, and that for this purpose there be, and is hereby, authorized two additional surgeons in the Navy, to be known and designated as surgeons not in the line of promotion, but in all other respects to be entitled to the rank, pay, emoluments, and privileges of surgeons in the Navy of the United States.

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

Mr. KERR, of Iowa. I would like to hear a statement of the reasons for this.

Mr. DOLLIVER. Mr. Speaker, the two men named in this bill are veteran surgeons of the old volunteer navy, who have been in the service ever since the early days of the war. Both of them have distinguished themselves in the yellow-fever scourges that have from time to time visited the South. The Committee on Naval Affairs recommend the bill. It has twice passed this House, as I am informed, and has been more times than that on the Calendar of the House.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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

Mr. DOLLIVER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THOMAS CHAMBERS.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 309) for the relief of Thomas Chambers.

The bill was read at length for information.

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

Mr. HOLMAN. I call for the reading of the report.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 309) for the relief of Thomas Chambers, having carefully considered the facts relating to the claim set forth in the bill above referred to, report as follows:

It appears from the evidence in this case that, in the month of December, 1874, Thomas Chambers was awarded the contract for carrying the United States mail over postal route No. 24413, from Sault de Ste. Marie to Mackinac, Mich.; that at the time the contract was awarded to him no Canadian through mail in closed pouches was or had been transported over the said route; that pursuant to a postal arrangement made between the United States and Canada, in February, 1875, the United States contracted to transport such Canadian mail over this and other postal routes. By his contract Mr. Chambers was to receive the sum of $1,675 per annum as compensation.

That on July 20, 1875, by an order of the Post-Office Department, he was required to carry such Canadian mail in addition to the United States mail proper. He applied for extra compensation for the added work required of him in obeying this order. This application was refused by the Department, on the ground that no authority of law existed by which such payment could be made. During the years ending July 1, 1877, 1878, and 1879, by the request of Mr. Chambers, and upon order of the Post-Office Department, the route No. 24413 was discontinued from the 15th day of May to the 1st day of November of each summer season, steamer service being substituted therefor. But during the remaining portions of the contract term Mr. Chambers continued to carry the mail for both countries over the said route, his contract compensation being proportionately reduced for the times the route was discontinued. So that, in all, he carried the said mail over said route for a period of time substantially aggregating two years and eight months.

The evidence further shows that when he entered into the contract he was not apprised in any way of the intended postal arrangement with the Canadian Government: that it was a condition not existing at the time he made his bid, nor at the time when he entered into the contract; that this postal arrangement greatly increased the expense and work of carrying the mail over this route, the amount of Canadian through mail in closed pouches which he was required to transport being to the United States mail proper in the ratio of 5 to 7; that he did the work under the expectation that Congress would reimburse him for the extra work and expense.

Your committee, therefore, conclude that there is equitably due him therefor the sum of $1,832.80, the said sum being the amount he should have for the transportation of the said Canadian mail, as computed upon the ratio named between it and the United States mail.

We think that the amount named in the Senate bill is too large, for the reason that no account seems to have been taken of the periods of time when the route was discontinued during the summer season.

We therefore recommend that the said Senate bill 309 be amended by striking out the words "three thousand six hundred and fifty-four dollars and fifty-six cents," and inserting in lieu thereof the words "one thousand eight hundred and thirty-four and eighty one-hundredths dollars;" and as thus amended we recommend the passage of the bill.

Mr. KERR, of Iowa. Mr. Speaker, there does not seem to be any testimony or any statement showing that any additional expense was occasioned by its increase in the mail, and if the amount was only increased a little and no extra expense incurred by the contractor the bill ought not to pass. There is nothing in the report that shows that he incurred any additional expense as the result of this.

Mr. STEPHENSON. He had to put on an extra force and employ extra teams.

Mr. KERR, of Iowa. There is nothing in the report to show that.

Mr. STEPHENSON. He had to nearly double his force.

Mr. CUTCHEON. The report states that the amount of Canadian through mail in those pouches which he was required to transport was to the United States mails proper in the ratio of 5 to 7. In other words, the amount of the mail carried was nearly doubled. The report further states that he did the work under the expectation that Congress would reimburse him for the extra work and expense.

Mr. CANNON. Mr. Speaker, this would be a bad precedent, and if followed to its logical end would cost this Government a great many millions of dollars. Therefore I object.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. 5674) for the relief of Frank A. Lee;

An act (H. R. 7815) granting a pension to Maryett Vaille;

An act (H. R. 7869) granting a pension to Sophia J. Dimick;

An act (H. R. 7964) granting a pension to Margaret Pratt;

An act (H. R. 9138) granting a pension to Elizabeth Gushwa;

An act (H. R. 9692) granting a pension to John A. Johnson;

An act (H. R. 10033) granting a pension to Isaac Riseden;
An act (H. R. 10202) granting a pension to O. E. Hukill;
An act (H. R. 10034) granting a pension to Clark Stewart;
An act (H. R. 10079) granting a pension to Clara Reed;
An act (H. R. 10038) granting a pension to Agnes R. Rice;
An act (H. R. 10951) granting a pension to Lucinda Rawlinson;
An act (H. R. 6070) granting a pension to Agnes M. Bradley;
An act (H. R. 8890) granting an increase of pension to Lewis Solomon, a private in Company A, First Indiana Infantry, Mexican war service;
An act (H. R. 10036) granting an increase of pension to James B. Reed;
An act (H. R. 10208) granting an increase of pension to Moses Graham;
An act (H. R. 10320) granting increase of pension to Nancy Cato;
An act (H. R. 10710) granting an increase of pension to James H. Vosburgh;
An act (H. R. 3528) to grant a pension to James Knetsar;
An act (H. R. 10234) restoring Rebecca Young to the pension-rolls;
An act (H. R. 2414) increasing the pension of Nelson Rich;
An act (H. R. 5851) to pension Mathew Lambert for service in the Indian war;
An act (H. R. 3587) to pension Stacey Keener, widow of Tillman B. Keener, deceased, who served in the Indian war;
An act (H. R. 4853) to pension Gabriel Stephens;
An act (H. R. 5654) to pension Elizabeth R. Lockett;
An act (H. R. 6092) to pension Susan E. Freeman;
An act (H. R. 6084) to pension Thomas Nelson;
An act (H. R. 6853) to pension Allen Morris;
An act (H. R. 9518) for the relief of Margaret Hetzel;
An act (H. R. 10635) for the relief of Olive M. Hechtman;
An act (H. R. 10753) for the relief of Mary E. Hicks;
An act (H. R. 11075) for the relief of John B. Roper;
An act (H. R. 11355) for the relief of Mary L. Brown, dependent mother of Josiah R. Brown, deceased;
An act (H. R. 2804) to increase the pension of Charles W. Kridler;
An act (H. R. 5028) to increase the pension of David Shively;
An act (H. R. 6218) to increase the pension of Alexander Forsyth;
An act (H. R. 6798) to increase the pension of George H. Brown, Company I, Sixth Vermont Volunteers;
An act (H. R. 9945) to increase the pension of Charles Barker;
An act (H. R. 10154) to increase the pension of John N. Harris;
An act (H. R. 11345) to increase the pension of Thomas Beaumont;
An act (H. R. 11417) to increase the pension of Cecilia J. Woods;
An act (H. R. 1338) granting a pension to Mary A. Green;
An act (H. R. 1466) granting a pension to Mary Ewald;
An act (H. R. 1568) granting a pension to Mrs. Delphina P. Walker;
An act (H. R. 1906) granting a pension to Levi H. Naron;
An act (H. R. 2279) granting a pension to Abraham W. Jackson;
An act (H. R. 2385) granting a pension to Barney McArdle;
An act (H. R. 2415) granting a pension to Nancy Carey;
An act (H. R. 2427) granting a pension to Fletcher Galloway;
An act (H. R. 2431) granting a pension to Mary H. Curtis;
An act (H. R. 2965) granting a pension to Rachel Barnes;
An act (H. R. 3734) granting a pension to John Mann;
An act (H. R. 5736) granting a pension to John L. Lindel;
An act (H. R. 5144) granting a pension to Jonas H. Keen;
An act (H. R. 5145) granting a pension to W. H. Obrien;
An act (H. R. 6032) granting a pension to Mary Welsh;
An act (H. R. 6391) granting a pension to Mrs. Margaret A. Jacoby;
An act (H. R. 7338) granting a pension to Louisa A. Sippell;
An act (H. R. 7422) granting a pension to Kate Lane Townes, widow of Col. Robert R. Townes;
An act (H. R. 7914) granting a pension to Jay Marvin;
An act (H. R. 8059) granting a pension to Mrs. Emma A. Stafford;
An act (H. R. 8928) granting a pension to D. M. Miller;
An act (H. R. 9590) granting a pension to Matilda Evans;
An act (H. R. 10334) granting a pension to Wiatt Parish;
An act (H. R. 10350) granting a pension to Elizabeth Patten;
An act (H. R. 10651) granting a pension to J. W. Robertson;
An act (H. R. 10709) granting a pension to Calvin Rasor;
An act (H. R. 11169) granting a pension to Isadora Ritter, formerly Isadora De Wolf Dimmick;
An act (H. R. 11543) granting a pension to James H. Means, doctor of medicine;
An act (H. R. 11547) granting a pension to Lucinda Chapin;
An act (H. R. 10245) to place the name of Hettie McConnell on the pension-roll;
An act (H. R. 5323) to authorize the President to restore Tenodor Ten Eyck to his former rank in the Army, and to place him on the retired-list of Army officers;
An act (H. R. 3107) for the relief of Col. James Lindsay;
An act (H. R. 7718) granting a pension to Thomas Egan;
An act (H. R. 7739) granting a pension to Mary Cannon, daughter of James Cannon, late of Company D, One hundred and twenty-fifth Regiment New York Volunteers;
An act (H. R. 7840) granting a pension to Mrs. Lillis Otis;
An act (H. R. 8640) granting a pension to Elizabeth Abell;
An act (H. R. 9244) granting a pension to Lewis W. Bloom, of Etna, Kans.;
An act (H. R. 9302) granting a pension to John Scudder;
An act (H. R. 9317) granting a pension to Margaret M. Clement;
An act (H. R. 9529) granting a pension to Emma G. Clark;
An act (H. R. 9826) granting a pension to Rachael A. Fenstamaker;
An act (H. R. 9935) granting a pension to William Stover;
An act (H. R. 10031) granting a pension to William Tolle;
An act (H. R. 10121) granting a pension to Mary L. Nash;
An act (H. R. 10458) granting a pension to Thomas J. Reed;
An act (H. R. 11122) granting a pension to Sarah Anderson;
An act (H. R. 11375) granting a pension to Mrs. A. W. Ackley;
An act (H. R. 7463) for the relief of Lawrence M. Cafflin;
An act (H. R. 10557) for the relief of W. G. Triece;
An act (H. R. 9270) granting an increase of pension to Charles E. Osborne;
An act (H. R. 9375) granting an increase of pension to Mrs. Catherine Edmands;
An act (H. R. 9405) granting an increase of pension to Michael Hargain;
An act (H. R. 9666) granting an increase of pension to Ransom E. Braman;
An act (H. R. 9840) granting an increase of pension to Prentiss M. Fogler;
An act (H. R. 571) extending the limit of cost for public building at Hoboken, N. J., to meet requirements of site;
An act (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to the limit of site of post-office and Federal building, Brooklyn, N. Y.;
An act (H. R. 574) for the establishment of a light-station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York, and providing a fog-whistle at Charlotte light-station on said lake;
An act (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882;
An act (H. R. 8943) to provide for the establishment of a port of delivery at Peoria, Ill.;
An act (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes;
An act (H. R. 6349) increasing the pension of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers;
An act (H. R. 8923) increasing the pension of James M. Monroe;
An act (H. R. 10457) increasing the pension of Presly Hale;
An act (H. R. 11687) increasing the pension of Mrs. Clementine Fink;
An act (H. R. 4210) to increase the pension of John H. Grove;
An act (H. R. 4369) to increase the pension of Milton Barnes;
An act (H. R. 7897) to increase the pension of John Clark;
An act (H. R. 8381) to increase the pension of Asenath Turner, a Revolutionary pensioner;
An act (H. R. 10231) to increase the pension of Sanford Kirkpatrick.
An act (H. R. 5348) to place the name of Sarah A. Small upon the pension-roll;
An act (H. R. 1894) to pension Silas Beezley;
An act (H. R. 9897) granting an increase of pension to William R. McCreary;
Joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird;
Joint resolution (H. Res. 231) to correct an error in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890; and
Joint resolution (H. Res. 228) authorizing the Secretary of the Navy to purchase nickel ore or nickel matte for use in the manufacture of nickel-steel armor, and for other naval purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. 3532) granting a pension to Georgiana W. Vogdes.

The message also announced that the Senate non-concurred in the amendment of the House to the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," asked a conference with the House thereon, and had appointed Mr. DAWES, Mr. PLATT, and Mr. MORGAN conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the bill (H. R. 12163) making an appropriation to supply a deficiency in the appropriation for compensation of Members in the House of Representatives and Delegates from Territories.

PIER AT CHICAGO.

Mr. MASON. Mr. Speaker, I present the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. Res. 104) "to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill.," 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 amendment numbered 1 to the resolution of the House and agree to the text of the same with the following amendments:

Line 3, after the word "of," strike out the words "said pier" and insert in lieu thereof the words "the United States pier at Chicago, Ill., situated north and east of the Illinois Central Railroad Company's wharf No. 1, and on south side of Chicago River."

Line 8, after the word "railroad," strike out the word "car" and insert in place thereof the word "company's."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate striking out the preamble of said resolution, and agree to the same.

WM. E. MASON,
J. H. SWENEY,
FELIX CAMPBELL,
Managers on the part of the House.

S. M. CULLOM,
J. N. DOLPH,
M. W. RANSOM,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The Senate recedes from its amendment, and agrees to the bill as it passed the House of Representatives.

Mr. BURTON. Mr. Speaker, I am opposed to the adoption of that report, and my objection is based not upon any peculiar feature of the conference report——

The SPEAKER. The gentleman from Illinois [Mr. MASON] has charge of this. Does he yield to the gentleman from Ohio?

Mr. MASON. Oh, yes; I am perfectly willing to have it understood, and will be glad to explain it or to have the gentleman ask any question.

Mr. BURTON. I think the gentleman from Illinois [Mr. MASON] had better explain it first.

Mr. MASON. The original resolution was introduced authorizing the Secretary of War to lease a part of this pier. The Government only owns a strip of it. The Committee on Commerce sent it to the Secretary of War, who recommended that instead of a lease a temporary or revocable license be granted for this part of the pier, upon condition that the parties dredge the river adjoining the pier and repair the pier. This bill went to the Senate and they struck out the words authorizing the Secretary of War to grant the license to the parties whom he thought best for the interest of the Government, and inserted the names of Walker, Whitehead & Co.

The House disagreed to the amendment, and now the Senate has receded from its amendment, and this bill simply allows the Secretary of War to grant a license, revocable at any time when deemed in the interest of commerce, for this part of the pier. The original petition was signed by most of the vessel-owners of Chicago. Some of them have since that time protested against it and some of those have sent telegrams withdrawing their protests.

Mr. CUTCHEON. Will the gentleman from Illinois explain the location and situation of this pier?

Mr. MASON. The pier is 1,000 feet long and 300 feet wide.

Mr. CUTCHEON. Projecting into Lake Michigan?

Mr. MASON. Yes; at the mouth of the river, and belongs to the Illinois Central Railroad, all except these 25 feet. This has been submitted to my colleague from Chicago.

Mr. ANDERSON, of Kansas. Will the gentleman allow me a question?

Mr. MASON. Certainly.

Mr. ANDERSON, of Kansas. This firm to whom the pier is to be leased?

Mr. MASON. That firm is stricken out, and it simply allows the Secretary of War to issue a revocable license.

Mr. ANDERSON, of Kansas. What I wanted to get at is this: Does this give the Illinois Central Railroad control of the whole of that pier?

Mr. MASON. No.

Mr. ANDERSON, of Kansas. If it does, I object.

Mr. MASON. There is nothing at all of that purpose in this legislation. If you will remember, while on the committee, when the matter came up the gentleman from Iowa [Mr. SWENEY] reported in favor of striking out the Senate amendment, and it is now made so that the Secretary of War is to issue a revocable license.

Mr. BAKER. By the consent of my friend I will state that this is merely a revocable license.

Mr. CUTCHEON. Is it left discretionary with the Secretary of War to lease the pier or not?

Mr. MASON. Yes; he is not obliged to issue a license.

Mr. GROSVENOR. How does this bill emanate from the Committee on Commerce?

Mr. BAKER. Because it was sent to the Committee on Commerce and reported by that committee.

Mr. GROSVENOR. This ought to have gone to the Committee on Rivers and Harbors.

The SPEAKER. The Chair would suggest that this is a conference report, and it is now too late to raise the question.

Mr. GROSVENOR. It is a little late; but I will state the fact that the Committee on Rivers and Harbors have reported against this whole line of policy, and now the Committee on Commerce produces a result that overrides that which has been the settled policy of the country.

Mr. CUTCHEON. Mr. Speaker——

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MASON. I yield to the gentleman from Michigan.

Mr. CUTCHEON. I am opposed to this whole line of policy to lease the Government piers in connection with our harbor works to a private individual, or to railroad companies, or anything of the kind. They are constructed by the Government at great expense for a specific purpose, and that is for the safety of the commerce entering and departing from the harbor. I believe it to be pernicious and destructive of the principal object for which the harbors are built, and I hope we shall not initiate this principle. I know it comes rather late to make such an objection with reference to this case, it being here in the form of a conference report; but if I were the Secretary of War, which I am not, I would not lease any of these harbor constructions to a firm or to individuals. It can not possibly be otherwise than that it will be destructive to commerce. The parties who leased these piers will occupy them. They will leave their vessels alongside, and they will be an obstruction to the jaws of the entrance to the harbor. It can not be otherwise than harmful to the general interests of commerce entering the harbor.

Mr. MASON. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Yes, sir.

Mr. MASON. Suppose that by this resolution, before they could get even temporary use of the pier, they were obliged to dredge out 50 feet of the river which is not used at all, and which the Government will not dredge, would it not be an advantage to the commerce?

Mr. CUTCHEON. If 50 feet next to the piers is not dredged, then it ought to be dredged, so that the commerce of that port could have the entire entrance.

Mr. MASON. That is one thing that we obtain by the passage of this resolution.

Mr. CUTCHEON. But I do not approve the way that you get it.

Mr. MASON. I think you would if you understood it thoroughly.

Mr. ADAMS. Mr. Speaker, similar propositions have come from several cities. The only objection is that made by the gentleman from Michigan that it closes the jaws of the harbor. In the harbor at Chicago that objection does not obtain for the reason stated by my colleague, that the harbor next to this pier is not dredged and has not been dredged for many years, and the party to whom this revocable license would go will have to dredge the harbor alongside of it so as to be able to have the use of it. The real motive of the vessel men of Chicago wanting this license to be given is that steamers leaving that port have now to swing across the river and then run into a slip in order to get their supply of coal. If this license is given they may without turning, except a little to starboard, receive their coal and immediately go out to sea; so that really in that very place it will be of benefit to the commerce rather than an obstruction to it.

Mr. CUTCHEON. In view of the fact that it is left discretionary with the Secretary of War to revoke this license at any time, and having great confidence in that high official, I simply desire to enter my protest and objection to this policy of renting the Government piers; but as this is so well guarded in the law I will make no further objection.

Mr. BURTON. Mr. Speaker, it seems to me that it is only necessary in deciding this case for the House to regard the simple principle that these piers are built by the Government at the public expense as boundaries of the channels to be used for the entrance and exit of vessels. If there is a pier here which is not needed for that purpose it ought to be abandoned. But the object of this resolution is to give to a private individual or to a private corporation the use of the property of the Government for an entirely different purpose.

To my mind it is not an answer to the objection at all to say that it is revocable at the will of the Secretary of War, because every one knows as a matter of experience that when a private interest gets possession of Government property it is not long before they claim a vested right, and it might just as well provide for an irrevocable license. There are other features applicable to this particular case here. The channel will have to be widened in view of the fact that the sizes of the ships entering that harbor are increasing in size from year to year as the depth of the channels along the different water ways is increased. Recently there has been a decision rendered by the courts which is very threatening to vessel men in similar cases, to the effect that where a boat is moored in the channel for the purpose of unloading and a boat entering the harbor is by the wind or the current driven into collision with it, the boat moored can recover for the damages by the collision.

The simple fact is that these channels should be reserved as entrances to harbors, for the coming in of vessels, and no part of them should be appropriated for private interests, to use for the loading and unloading of vessels. If there is more width than is needed it should be abandoned. It is true that here there is only 25 feet belonging to the Government, and next to that is the land of the Illinois Central Railroad; but if we pass this resolution and disregard the objection to it we shall

be establishing the principle that wherever there is a narrow strip of land belonging to the Government bordering upon a water way and there is private property next to it, the Government property must be used in a manner subordinate to that of private property. In any aspect in which you view this resolution it seems to me that it is objectionable, and the fact that the license is to be revocable does not remove the objection.

Mr. STOCKBRIDGE. Just one word, Mr. Speaker, in this connection. As a member of the Committee on Commerce I voted for the resolution, believing that the commerce of the city of Chicago would be promoted thereby. This is one of a series of Government piers along the Great Lakes which have fallen into disrepair, so that their use is not practicable. The resolution proposes that by private enterprise this pier shall be restored, and the necessarry dredging shall be done to make it thoroughly available; at the same time, any such resolution as this will and must constitute a precedent for the leasing or disposal of Government piers along the lakes.

Those piers have been acquired only because they were felt to be important for Government uses upon the Great Lakes, which form a portion of our northern boundary. Valuable when acquired, they should be maintained and kept in order for Government use, and when not actually in use, being Government property, they should be equally open to all the public. It is now proposed to devote one of these piers to private use. As a precedent it strikes me as extremely pernicious, and I would not be content that it should be regarded as a precedent for similar use of other piers on the Great Lakes.

Mr. MILLIKEN. Can the gentleman inform us why the Government has allowed this pier to fall into disuse?

Mr. STOCKBRIDGE. That I am unable to say.

Mr. MILLIKEN. Is there any probability that the Government will ever repair it?

Mr. BAKER. Not at all.

Mr. MILLIKEN. If the Government has no further use for the pier, and if it can be made useful in any other way, it seems to me that it should be utilized.

Mr. BAKER. It ought to be remembered that this license is revocable at the will of the Secretary of War without a minute's notice.

Mr. GROSVENOR. There has never been one such order revoked in the history of the Government.

Mr. FARQUHAR. Mr. Speaker, right in the same line with this pier which is under discussion is a pier in Buffalo Harbor. It was built, or attempted to be built, by the United States in 1826, but Buffalo Harbor has changed its lines considerably since the Government first drove their spiles and filled up with brush. The Delaware and Lackawanna Railroad Company acquired property contiguous to this Government pier and abutting it, and the pier is of little use to the Government because it can not advantageously occupy it.

The Government has refused to expend one dollar in dredging the mouth of the harbor where this pier is, but they did give authority to the Delaware and Lackawanna Railroad Company to expend $50,000 or $60,000 in completing a substantial pier there, and to occupy a strip of 5 feet, upon which are the great coal trestles of that railroad. Now, the difficulty there is the same as the difficulty with this Chicago pier. The Government can not make any use of the Chicago pier, so it seeks to give a revocable license to parties to occupy it. The Lackawanna Railroad Company has built a substantial pier at Buffalo, but there has been some question as to whether it is not a detriment to the navigation at the mouth of the river. Contesting parties have appeared before the River and Harbor Committee, and the gentleman from Ohio [Mr. GROSVENOR] has heard the statements of all the parties in interest.

Mr. GROSVENOR. The practical difference between the case under consideration and the case at Buffalo arises probably out of the fact that in Buffalo it was admitted that the presence of the private pier, or its occupancy by private vessels, would narrow the entrance to the harbor. In this connection, I may say that this revocable license has worked about the same as if it had been a perpetual one.

Mr. FARQUHAR. Well, of course, I do not believe in a perpetual license in such a case, but this is a question that concerns nearly every great city with a water front. The old piers that were built to make up old water lines stand on a different footing, it seems to me, from any new work which has been commenced since 1855, and I am not certain but that when they are detrimental to navigation the license ought to be revoked. But when we find a strip of Government land under old surveys which is contiguous to property which is valuable for commercial or marine purposes the United States may hold that property, but they hold it to the detriment of the commercial interests of these great ports. That is the proposition; and when you give a revocable license it leaves the power to the Secretary of War to take back the property at any time into possession of the Government.

Now, let me mention one matter in connection with this question of dredging. The Government pier at Buffalo is in the jurisdiction of the city of Buffalo, entirely under the control of the city officers; the Government itself has had nothing to do with the pier for twenty-five or thirty years, except to grant the license to a railroad company to make a pier where the Government never really had one. I think that in the interest of the commerce of these great cities these strips of land suitable for purposes of this kind ought to be made available in some way for the benefit of private individuals, corporations, or the general public. Just opposite to this Government pier at Buffalo stands the pier occupied by the Life-Saving Service of the United States. Now, here is the incongruity. At this pier on the opposite side—the south pier—the Government itself will not expend one dollar for dredging, but asks the city of Buffalo to do the dredging and keep the pier in order, which it does.

I am just as tenacious of the authority of the United States in regard to the promotion of the interests of commerce through piers and other instrumentalities as any man on this floor; but I do not believe in any sentimental way of trying to make something out of nothing.

Mr. BURTON. Is the gentleman familiar with any instance in which these revocable licenses have been revoked?

Mr. MASON. I can cite one.

Mr. FARQUHAR. Probably I could not tell the gentleman of a case of that kind, because the utility of the license to both parties operates to prevent revocation.

Mr. BURTON. Has there been any such instance on the Great Lakes?

Mr. MASON. Not within my knowledge.

Mr. GROSVENOR. In the case of Buffalo Harbor, what was originally a revocable license has ripened (according to the claim which has been made) into an absolute title.

Mr. FARQUHAR. Oh, no; the title of the Government can not be defeated in that way. By the very terms of these revocable licenses, the rights of the Government are preserved.

Mr. GROSVENOR. Let me say to the gentleman that I by no means indorse the idea that the Government can lose its title in this way; but this claim has been asserted, though the rights of the parties asserting it originated under a mere temporary, revocable license.

Mr. FARQUHAR. It may be that such a claim has been asserted; I do not know anything about that.

Mr. MASON. I call for a vote on agreeing to the report.

The question being taken, the report was agreed to; there being, on a division—ayes 42, noes 14.

Mr. MASON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC H. WHEAT.

Mr. HOLMAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk, and that it be considered now. It does not involve a large amount.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Isaac H. Wheat, of Jefferson County, Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $200, for one horse belonging to him and which was taken from him by the military forces under General Hobson, in Jefferson County, Indiana, in July, 1863, and applied to the use of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BRECKINRIDGE. I think we ought to have some explanation of the bill. [Laughter.]

The SPEAKER. The Chair has no doubt the gentleman from Indiana [Mr. HOLMAN] will explain.

Mr. HOLMAN. A very interesting report on this bill has been made by the gentleman from Iowa [Mr. DOLLIVER].

Mr. BRECKINRIDGE (exhibiting a photograph). I am requested to ask whether this is a picture of the horse which is the subject of this claim?

Mr. HOLMAN. That is probably a correct picture of the horse [laughter], as it seems to be brought in here as proof.

Mr. KERR, of Iowa. I ask that the report be read or that some explanation be made.

The report of the Committee on War Claims (by Mr. DOLLIVER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1910) for the relief of Isaac H. Wheat, reports as follows:

This is a claim for a horse taken from the claimant in Jefferson County, Indiana, in July, 1863, by the Army of the United States. Claim stated at $200.

The claimant presented his claim to the Quartermaster-General for payment, and not allowed.

The proof is positive that the horse was taken by the Army of the United States for the public service; that the horse was worth $200; that he has not received pay or compensation therefor from any source, either in whole or in part, but that the same is still due and owing to him from the United States; that the claimant was throughout the war loyal to the Government of the United States.

Your committee therefore report back the bill and recommend its passage.

Mr. WILLIAMS, of Ohio. It appears that the bill proposes to pay $200 for this horse. That is a little more than we paid for horses during the war.

Mr. BAKER. Do I understand that this horse was "loyal?" [Laughter.]

Mr. WILLIAMS, of Ohio. I wish to move an amendment to cut down the amount to $150.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none. The question is on ordering the bill to be engrossed and read a third time.

Mr. PAYSON. I desire to offer an amendment. Mr. Speaker, what is the amount named in the bill?

The SPEAKER. That is not a parliamentary inquiry.

Mr. PAYSON. As I understand the reading of the bill it allows only $135 for this horse. The report says that the horse was worth $200. The characteristic modesty of the gentleman from Indiana [laughter] has impelled him to ask the House to allow too small a sum. I propose now to move an amendment so as to give this distinguished citizen of Indiana the full value of his property which the Government took. The sum ought to be $200.

Mr. CUTCHEON. That is a bad precedent.

Mr. HOLMAN. I think the bill is for $200.

The SPEAKER. The Clerk will again read the bill, as there seems to be some misunderstanding.

The bill was again read.

Mr. WILLIAMS, of Ohio. I insist on my amendment cutting down the price to $150. This is all we paid during the war.

Mr. HOLMAN. I wish to say, Mr. Speaker, that I do not know about the value of this horse. If my friend does, of course he will insist on his amendment. [Laughter.]

Mr. WILLIAMS, of Ohio. On account of the modesty of my friend I withdraw the amendment.

A MEMBER. "Modesty" is good. [Laughter.]

Mr. PAYNE. I object to so much talk about an unknown quantity.

Mr. BRECKINRIDGE. Mr. Speaker, permit me to say a word in connection with this matter. There is no proof in this case that this horse was taken by order of any officer of the Government, or not taken simply by a soldier of the United States for his own private purposes. I take it for granted, however, that it was necessary and it was taken during what was known as "the Morgan raid."

But the rule universally adopted in the House in regard to all claims of this character originating south of the Ohio River has been to require proof that the horse was taken by order of an officer of the United States legally authorized to issue such an order.

In the district that I have the honor to represent, close to the city of Louisville, in the county of Oldham, a number of horses were taken by officers of the United States Army during the invasion of Kentucky by General Bragg. It was absolutely necessary for the safety and protection of the city of Louisville that this should be done. They were taken from persons of undoubted loyalty to the Government, some of whom had sons serving in the Federal Army. I have been totally unable, and my predecessors, Mr. Beck and Mr. BLACKBURN, have also been unable to secure pay for any of them, although in the last Congress I obtained a favorable report in relation to certain of the claims.

Now, I do not intend to object to this bill called up by the gentleman from Indiana, for I have no doubt that General Hobson's troops, in following the march of Morgan, had occasion to furnish themselves with horses all along the line of the march; and having served in the cavalry myself I know as a matter of fact how often it happens that the safety of a movement or its success may depend on the immediate change of horses by either the pursuing or the retreating party. But I refer to this matter for the purpose of illustrating the difference in the rule adopted by the House of Representatives in the adjudication of claims made by persons living north of the Ohio River and those claims presented by persons living south of the Ohio River. And I wish to call attention to the great injustice that is done in this particular.

No man in the State of Indiana could afford to have been openly disloyal during the war. He was obliged to be openly loyal whatever might have been his secret feelings. Where those gentlemen on the south of the Ohio River were loyal, it was sometimes at great personal risk and frequently great personal danger. So that the rule the House adopts gives to the man who by his locality was compelled to be loyal an advantage over the man who by his locality was at great peril, and who was probably heroically, unselfishly loyal. I want to take advantage of this opportunity simply to put on record this evidence as to the difference between the mode in which persons are treated north and south of the Ohio River with regard to the presentation of such claims.

And if the gentleman from Indiana will permit me to say, this result, in large part, was brought about by the personal influence of that gentleman himself, for he has largely been the cause of the adopting of these harsh rules that have been applied to what are known as "Southern claims;" and therefore, while I do not oppose the gentleman's claim and shall not object to his request, I figuratively adopt the scriptural rule and "heap coals of fire on his head" [laughter] by facilitating the passage of the measure, hoping the Lord will give him a measure of compassion, in case some similar claim south of the Ohio River is brought up hereafter, and which claim would have been successful in this or some past Congress if it had not been for the persistent resistance of the gentleman from Indiana. [Laughter.]

Mr. HOLMAN. Mr. Speaker, I do not wish to impair the beauty of my friend's eloquent speech by adding any remarks—only to say that I believe this to be a just claim. The Committee on Claims say so. The honorable gentleman from Iowa [Mr. DOLLIVER] who reports it believes it to be a proper claim. But if any gentleman thinks it is not a proper claim I shall certainly ask to withdraw it.

Mr. CUTCHEON. Let me ask the gentleman, is there proof that this horse was taken by order of an officer of the United States Army competent to issue such an order?

Mr. OWENS, of Ohio. If the gentleman will permit me, I can answer the question by saying that I was with the forces of General Hobson, and it did not need an order in any special case. Our men were ordered generally to get horses to pursue, and were directed to take them wherever they could be found.

Mr. CUTCHEON. The question is whether this horse was stolen for the private benefit of somebody, or was taken for the use of the Government.

Mr. HOLMAN. I lived near the line of the march pursued by General Morgan, and I know that the forces of General Hobson in pursuit took horses on all sides. They passed through the country in a rapid march and took horses wherever and whenever they were needed. It would be impossible in each particular case to obtain evidence of an order from the officer in command; sometimes the horses were taken on one side of the line of march and sometimes on the other.

But this bill is exactly in the form in which hundreds and hundreds of such bills have been passed in the last twenty years.

Mr. BRECKINRIDGE. But the difference between this bill and the other bills to which I referred a few moments ago is not in its form. The bill is exactly in the same form as the other bills, but the proof is different. That is where the distinction comes in. [Laughter.] There is no proof that the horse was taken by order of an officer of the United States. Everybody who served in the cavalry knows the importance of fresh horses at times, and generally they are needed at a time and under circumstances when it is not possible to secure an order.

Mr. HOLMAN. If I was not satisfied, Mr. Speaker, that this was a just claim I would insist upon withdrawing it. I would not consent to its being presented even for the unanimous consent of the House.

As a matter of fact it is well known that Indiana appointed a commission to investigate the question of property taken by both armies, the Confederate and Federal, shortly after this raid took place. They went along the line of march and ascertained what was done, what property was taken by each army, and made their report to the State authorities of Indiana. This claim was reported amongst them, as I understand. Of course none of the horses taken by the Confederate army have been paid for. The others have been, in the main, already paid for. This instance, however, is one where the payment has not been made. The claims for property taken by the Union forces amounted to about $350,000. I will state again that this bill is founded upon the report made by the commission, as I understand.

Mr. CUTCHEON. I desire to put on record a word in regard to this class of claims. If this horse was taken by competent authority for the benefit of the United States it ought to be paid for. The horse is not a large horse and the claim is not a large claim, but sometimes small precedents like this grow into monstrous ones; and if the horse was simply taken without right or authority by some private individual even in the Union Army, it may set an example to draw out from the Treasury millions upon millions and tens of millions in payment of similar war claims.

The rule of law is clear and well established. The ravages of war are not to be compensated, but when the Government takes and converts to its own use the private property of a citizen it should compensate him. I take the gentleman's statement that this has been examined by a commission of his State and that they have found that this horse was taken and converted to the use of the Government.

Mr. HOLMAN. That is my recollection of the proofs.

Mr. CUTCHEON. For that reason, and for that reason alone, I shall not object.

Mr. HOLMAN. That is my understanding. [Cries of "Vote!" "Vote!"]

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. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

UNIFORM STANDARD FOR GRAIN.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11895) to provide for establishing a uniform standard for wheat, corn, oats, barley, and other grain, and for other purposes.

The bill was read at length for information.

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

Mr. ADAMS. It seems to me, Mr. Speaker, that this is too important a bill to be considered in the limited time which we have at our disposal for the purposes of debate. It may be a good bill, but it is too important to be considered under such an order.

Mr FUNSTON. I will say that this is a bill which is of interest to all the wheat-growers of the country. With the permission of the gentleman I would like to make a statement.

Mr. ADAMS. Certainly.

Mr. FUNSTON. Under the provisions of this bill the Government can not arbitrarily fix any standard for any State or city. It simply establishes the national standard without interfering with any other standard. The object is to have a national standard that shall be uniform, so that when our wheat is sold abroad it may be sold by a certain fixed standard, providing that those who purchase agree to buy according to that standard. So that when they buy our grain in Europe they may be sure of getting a certain grade; also, that when we buy in any city we may know exactly what we are getting. At the present time there is no regular standard throughout the whole country.

When we buy a certain grade of wheat in North Dakota and it is received in Chicago it may have been adulterated with other grain, so that it is not the same standard as that which was sold in North Dakota. So it is in every State of the Union. Now, the only purpose of this bill is to establish a national standard so that when any one purchases grain he will know precisely what he is getting, provided he purchases by the national standard.

Mr. ADAMS. But it is impossible, in the few minutes which can be given to the consideration of any one bill at the present time, to debate this measure thoroughly.

Mr. FUNSTON. I will ask the gentleman to allow the report to be read.

Mr. MOREY. Let the bill be considered, and considered subject to objection.

Mr. CANNON. Let it be considered. Let it at least come up for consideration.

Mr. ADAMS. I have no objection to that, but gentlemen around me wish to call up bills that do not need any extended discussion.

Mr. CANNON. Let us take a little time and consider this; for I am under the impression, and have been, that no more important bill to the people, especially the farmers, has been presented in the House, and it does no harm to the grain dealers.

Mr. ADAMS. My colleague is aware that we have a State system, regulated by State law, in Illinois.

Mr. CANNON. This does not interfere with that.

Mr. ADAMS. I will not object to the consideration of the bill, but will reserve the right to object afterward.

Mr. HOOKER. While we are talking about it we may as well let it be considered.

Mr. TAYLOR, of Illinois. I shall object. I do not enter an objection to the consideration of the bill, but I want to have the privilege of entering an objection against the bill.

Mr. CANNON. That is all right.

Mr. FUNSTON. Now I desire to have the report read.

Mr. TAYLOR, of Illinois. It is evident that this bill will take considerable time. I think I must insist on my objection. I object now.

Mr. CANNON. It is evident that there is not a quorum here. It might take a half an hour to get one, and possibly one could not be got at all. But I think if this bill is discussed the objections of my colleague [Mr. TAYLOR] will be removed.

Mr. TAYLOR, of Illinois. It will be too late to object then.

Mr. FUNSTON. This bill does not interfere with your system in Chicago or Illinois.

Mr. TAYLOR, of Illinois. Illinois has a standard now. If this bill passes, are we not liable to have two systems in conflict?

Mr. FUNSTON. No, sir.

Mr. TAYLOR, of Illinois. Why not?

Mr. FUNSTON. It does not interfere with your system.

Mr. TAYLOR, of Illinois. Why not?

Mr. FUNSTON. Because it does not. Under this bill the Government simply establishes a standard——

Mr. TAYLOR, of Illinois. But we have a system in Illinois now. Suppose the Government establishes one. Then will we not have two?

Mr. FUNSTON. There will be a Government standard, but you do not have to sell by the Government standard.

Mr. TAYLOR, of Illinois. Mr. Speaker, I object.

Mr. FUNSTON. The gentleman is too late. He did not file his objection at the proper time.

Mr. PAYSON. Mr. Speaker——

The SPEAKER. The gentleman from Illinois has a public bill.

Mr. MOREY. I think it would do no harm at least to allow the bill presented by the gentleman from Kansas [Mr. FUNSTON] to be considered.

Mr. CANNON. It is evident that there is no quorum present; there has not been a quorum here all day, and will be none during the balance of this session. I think my friend can safely withdraw his objection and let this bill be considered. I believe if it was considered the objection in his mind would be removed.

Mr. ADAMS. But it will take three hours to consider it.

Mr. WADE. If you do not allow this bill to be considered, I will object to every other bill that is called up.

Mr. HOOKER. But we have not time at this stage of the session to go into any long discussion.

Mr. MOREY. Gentlemen ought to at least allow the farmers to have a hearing on the bill, affecting, as it does, the great interest in which they are engaged.

The fears of the gentlemen are not well founded. The provisions of this bill are not restrictive of the utmost freedom in commercial intercourse, and in my opinion they are of incalculable benefit to the farmers of our country. No more important measure, in my judgment, has engaged the attention of this Congress.

I trust that gentlemen will not insist on their objection and thereby send the bill over to the next December session. I have taken deep interest in this question and have sought in every way to secure to the agricultural industry the benefits of this measure. Why should not the products of the farm, the wheat, corn, and oats grown by our farmers, have a standard made by the authority of the United States, a standard which would give our products a better character and reputation in all the markets of the world? While this subject was before the Committee on Agriculture I had the honor to appear before that committee on August 18, 1890, and to make an argument in favor of such legislation and urging the committee to bring in a bill embodying such legislation.

The Committee on Agriculture did me the honor to order my argument printed, and I here incorporate it in my remarks:

ARGUMENT OF HON. HENRY L. MOREY, OF OHIO, BEFORE THE COMMITTEE ON AGRICULTURE AUGUST 18, 1890, IN FAVOR OF A NATIONAL STANDARD CLASSIFICATION AND GRADING AMERICAN GRAINS.

Mr. Chairman, I am indebted to the courtesy of this committee for an opportunity of directing attention to what I conceive to be one of the most important questions that can engage the attention of the American Congress.

The resources of our country may be grouped in three great divisions—agriculture, manufactures, and commerce. Through these agencies are produced and distributed the food and clothing which are indispensable necessaries of human life.

The prosperity and welfare of the whole people depend on the preservation and development of these industries, commensurate with the needs of the people.

And so far as legislation can affect their condition in any respect it is the part of wisdom and patriotism to enlarge the opportunities of the people, and to make them more secure in the legitimate fruits of their labor.

This is true of all the great industries by which the world's supply of the necessaries and comforts of life is produced and distributed.

And this is especially true of agriculture, on account of the vast importance as well as on account of the conditions under which this industry is necessarily carried on.

The prosperity of the whole people is affected by and dependent upon the prosperity of each class; hence, no industry should be permitted to languish for want of any legislative aid which can fairly be extended without encroaching upon the rights of any other industry, with a view of each industry attaining the best development which it might attain under conditions which fairly belong to it.

It is the great office of the farmer to furnish the food supply of the world. How can we best enable the American farmer to supply our people? Upon what conditions can the consumer get the best bread and the farmer the most certain and adequate reward for his labor and his toil? Many panaceas are offered; all kinds of chimerical schemes are invented and presented to the farmer as a cure for all the ills he has fallen heir to.

But, Mr. Chairman, in my opinion, one of the most beneficent things that Congress can do for the farmer will be to enact legislation such as will tend to elevate the standard of the products of the soil; such as will encourage the raising of better wheat, corn, and oats, and will protect the same from being adulterated and degraded before it reaches those who buy it for bread. If Congress by a law help to bring abut this beneficent result, it will secure purer food to the people, which is their right, and to the farmer a surer and better reward for his labor, which is his due.

From the nature of his occupation, the farmer is isolated and somewhat removed from his fellows, each operating independently.

The product of his farm is in each case limited in quantity and forms the smallest part of the aggregate production, and it only becomes commercially a part of that aggregate after it passes from his possession into the hands of the middlemen.

Here the good and the bad, the clean and the filthy, the sound and the unsound grain are assembled together, and the result is that local and speculative interests deteriorate and degrade the products of our American farms, with injury to both consumer and producer.

Thoughtful and experienced men have given this subject long, patient, and patriotic consideration, and the result of the best thought is that a national standard of classification and grading wheat and other grain is the best means of further improving the quality of our food product, and the best protection of those who raise pure grain of good quality and market the same in good condition against deterioration by mingling therewith grain of inferior quality under inspections and classifications which are controlled by local and speculative interests rather than by the interests of those who produce food, and should be permitted to market the same in its purest and best condition, and thereby secure the best rewards of their labor or the interests of those who consume the same and are entitled to the purest and best food the earth can produce.

This idea has been formulated in a number of bills now pending before this committee, and, without appearing as the advocate of any particular bill, I am here to contend for the principle involving the interest of a great industry on whose best development the prosperity of all others depends.

I most respectfully submit that, in my judgment, the provisions of any such law should apply to interstate commerce, and so be within the constitutional power of Congress "to regulate commerce among the several States."

It should make it the duty of the Secretary of Agriculture to provide the standard, and to determine and fix the classification and grading of wheat, corn, rye, oats, and barley. The same should be made a matter of permanent record in the Agricultural Department, and public notice thereof should be given, and the same should be known as the "national standard," or "American standard."

This record should be open to everybody, so that any person could have a copy thereof for merely a nominal fee.

Every farmer in the land should be able to know from public notice the classification and grade of the crop which he has raised, according to the highest standard in the land, the standard of the United States.

If he desires, he should for a nominal sum have an official exemplification of the same in his own house.

The tendency of such a law will be to give a higher standard to the cereals

of our country, to give permanency and stability to grades and classifications of the same, and eventually to give better credit and reputation to American grains at home and abroad.

The standard of commercial honesty in the handling of food products will be elevated; the commercial value of farm products will be more uniform and certain, and so agriculture will become more secure in its proper place among the great industries, and in the just rewards which should recompense all honest labor.

Mr. Hartley B. Mitchell, one of the publishers of The American Elevator and Grain Trade, and The American Miller, a man of full information, says:

"I believe millers, grain men, and farmers will indorse such a measure. For myself, I believe it the most important piece of legislation undertaken this session."

Mr. L. L. Polk, president of the National Farmers' Alliance and Industrial Union, says:

"It seems to me that a standard for grain is as important as a standard for money. The grain producers of the country should and must have protection in this vitally important matter, and any legislation by Congress for securing it will be gratefully accepted by our grain-growers as an act of simple justice."

I desire here to read a letter from Mr. S. K. Marston, secretary and arbitrator of the Illinois Grain Merchants' Association, an authority on this question, whose name will inspire confidence wherever spoken. The letter is addressed to Mr. Mitchell, from whom I have just quoted, and sets forth in a striking manner the way the farmer's interest is made to suffer under the present system, and the benefits to the farmer which may reasonably be expected to follow the establishment of a national standard, classification, and grade for grains.

[Office of Illinois Grain Merchants' Association, S. K. Marston, secretary and arbitrator.]

ONARGA, ILL., *June* 25, 1890.

DEAR SIR: I have been engaged for over twenty years in purchasing and shipping grain. Six years ago I gave up the business and put my means into farms. My permanent interests lie in the line of farming and the value of farm products.

A long experience in business, an extensive acquaintance among grain men, having the leisure to attend to it, and the confidence of the trade are the probable reasons why the grain men have kept me as their representative during the last five years, but the office is incidental—may terminate at any time—while, as a producer, my interests are permanently in the line of just, equitable, and regular inspection of grain.

The true basis of grades, in my judgment, is about as follows:

Good husbandry, care in selecting seed, harvesting, cleaning, and caring for crops should produce No. 1 grain.

The No. 2 grade should include the bulk of the crop when reasonably sound, plump, and clean, and will make sound breadstuffs. I refer to wheat, corn, and oats.

No. 3 should include good, sound grain that will make sound flour or meal, but not up to a fair standard of weight, because lighter grain will yield smaller per cent. of flour or meal and not worth quite as much to manufacture or for feeding purposes.

All damaged or unsound or very dirty grain should not be graded, but sold by sample.

I think that good milling wheat should be divided into four grades: No. 1, pure, unmixed, extra quality, suitable for seed, and Nos. 2, 3, and 4, according to its value for flour. There may be a difference of 20 per cent. in the quantity of good merchantable flour that 60 pounds of two different samples of wheat will make, and weight per measured bushel should be the standard of values—hence of grades. Sixty-pound wheat will yield more flour per 60 pounds than 58, 56, or 54 pound grain.

The grain grown in the Western States reaches all the markets of the world, and there should be some general standard of grading.

The local markets of the West have widely different standards, as also have Boston, New York, Philadelphia, and Baltimore.

Chicago, the greatest receiving market of the world, is governed by influences that must, in the very nature of things, result injuriously to the producer.

While the volume of actual grain which passes through that city is beyond conception of ordinary minds, yet the receivers and shippers of actual grain form but a very small per cent. of the membership of the Chicago Board of Trade. Probably 90 per cent. of the members never receive a car of grain, and even the receiving houses derive but a small portion of their revenue from commissions on actual grain received. It is estimated that less than 1 per cent. of the transactions on the board are for actual grain, and that portion of the business is simply incidental. The great interest centers in the speculating and gambling trading, and the legislation of the board is controlled entirely by that element.

Years ago the State of Illinois took the matter of inspection under its control, but the influence of the board overshadows the entire business and must inevitably exert an overpowering influence over the inspectors.

There are several classes of dealers who are interested in influencing inspection.

The gamblers in options desire that the standard of the speculative grade should be high; that the quantity of that grade should be limited, that they may the more easily control it.

The manufacturing element (millers) desire that said standard be high, that they may buy good merchantable wheat as of a lower grade and consequently at lower prices.

The exporter desires to buy lower grades that will grade higher in the consumption markets.

These all work in harmony to influence inspection, establishing a standard so high that it would appear that American grain is of a very inferior quality as a rule.

Chicago No. 2 wheat is purchased and mixed with the inferior grades and exported as No. 2. No. 3 wheat is exported as No. 2, and the bulk of the wheat bought by millers on the Chicago market for their home trade and for export is the No. 3 grade, being good, sound milling wheat, and such as ought to grade No. 2 and would in the markets of the world.

It must be evident that there should be some fixed standard for American grades. Our grain goes to every market of the world. The intelligent farmer should be able to understand what that standard is, so that he may not suffer from misrepresentations of dishonest dealers, and the intelligent dealer should be able to decide what grade the grain is that he buys or sells. A universal standard could not possibly injure any one, and would surely eliminate many dishonest practices that now infest the entire trade, and of which the farmer is generally the victim.

I do not believe in too much paternal coddling by the Government. Every lad should learn to stand on his own feet and paddle his own canoe, but the farmers are scattered, isolated, and utterly helpless in this matter; and it seems to me that it is clearly the duty of the Government to take charge of it. The country grain merchants desire a just, equitable, universal standard of grading. The standard of grades of grain should be the same in every market in the United States, and the Government alone has the power to make it so.

Yours truly,

S. K. MARSTON.

H. B. MITCHELL, Esq.

I will also read here a letter from O. B. Potter, of New York, formerly a member of the House, a man of wide information, of long experience, and a man of affairs, whose judgment on great economic questions is broad, comprehensive, and patriotic:

POTTER BUILDING, NEW YORK CITY, *August* 8, 1890.

DEAR SIR: I am informed that you have taken an interest in the bill for providing a national standard for grain for the purposes of interstate and foreign commerce. I have given considerable reflection for a long time to the subject embraced in this bill, and I have no hesitation in saying that its passage will be a first and most important step in bringing the grain products of the country within the reach of commerce, both domestic and foreign, free from the hindrances and obstruction which now arise from uncertainty as to the quality and condition of the grains produced in different States and portions of the country, so that purchasers, not only throughout the whole country, but in all the markets of the world where American grain products are dealt in, can be assured upon the highest authority of the quality and conditon of the grains dealt in in any of these markets. The establishment of such a national standard as is proposed by this bill will enable buyers throughout the country and throughout the world to deal in American grains with certainty of assurance as to their quality, an assurance which can be provided in no other way than by a national standard.

The establishment of such a standard will therefore tend powerfully to promote and increase commerce throughout the world in American grain products. Such a standard will also tend to promote the best culture and the best care of grain in the several States and localities throughout the country. A healthy rivalry will spring up between different sections of the country, each endeavoring to make its grain products as valuable and of as high a standard as possible; and thus the ultimate effect of such a standard will be greatly to increase the value of the grain products of the country. Such a standard will tend to secure another most important object of national importance affecting the health and welfare of the masses of our people, namely, the prevention of the adulteration and degrading of grain products to the injury and loss of consumers throughout the country who embrace our whole population.

This bill seems to me to embrace all that should be done by the first step, namely, the providing of a national standard. What legislation will be required afterwards in providing for national inspection may well be left to be considered after everybody shall become familiar with the vast importance of such a standard and of having it so administered as to secure that the grains of the country may be dealt in in all the markets of the world with the assurance that the standard expresses the true condition and character of these products. This bill, while it does not in the slightest degree impinge upon the rights of the States or the freedom of the people of the States, provides to every agriculturist in the country, in whatever State, an opportunity to have his products presented and sold or dealt in in the markets of the world with the assurance as to their quality and character which a national standard will afford him. It provides also to every citizen of the country the means of knowing the character of the grain which he shall purchase throughout the whole boundaries of the nation.

In my judgment any provisions added in this bill upon the subject of enforced national inspection would be premature. These should be considered after the standard is provided, and there can be no doubt that good men of both parties and all parties will unite in providing for such an inspection as the interests of the country shall require in order that these great products may be known and dealt in, at least through our interstate commerce and foreign commerce, according to the truth, and not be longer subjects of misrepresentation, adulteration, deterioration, and fraud.

Very truly yours,

O. B. POTTER.

Hon. H. L. MOREY,
House of Representatives, Washington, D. C.

Mr. Chairman, I thank you and your committee for the courtesy of this hearing.

I solicit your most earnest and careful consideration of this most important question, and I trust you will see your way clear to favorably report a bill embracing this idea and providing for a national standard of American grains, and thereby give to the products of the American farm a new standard and dignity in the markets of the world at home and abroad, that thereby the people may have better bread and the tillers of the soil a better recompense for their toil.

Afterwards, on August 29, 1890, the chairman, the Hon. Mr. FUNSTON, reported the bill which has been presented this morning. I will insert the bill here, 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 establish a standard for classifying and grading grains, and according to such standard to determine and fix such classification and grading of wheat, corn, rye, oats, and other grains as the usages of trade warrant and permit, and the standard classification and grades shall be such as in his judgment will best subserve the interest of the public in the conduct of interstate and foreign trade and commerce in grain.

SEC. 2. That such standard and classification and grades 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 the same shall be known as the United States standard. All persons interested shall have access to said record; and on payment of such proper charge as the Secretary may fix, a certified copy thereof shall be supplied to those who may apply for the same.

SEC. 3. That from and after thirty days after such standard has been established and 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 and foreign trade and commerce in grain, in all cases where no other standard or grade is agreed upon.

Mr. Speaker, the objection of one member is sufficient to prevent consideration of this bill at this time, but it can not be permanently postponed and defeated. It will be here on the Calendar of this House, and here it will remain until enacted into law. The interests of the food-growers and food-raisers are greater than the interests of those who make them the subject of traffic and speculation. I hope gentlemen will withdraw objection and let the bill be now considered and an opportunity be given to extend to our people one of the most beneficent measures that has ever been proposed in the interest of the people.

Mr. TAYLOR, of Illinois. I insist on my objection.

The SPEAKER. Objection is made.

YOSEMITE NATIONAL PARK.

Mr. PAYSON. I ask unanimous consent for the present consideration of the substitute which I send to the desk for the bill (H. R. 8350) to establish the Yosemite National Park in the State of California.

The substitute was read, as follows:

A bill to set apart a certain tract of land in the State of California as a forest reservation.

Be it enacted, etc., That the tracts of land in the State of California known and described as follows: Commencing at the northwest corner of township 2 north, range 19 east, Mount Diablo meridian, thence eastwardly on the line between townships 2 and 3 north, ranges 24 and 25 east; thence southwardly on the line between ranges 24 and 25 east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township 1 south, ranges 25 and 26 east; thence southwardly on the line between ranges 25 and 26 east to the southeast corner of township 2 south, range 25 east; thence eastwardly on the line between townships 2 and 3 south, range 26 east to the corner to townships 2 and 3 south, ranges 26 and 27 east; thence southwardly on the line between ranges 26 and 27 east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township 4 south, range 19 east; thence northwardly on the line between ranges 18 and 19 east to the northwest corner of township 2 south, range 19 east; thence westerly on the line between townships 1 and 2 south to the southwest corner of township 1 south, range 19 east; thence northwesterly on the line between ranges 18 and 19 east to the northwest corner of township 2 north, range 19 east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: *Provided, however*, That nothing in this act shall be construed as in any wise affecting the grant of lands made to the State of California by virtue of the act entitled "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa big-tree grove, approved June 30, 1864;" or as affecting any bona fide entry of land made within the limits above described under any law of the United States prior to the approval of this act.

SEC. 2. That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding 5 acres, at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish and game found within said reservation, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. There shall also be, and is hereby, reserved and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township 17 south, range 30 east of the Mount Diablo meridian, excepting sections 31, 32, 33, and 34 of said township included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as forest lands subject to like limitations, conditions, and provisions, all of townships 15 and 16 south of ranges 29 and 30 east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions, and provisions, sections 5 and 6 in township 14 south, range 28 east of Mount Diablo meridian, and also sections 31 and 32 of township 13 south, range 28 east of the same meridian.

Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States.

During the reading of the bill,

Mr. HOOKER. I hope that the gentleman who introduced this substitute will see at once that it is going to excite controversy, debate, and discussion that can not fail to take time.

Mr. PAYSON. It will not provoke a minute's discussion after a statement is made.

Mr. WILLIAMS, of Ohio. There is evidently a purpose to object to it.

Mr. PAYSON. I have not heard any as yet, and I hope the Clerk will proceed with the reading.

The reading of the substitute was resumed and concluded.

The SPEAKER. Is there objection to the present consideration of the substitute? The Chair hears none.

The substitute was adopted.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON. I ask unanimous consent to print in the RECORD with this bill the report of the committee, which is rather interesting reading, as we think, with reference to the matter.

There was no objection, and it was so ordered.

The report (by Mr. PAYSON) is as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. 8350) to establish a national park in the State of California in that region of country in and around Yosemite Valley, having had the same under consideration, respectfully report a substitute for the same and recommend that the bill pass.

The bill under consideration established as a national park the portion of public lands lying within the described boundaries, containing therein "primeval forests, great valleys, and inaccessible heights, the walls of which vary from 2,000 to 5,000 feet, and from the highest points of which the plummet will swing clear of the base."

There is within these boundaries a river, the Merced, "sometimes a gentle stream, and sometimes a wild and uncontrollable mountain torrent, in one place leaping a perpendicular height of 2,500 feet." It contains within its boundaries the Mariposa big-tree grove, "a primeval forest, dense undergrowth of shrubs, oak, pine, willow, alder, dog-wood, cotton wood, azalias, and ferns, while flowering shrubs grow in a tangled wilderness, in many places an impenetrable jungle; in many places hiding the natural beauty of rocks and waterfalls of Mirror Lake and sparkling streams." The valley is described by the thousands who have seen it as truly "magnificent." "Grass-clad valleys, ornamented with ferns and bright flowers, cascades with rainbow colors adorning the mist which floats about it; rocks, some rising as high as 3,000 feet."

Indeed, says a tourist, "No description can convey a clear idea of the great variety of scenery in the valley." The wonders and beauties to be found within the region described in the boundaries are so well known and so highly appreciated by the multitudes of tourists who have visited it that further description is unnecessary. The preservation by the Government in all its original beauty of a region like this seems to the committee to be a duty to the present and to future generations. The rapid increase of population and the resulting destruction of natural objects make it incumbent on the Government in so far as may be to preserve the wonders and beauties of our country from injury and destruction, in order that they may afford pleasure as well as instruction to the people.

The area of lands included within the described boundaries is about 2,096,640 acres. Of this amount there are claims derived from patents, entries, etc., amounting to 134,400 acres, leaving as public property of the United States 1,962,240 acres.

This estimate is not intended to be exact, but only an approximate one, as to make an exact statement would require more time and labor than is deemed necessary. It is not proposed in any manner to interfere with the rights of settlers or claimants or with any part of the tract heretofore in any manner disposed of.

The committee therefore recommend the passage of the bill.

D. M. WINN.

Mr. LANHAM. I ask unanimous consent for the present consideration of the bill (H. R. 3537) for the relief of D. M. Winn.

The bill was read at length for information.

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

Mr. CANNON. I would be glad to understand the bill before unanimous consent is given—upon what ground that bill should be passed.

Mr. LANHAM. Well, sir, I can state the grounds hink to the satisfaction of the gentleman from Illinois. The assistant postmaster or deputy of the claimant for whom the bill has been introduced forged his name—that is, the name of the principal—upon a requisition on the Auditor of the Treasury for the Post-Office Department requesting a credit with some first-class post-office to meet the payments of money-orders at Haskell, Tex., and obtained in consequence a remittance of certain drafts upon the postmaster of New York. This party, the assistant, forged the name of the postmaster and obtained $.00 of the money. There were in all some $2,000 remitted, and this assistant got $.00 thereof and then fled the country.

Mr. CANNON. From whom did he obtain it?

Mr. LANHAM. He obtained it, as I have just said, from the Auditor of the Treasury for the Post-Office Department.

Mr. CANNON. Very well; the Post-Office is not bound at all.

Mr. LANHAM. The point I am making is that the postmaster, or claimant, ought not to be bound in consequence of this forgery.

Mr. CANNON. If this man forged the postmaster's signature the postmaster ought not to be held responsible; for no man ought to be held responsible for the forgery of his name. He does not need any relief.

Mr. LANHAM. Oh, yes, he is entited to it. Suppose a man forged your name on a check on your bank, and collected the money. Are you to be held responsible for the forgery?

Mr. CANNON. Well, I can not see how this postmaster is bound at all.

Mr. LANHAM. He is required to pay this amount, and has paid it to the Post-Office Department.

Mr. CANNON. If he voluntarily pays it to the Post-Office Department——

Mr. LANHAM. He does not pay it voluntarily, as the gentleman will see if he will hear the report read.

Mr. CANNON. I will hear the reading of the report.

Mr. LANHAM. Then I ask for the reading of the report.

The report was read, as follows:

The Committee on Claims, to whom was referred House bill 7537, for the relief of D. M. Winn, have considered the same and report it to the House with the recommendation that it do pass.

The claimant, D. M. Winn, was postmaster at Haskell, Tex., in 1888, and had an assistant, one A. M. Winn, who, on November 14, 1888, without the knowledge or consent of the claimant, and wrongfully signing and forging claimant's name, applied to the Auditor of the Treasury for the Post-Office Department, requesting to be allowed a credit of $2,500 with some first-class post-office to meet the payments of money-orders.

As shown by the report of the inspector, it appears that on this request the Superintendent of the Money-Order System sent three drafts on the postmaster at New York, respectively, for the sums of $800, $700, and $500, to be filled out, dated, signed, and negotiated by the postmaster at Haskell, Tex., the funds received therefrom to be used in paying money-orders at Haskell, Tex. These drafts were inclosed in a letter addressed to the postmaster at Haskell, and registered at Washington, D. C., November 22, 1888. When this letter reached Haskell, Tex., it fell into the hands of M. A. Winn, assistant postmaster, and he, without the knowledge of the postmaster, opened this letter and dated, filled out, and forged the name of D. M. Winn to the three drafts and mailed them to the First National Bank at Abilene, Tex., with request to cash the drafts and send money by registered letter to the postmaster at Haskell, Tex. The drafts, being improperly indorsed, were returned by the bank to be properly indorsed. This letter fell into the hands of the assistant postmaster without the knowledge of the postmaster.

The assistant postmaster then indorsed the drafts as indicated by the bank, forged the name of D. M. Winn thereto, and sent same back to said bank to be cashed. The said bank then cashed the drafts and sent by registered letter, as a first installment of the payments, $500, addressed to the postmaster at Haskell, Tex. This letter reached Haskell on Saturday night and fell into the hands of A. M. Winn, assistant postmaster, who appropriated the contents to his own use and on Monday morning left for parts unknown. The remainder of the

money, less $5 for exchange, reached the postmaster, D. M. Winn, after the flight of his assistant, and has, with the $500 stolen by his assistant, been by him accounted for to the Government.

The inspector further says that from all the correspondence in the case and all the circumstances connected with it, it appears evident to him that D. M. Winn, postmaster, was not in any way implicated in the forgery and had no knowledge of the dishonesty of his assistant prior to the forgery.

There is an extensive correspondence on the subject furnished by the Post-Office Department, which the committee have had before them, but the above, it is believed, is a sufficient statement for the purpose of this report. The committee are of the opinion that in view of all the facts it would be harsh upon the claimant to force him to sustain this loss, the result of fraud and forgery in which he was not connected in any culpable way, and therefore recommend that he be relieved by the passage of the accompanying bill.

Mr. CANNON. Now, Mr. Speaker, I must object to this for this reason——

Mr. LANHAM. Are you going to object to the consideration of the bill?

Mr. CANNON. I object to the consideration and the passage of the bill, for I am satisfied that no quorum would pass a bill of this kind.

Mr. LANHAM. If you propose to object, let it be done at once.

Mr. CANNON. Certainly, I propose to object. Nothing less than a quorum can pass a bill of this kind.

The SPEAKER. Objection is made.

STEAM FOG-SIGNAL AT LUDINGTON LIGHT STATION, MICHIGAN.

Mr. CUTCHEON. Mr. Speaker, I ask for the present consideration of the bill (H. R. 3871) for the establishment of a steam fog-signal at Ludington light station, Michigan.

The bill was read at length for information.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. WADE. I object.

ORDER OF BUSINESS.

Mr. WILLIAMS, of Ohio. I move that the House do now adjourn. It is very evident that no bill is going to be passed here to-day.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. WILLIAMS, of Ohio. Division.

The House divided; and there were—ayes 20, noes 57.

So the House refused to adjourn.

Mr. WADE. Mr. Speaker, may I be recognized for a moment? I objected to the consideration of that bill. I did it for the purpose of getting consideration of the bill called up by the chairman of the Committee on Agriculture. One of the reasons given for objecting to that bill was that it would provoke discussion and take the time of the twenty-five other gentlemen who want to pass bills.

Now, this is a bill which is general in character, one that affects the farming interests all over this Union; and it seems to me that these private bills should give way half an hour for the consideration of a measure that involves so much.

Now, I do not think I would oppose this bill, but if we could take up that bill we could get through with it with thirty minutes' consideration.

Mr. STRUBLE. What bill is that?

Mr. WADE. The bill called up by the gentleman from Kansas, the uniform standard for grain bill.

Mr. HENDERSON, of Iowa. It ought to be disposed of in ten minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill presented by the gentleman from Kansas. Is there objection?

Mr. TAYLOR, of Illinois. I have no objection to the consideration, but I want it understood that I shall not allow it to pass. [Laughter.]

Mr. BRECKINRIDGE. I rise to a parliamentary inquiry. Is what the gentleman from Illinois [Mr. TAYLOR] has just said technically an objection? [Laughter.]

The SPEAKER. The Chair understands, under all the circumstances, that it is not, and the matter is now before the House. The gentleman from Missouri [Mr. WADE] is recognized.

UNIFORM STANDARD FOR GRAIN.

Mr. WADE. Mr. Speaker, I call up the bill (H. R. 11895) to provide for establishing a uniform standard for wheat, corn, oats, barley, and other grains, and for other purposes.

The SPEAKER. The bill has been read to the House. Does the gentleman desire to have it read again?

Mr. WADE. No, sir.

Mr. HERMANN. Mr. Speaker, I understand that the gentleman does not propose that there shall be more than thirty minutes' debate on this bill.

Mr. WADE. That is all.

The SPEAKER. Is there objection to debate on this bill being limited to thirty minutes?

There was no objection, and it was so ordered.

Mr. WADE. I yield now to the gentleman from Kansas [Mr. FUNSTON].

Mr. FUNSTON. Mr. Speaker, there has been no intention on the part of the Committee on Agriculture or on the part of its chairman to spring any measure upon this House that is not right and proper in every feature, nor is it my desire to spring any measure upon this body at this time which would lead to any great discussion. It was my belief that this bill would explain itself, but if not, the short report that has been made certainly will. It is a well known fact, acknowledged by all and regretted by all who deal in grain, that when grain of a fine quality is sold it is almost universally sold below its proper grade; so that when No. 1 grain is offered in the market the buyer has every inducement to grade it and purchase it at a grade lower than it actually ought to have, for the reason that when it reaches the first warehouse and goes into store with the balance of the grain there, the first thing that is done, if the grain is found to be higher in quality than it was purchased for, is to inject into it an inferior article. In this way grain bought as No. 2 will stand adulteration with a still lower grade. Thus, in the first sale the farmer does not receive for his grain the price to which he is entitled. Secondly, we desire to build up a national demand for American grain, wheat, oats, rye. When a European desires to invest in American grain, or directs such a purchase to be made, he has no assurance under the present system that he will receive the kind or quality of grain that he purchases. There are no two States in the Union, nor do I believe there are two boards of trade, that grade grain just the same. Each has a standard of its own, and when the foreigner purchases American grain he has no certainty that he will receive what is called No. 1, No. 2, or No. 3 graded as ordered. He has to take his chances. For that reason Europeans do not want to buy American wheat.

Now, there is little more that can be said for this bill. It respects every board of trade in this country. It does not interfere with the board of trade at Chicago; it does not interfere with the grading at Chicago, nor with the grading at St. Louis, nor with the grading at New York. But in any case where a purchase is made without any special place of grading being mentioned, then the grade fixed by the United States is to govern.

It has been suggested that this bill would involve the appointment of a number of inspectors. Not one. All the inspection that is to be made is to be made right here at the headquarters of the Secretary of Agriculture. He establishes a certain grade for wheat and other grains. The grain is required to weigh so much. It must also have a certain color. It must be perfectly clean, or must come up to whatever other requirements may be established, and when a purchase of grain is made, say in Dakota, and there is a dispute between the buyer and the seller, the matter may be referred to the Department of Agriculture, the Secretary will submit the grain to his inspectors, and the matter will be settled without further controversy.

This will not cost the Government a cent. It will not cost any one a cent except those who invoke the decision of the Secretary of Agriculture. Mr. Speaker, this is in close analogy with existing legislation. We have certain grades of wool fixed in the Treasury Department. I do not know but the actual article itself is kept on file there as a standard. In all the revenue departments there are regulations establishing grades for all kinds of farm products whether produced here or imported. There are grades established for sugar. There are grades established for wool. Now, all the Committee on Agriculture ask to-day is that you shall establish a grade for grain so that we may have a universal standard acknowledged all over this country in order that when a merchant or miller buys a grade of wheat he may be certain of getting it.

A MEMBER. If this bill were enacted into law, then in order for a trader to protect himself under the special standard of some particular State or locality, it would be necessary that that standard should be specified in the contract.

Mr. FUNSTON. Yes, sir. If a man desires to purchase grain by a certain grading, that of Chicago, for instance, he would have to mention it in the contract. If none were mentioned, the United States grading would apply.

Mr. KERR, of Iowa. Would not this bill make the Secretary of Agriculture a judicial officer?

Mr. FUNSTON. No, sir. It makes him an inspector to the extent that he establishes the grades.

Mr. KERR, of Iowa. Do you propose to make his judgment conclusive in matters of dispute, or simply evidence?

Mr. FUNSTON. Well, I suppose that under this bill it would be evidence.

Mr. KERR, of Iowa. There would be still the right of appeal to the courts, I suppose?

Mr. FUNSTON. No doubt about that.

Mr. PICKLER. I wish the gentleman would state how general the desire is among grain-producers for the passage of this bill.

Mr. FUNSTON. The representations in favor of it have been made principally by the heads of the various agricultural colleges, particularly throughout the West, and some farmers, not many farmers, are aware of the bill. The complaint has come from them more than from any other source.

Mr. TAYLOR, of Illinois. The gentleman has stated that the boards of trade of various cities are in favor of this bill. Has he any evidence of that?

Mr. FUNSTON. Only this, that I have consulted with persons who speak for the principal boards of trade.

Mr. TAYLOR, of Illinois. There are no petitions from any such boards?

Mr. FUNSTON. No, sir; there have been no petitions either from boards of trade or from farmers. The demand for the passage of the bill has come principally in the form of personal representations of individuals.

Mr. ADAMS. I would like to ask a question, but in the first place I trust the gentleman will permit me to make a statement.

Mr. FUNSTON. Very well.

Mr. ADAMS. The grades of grain as recognized by the different boards of trade vary somewhat, as the gentleman has stated?

Mr. FUNSTON. Yes, sir.

Mr. ADAMS. And the gentleman says it is desirable there should be a national standard?

Mr. FUNSTON. Yes, sir.

Mr. ADAMS. Now, admitting that to be true, why is it not preferable that the Committee on Agriculture should report a bill defining the different grades of grain, rather than leave it to the discretion of the Secretary of Agriculture to establish as many grades as he chooses? Let me illustrate. I am not a dealer in grain; but I presume the St. Louis board and the Chicago board have a small number of grades of grain. Now, suppose the presidents of the agricultural colleges desire the Secretary of Agriculture to establish eight or nine different grades. Would my friend from Kansas agree to that? Why should not the Committee on Agriculture examine the matter and determine how many grades of grain the commerce of the United States needs and define each one? My impression is that in Chicago, for instance, grade "No. 1" or grade "No. 2" is not fixed by any official of the Chicago Board of Trade, but is fixed by the statutes of Illinois or by authority of the statutes; and the case may be similar in St. Louis. If that is true, and if it is desirable that the statute law should not only limit the number of grades which may exist, but describe the grades, it seems to me the Committee on Agriculture ought to have reported a different bill from this.

Mr. FUNSTON. The gentleman does not understand the bill. It does not make any grade arbitrary.

Mr. ADAMS. That is what I object to.

Mr. FUNSTON. It only establishes a national grade, which does not interfere with the other gradings.

Mr. WILLIAMS, of Ohio. Does the statute of Illinois provide any other grade than that wheat shall weigh 60 pounds to the bushel?

Mr. ADAMS. Oh, I think so.

Mr. WILLIAMS, of Ohio. I do not think there is any other grade established.

Mr. ADAMS. Who establishes the grade?

Mr. WILLIAMS, of Ohio. The buyers establish the grade, and the buyers in every county where wheat is sold make a grade to suit themselves. Now, that is what we want to avoid.

Mr. ADAMS. Certainly, we want to avoid that.

Mr. FUNSTON. The gentleman from Illinois [Mr. ADAMS] has asked me why the Committee on Agriculture do not introduce a bill establishing these different grades.

Mr. ADAMS. Yes, sir.

Mr. FUNSTON. I reply, simply because the Committee on Agriculture has not facilities or opportunities for becoming familiar with this matter. That committee is not as conversant with it as the Secretary of Agriculture is and ought to be. We think it wiser to refer these matters to him and allow him to regulate them rather than attempt to make a regulation ourselves.

Mr. PICKLER. There is nothing compulsory in this bill?

Mr. FUNSTON. Nothing at all.

Mr. PICKLER. Different parties may adopt or reject these grades, as they please?

Mr. FUNSTON. The gentleman is thoroughly correct; they may adopt or reject them, as they please.

Mr. ADAMS. Who may do so?

Mr. PICKLER. Anybody or everybody, as I understand. If we adopt these grades parties in Chicago may buy and sell by them or not, as they please.

Mr. FUNSTON. Let me explain the utility of a measure of this kind. Suppose a dealer in France buys so many bushels of American wheat, described as "No. 2." If we have established a standard by national legislation, that man knows precisely what he is to get, because he knows what the national standard is. If there is no national standard, the grade of wheat which he will get as "No. 2" will depend upon the locality from which it comes.

Mr. ADAMS. The gentleman says, as I understand, that the movement in favor of this measure comes largely from the presidents of agricultural colleges.

Mr. FUNSTON. And also from the farmers.

Mr. ADAMS. The farmers naturally want a uniform grade; and to that I do not object. But the movement in favor of allowing the Secretary of Agriculture to establish five or ten or fifteen grades of wheat—where does that movement come from?

Mr. FUNSTON. The gentleman will observe by examining the bill that the Secretary of Agriculture is to regulate these grades upon consultation with the various boards of trade.

Mr. ADAMS. Is he not to take the judgment of the presidents of the agricultural colleges?

Mr. FUNSTON. No; he is to consult with the boards of trade who establish the usages. Here is the language of the bill:

The Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to establish a standard for classifying and grading grains, and according to such standard to determine and fix such classification and grading of wheat, corn, rye, oats, and other grains as the usages of trade warrant and permit.

The only way to ascertain the "usages of trade" is to consult the various boards of trade which have been grading wheat heretofore. As a matter of course, the Secretary of Agriculture will be compelled to consult these persons who have been making these grades, and largely be guided by their judgments or wishes, so that we may have a standard which will not be objected to and that will be uniform.

Mr. COBB. But the matter is left to his judgment, after all?

Mr. FUNSTON. Yes, sir.

Mr. WADE. I now yield five minutes to the gentleman from Illinois [Mr. TAYLOR].

Mr. TAYLOR, of Illinois. Mr. Speaker, I do not know that I shall need that much time. I simply desire to make a brief statement of my views in regard to this matter.

I see that this bill came into the House on August 29, and was referred on that date to the Calendar. So it is just a month old. I had no knowledge of the bill until it was brought up to-day.

The grain market of the world is located in my district. This is too important a measure to be railroaded through the House in this manner. It should be duly considered by a full House with ample time for consideration, and I am satisfied that these great interests of the grain men that we hear so much talk about will not suffer materially within the next sixty days. We meet here again in about sixty days. During that time I will look into this question, investigate the matter fully, and will probably be for the bill then or some modification of it. But now I shall have to object.

Mr. FUNSTON. Do you see any objection to the bill in its present form?

Mr. TAYLOR, of Illinois. Why, of course I do, serious objection.

Mr. FUNSTON. Then why do you not mention them and let us see if we can not put the bill in such shape as will meet your views?

Mr. TAYLOR, of Illinois. I do not desire to undertake to perfect a bill of this importance in so short a time. There may be some objections to it that I can not now see. We are liable certainly to have a double standard in Illinois for our grain if this passes.

Mr. KERR, of Iowa. Is it not provided in the Constitution that standards of this character shall be fixed by Congress?

Mr. TAYLOR, of Illinois. Well, I do not want to go into the constitutional argument at this time.

Mr. PICKLER. Do I understand the gentleman to hold that because Illinois has already adopted a standard for grain that the United States shall not also fix one?

Mr. TAYLOR, of Illinois. No, sir; not by any means; but simply that I am not prepared to support the bill now. I think it needs very mature consideration. I have had no notice of its coming up. It was brought in, as I have shown, thirty days ago. If it was so important as gentlemen seem to think now it should have been brought up before, when the committee had plenty of time.

Mr. FUNSTON. Allow me to say that we had other important measures to bring in, and we brought this in as soon as we could.

Mr. TAYLOR, of Illinois. I do not doubt the good faith of the committee, and have not questioned it. But the gentleman's own statement is that there were more important measures before the committee.

Mr. FUNSTON. No, sir; I said other important measures before the committee.

Mr. TAYLOR, of Illinois. Well, if they preceded this, the committee must have regarded them as more important. But I believe in good faith that the gentleman and his committee were looking out for the agricultural interests of the country.

Mr. FUNSTON. I wish the gentleman would state his objections to the bill.

Mr. TAYLOR, of Illinois. I have already stated my objections.

Mr. FUNSTON. Name one of them.

Mr. TAYLOR, of Illinois. Well, in the first place, it is liable to cause a conflict in our business in Illinois by establishing a double standard of grading grain.

Mr. FUNSTON. Does not the gentleman know that this does not force any standard? You can continue trade under your Chicago standard, if you prefer it.

Mr. PICKLER. If you have a good trade in Chicago, we will probably adopt that.

Mr. TAYLOR, of Illinois. And this bill provides in the third section—

SEC. 3. That from and after thirty days after such standard has been established and 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 and foreign trade and commerce in grain.

That does not say anything about the standard in Illinois. Now, we have a standard there already.

Mr. FUNSTON. Why do you not finish the section?

Mr. TAYLOR, of Illinois. Very well; I will finish it.

in all cases where no other standard of grade is agreed upon.

That is, you must make a standard with every man you buy grain from, or must go by this standard set by the Secretary of Agriculture.

Mr. PICKLER. You do that now.

Mr. TAYLOR, of Illinois. Well, the Secretary of Agriculture is a good farmer, I have no doubt, but I have equal confidence in the grain men of the West who have spent their lifetime in the business. I think they are as competent as the Secretary of Agriculture to fix the standard.

[Here the hammer fell.]

Mr. WADE. I now yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, it seems to me this bill ought to pass. It authorizes the Secretary of Agriculture to fix the standard for classifying and grading grain—a uniform standard—not only for Illinois, but for Missouri and Kansas and Minnesota and the whole country. It seems to me that this is most important, for we all understand that complaints are constantly made in different States and different sections that grain of the same quality is graded differently.

I have heard great complaint by farmers and great complaint by grain men and elevator men that there is no common standard for the classification of grain. It seems to me that this is as important as it is that the Government should fix weights and measures.

The last section of the bill does not interfere with the grain people in my own State or in the city of Chicago. If they have a classification under State law they can still have it by contract. It seems to me that that is ample. If our people, notwithstanding that 412 grains of silver are a legal-tender dollar, wish to make any other contract, they can do it, and it seems to me just as sensible to object to a standard as to money or as to weights and measures as it is to object to a standard for the classification of grain. I think my colleague is mistaken. I have great respect for his opinion; and I am glad to hear him say, if we can not get his consent so far as he is concerned to let this bill pass now, that he will investigate the matter between this and the coming together of Congress again. But I would much rather see the bill pass now; and if we had a quorum here I would favor taking the steps that would secure the passage of the bill.

Mr. ADAMS. Mr. Speaker, who objects to a national classification of grain, as my colleague intimates that some one objects? Not I, nor my colleague. The only objection that I have to this bill is that it gives the Secretary of Agriculture a discretion which I do not know that I am willing to repose in him.

Mr. CANNON. If my friend will allow me. If you are to have a national classification of grain ought not the discretion to be vested in some Federal official?

Mr. ADAMS. Well, if my colleague will allow me, I understand the standard of grain in different States is fixed by public authority in those States.

Mr. WILLIAMS, of Ohio. By local law.

Mr. ADAMS. I agree that the farmers of this country want a uniform standard. I desire a uniform standard; but before I vest this discretion in one officer of the Government I would be glad to see the statutes of the States or the regulations of those States by which these different grades of grain are created. Now, my colleague says it is a question of weights and measures. It is nothing of the kind, with all respect to him. It is a question of color and cleanness and plumpness of the kernel,

Mr. CANNON. My colleague, I know, does not intend to misrepresent me. I said that the same authority that fixes weights and measures might well be authorized to fix a standard for the classification of grain.

Mr. ADAMS. Simply as an incident to the power to regulate commerce among the several States and between the United States and foreign countries, and it has not any connection whatever with the power to fix weights and measures.

Mr. CANNON. There is as much reason, though, for one as for the other.

Mr. ADAMS. I agree that there should be a uniform standard; but I can see no reason for vesting this authority in the Secretary of Agriculture. I should like to see the description of Chicago No. 1 wheat and St. Louis No. 1 wheat and adopt, if possible, a compromise, or adopt the best standard; and I should think the same course ought to be taken with reference to the other grades of grain.

I do not know what these gentlemen who have urged this bill in the beginning think about the proper number of grades of wheat, and I think that this House and the farmers of the country, as well as the grain buyers and sellers of the country, might have some judgment on that point. Now, I want to say to my friend from Kansas [Mr. FUNSTON], the chairman of this committee, that I do not for one moment object to a uniform standard of grain, and if we can establish a uniform standard, and if that varies from the Chicago standard, then I should be in favor of abandoning the Chicago standard altogether; for I can see the advantage of one uniform national standard. All I say, however, is that before voting for this bill I should like to see, for my information and for the information of the House, that description of grain which constitutes No. 1 in one board of trade and No. 1 in another board of trade, in order to see what the real difference and difficulty is.

Mr. PICKLER. Would not the Secretary of Agriculture have better opportunities and be far more apt to get this classification in the proper shape than the Committee on Agriculture possibly could?

Mr. ADAMS. No, sir; with all respect to him. The Committee on Agriculture, having these three separate statutes, if they are statutes, or regulations, if they are regulations, and being themselves the representatives of the farmers of the country, I think could do that work as well as the Secretary of Agriculture could.

Mr. FARQUHAR. Will the gentleman allow me a question? Is it not a fact that the grades of grain are changed every year by reason of the difference in seasons?

Mr. ADAMS. I am not familiar with the fact.

Mr. FARQUHAR. Is not the gentleman also aware that it is the most difficult thing for one board of trade to get even two inspectors to agree? And those who are experts in inspection are often far beyond the capabilities of any man in the Agricultural Department.

Mr. PICKLER. That is just what we complain of, that the grain-buyers change the grade every year to suit themselves.

Mr. FARQUHAR. The grain-buyers in the country districts take the grain just exactly as they find it, but wet seasons or dry seasons make all the difference in the world. In inspection annually in the different boards of trade the inspectors who are experts are expected to gauge or make the grades that come into the different markets.

Mr. FUNSTON. Will the gentleman allow me a question?

Mr. FARQUHAR. Another difficulty. You can, if you wish, establish a national grade. You can keep the samples here or in different parts of the country, but when you come to buy from first hands, who inspects? The man who buys and the man who sells; and it is a matter of negotiation between the two. One will claim it is No. 1 red; another says it is off No. 1. He says: "I will give you a dollar and ten." The other says: "Give me a dollar and twelve;" and so the deal is made.

Mr. PICKLER. Suppose they had samples of the national standard?

Mr. FARQUHAR. But they would not have.

Mr. ADAMS. That would be impossible.

Mr. FARQUHAR. You might have a grade of No. 1 red established this year, but when you came to put the thing into practice, if there was a wet season in Minnesota, the wheat would not turn out No. 1 red by the standard of this year.

Mr. PICKLER. But it would come in some one of the grades.

Mr. FUNSTON. Does the gentleman mean to say that the grade changes every year according to the season?

Mr. FARQUHAR. I say the standard of quality varies with the seasons, and unless you can regulate the seasons you can not regulate the grades arbitrarily.

Mr. FUNSTON. When the No. 2 grade is established why is not that No. 2 grade regardless of the season?

Mr. FARQUHAR. I agree with the gentleman from Chicago [Mr. ADAMS] that there would probably be something gained if this could be done, but I am talking about the practical difficulties that I know of as a commercial editor. I have seen all these difficulties.

Mr. WADE. Mr. Speaker, I called up this bill for the purpose of having it discussed. Inasmuch as the gentleman from Illinois [Mr. TAYLOR] says if the bill is put on its passage he will call for a quorum and as there is no quorum present in the House, I withdraw the bill.

Mr. PICKLER. I object to the withdrawal of the bill.

Mr. WADE. I withdraw my objection to the consideration of the bill called up by the gentleman from Michigan [Mr. CUTCHEON].

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PICKLER. Mr. Speaker, this bill is before the House, and I want to know if it can be withdrawn against the objection of members. I object to its being withdrawn, because this bill is entitled to consideration as much as any other bill on the Calendar.

Mr. HOOKER. I hope that it will be withdrawn, because it is evidently going to provoke discussion and consume time.

Mr. CUTCHEON. Mr. Speaker, the gentleman from Missouri states that he withdraws his objection to the bill I called up.

Mr. BRECKINRIDGE. Mr. Speaker, is not the order for unanimous consent to consider this bill for half an hour in the nature of a rule, just the same as a rule adopted where the previous question is ordered, and does not that, therefore, take the bill out of the power of the mover of the bill to withdraw it?

Mr. HOOKER. I make the point that the objection came too late.

The SPEAKER *pro tempore*. The Chair will examine the rule on the point made by the gentleman from Kentucky.

Mr. PICKLER. Mr. Speaker, against my own conviction, under

pressure from members, I will withdraw my objection to the withdrawal of the bill.

Mr. CUTCHEON. Mr. Speaker, the gentleman from Missouri withdraws his objection to the bill which I send to the Clerk's desk.

TIMOTHY HENNESSY.

Mr. STONE, of Kentucky. I ask unanimous consent for the present consideration of the bill (S. 3521) for the relief of Timothy Hennessy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay unto the said Timothy Hennessy the three months' pay, proper, as major of Fifth Pennsylvania Cavalry Volunteers, under the provisions of the said act of March 3, 1865.

Mr. CUTCHEON. Parliamentary inquiry.

The SPEAKER *pro tempore*. Is it in relation to the pending bill?

Mr. CUTCHEON. When the gentleman from Missouri [Mr. WADE] interposed an objection to the bill which I sent to the Clerk's desk and stated that his purpose was to gain consideration of the agricultural bill, did not my motion remain on the table? When he withdrew his objection, as he did some time ago when he recalled the agricultural bill, did not that restore the bill that I sent to the Clerk's desk?

The SPEAKER *pro tempore*. It does not when the proceeding is by unanimous consent. Unless a request for unanimous consent for the consideration of a bill sent to the Clerk's desk is entertained the matter has no place before the House, and when objection was made it left the bill of the gentleman just the same as if it had not been called up.

Mr. CUTCHEON. I think it is now before the House.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Michigan will perceive that he could not present a bill, ask for unanimous consent for its consideration, then some gentleman object for the sake of getting up another bill, and then after it had been considered to withdraw his objection and let the bill which had first been objected to come up again. That would be giving to one gentleman the control of recognitions, which rests exclusively in the Chair.

Is there objection to the present consideration of the bill sent up by the gentleman from Kentucky, which has just been read? The Chair hears none.

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

Mr. STONE, of Kentucky, 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.

SOPHIA WENZEL.

Mr. CALDWELL. I call up for present consideration the bill (H. R. 12123) granting a pension to Sophia Wenzel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Sophia Wenzel, widow of John Wenzel, of Company F, Seventh United States Infantry, in the Florida war, at the rate of $12 per month.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. KERR, of Iowa. Is there a report from the committee?

Mr. CALDWELL. Yes, sir; there is a unanimous report.

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

Mr. CALDWELL 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.

WOMAN SUFFRAGE.

Mr. CLANCY obtained unanimous consent to have read and printed in the RECORD the following memorial; which was referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives in Congress assembled:

We, workingmen of Brooklyn, respectfully request your honorable bodies to pass the joint resolution proposing an amendment to the National Constitution securing to women of the United States the exercise of the rights of suffrage on equal terms with men.

As citizens of the United States we believe that it is mockery to call this nation a Republic while one-half of the citizens are excluded from all voice in the Government; as thinkers we hold that the elevation and enfranchisement of women is essential to the development of the race; as workingmen we assert that only by equal political rights can women secure equal pay with men for equal work.

The Local Assembly 1562, Knights of Labor Union, of the city of Brooklyn and State of New York, a union numbering 61 members, at a regular meeting thereof, approved of the above petition and directed the secretary of said union to certify to this fact under seal.

In witness whereof, I, Robert C. Utess, secretary of said union, do this 26th day of September, in the year 1890, append my official signature and the seal of said union.

[SEAL.]

ROBERT C. UTESS,
Secretary, 277 Smith Street, Brooklyn, N. Y.

MARCELLUS PETTITT.

Mr. LACEY. I ask unanimous consent for the consideration of the bill (H. R. 11766) to correct the military record of Marcellus Pettitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is empowered and directed to enter the name of Marcellus Pettitt upon the muster-rolls of Company G, Twenty-first Missouri Infantry Volunteers, from the 23d day of January, 1862, to the 10th day of February, 1862, the latter date being the date of his death and his muster having been prevented by his fatal illness.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

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

In line 6 strike out "23d day of January" and insert "1st day of February."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY 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.

BRIDGES ACROSS ENGLISH BAYOU AND CALCASIEU RIVER.

Mr. PRICE. I ask unanimous consent for the present consideration of the bill (H. R. 9852) to authorize the Lake Charles Road and Bridge Company, of Lake Charles, La., to construct and maintain bridges across English Bayou and Calcasieu River.

The Clerk proceeded to read the bill.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to dispense with the reading of the bill, as it is an ordinary bridge bill.

The SPEAKER. The gentleman from Louisiana says that this is a bridge bill in ordinary form, and asks unanimous consent to dispense with the reading of the bill. Is there objection? The Chair hears none. Is there objection to the consideration of the bill? The Chair hears none.

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

In section 1, line 13, strike out the words "for compensation" and insert the following: "And such corporation may charge and receive such reasonable tolls therefor as may be provided from time to time by the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRICE 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.

HENRY CLAY AND OTHERS.

Mr. RANDALL. Mr. Speaker, I call up the bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Henry Clay, of New Bedford, Mass., agent and managing owner of the whaling schooner Franklin, New Bedford, the sum of $3,500, that sum being the estimated loss to the owners, captain, and crew of the schooner Franklin in rescuing the passengers and crew, twenty-six persons, after they had abandoned at sea the burning steamer Lorenzo D. Baker, of Boston, and conveying them safely to New Bedford, thereby causing the schooner to leave her cruising grounds and break up her voyage.

SEC. 2. That one-third of the sum appropriated by this act shall be paid to the captain and crew of the Franklin, according to the estimated amount of what would have been their respective shares of the catch.

Mr. HOLMAN. I ask that the report be read.

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

The Committee on Claims, to whom was referred the bill (H. R. 2617) for the relief of Henry Clay and others, owners and crew of the whaling schooner Franklin, of New Bedford, Mass., have considered the same and respectfully submit the following report:

The schooner Franklin left New Bedford on a whaling voyage in the Atlantic Ocean. She was prosecuting that voyage when, on the 15th of July, 1889, being then on her whaling ground and meeting with success, at about 2 o'clock in the morning a glare of light was discovered in the sky a long distance off. It was then blowing quite a gale. The captain, realizing at once that it was a ship on fire, made sail and stood for the burning vessel.

At daylight great volumes of smoke appeared, and about 10 o'clock the Franklin reached the spot, where they found that a vessel had been burned, and discovered six or seven men floating on a spar alongside the burning ship and quite exhausted. They were taken on board of the Franklin, and in twenty minutes from that time the vessel sank, having been burned to the water's edge. Men were put at the masthead to look for any life-boats, and finally discovered one, and proceeded to her, and finding that she had been overturned by the waves they took sixteen men from off her bottom. Later on they found a smaller boat with the balance of the passengers and crew, making the whole number rescued twenty-five.

The Franklin then had about 175 barrels of empty casks; and, with her prospects of taking whales, would have filled them but for this unforeseen event. Not being able to cruise with so many extra people on board, she started at once for the coast, hoping to find some vessel that she could put them on board of; but not meeting with any she had to proceed on her voyage, and landed them safely on our shores.

Cruising near the Franklin at the same time was another vessel, owned in New Bedford, which did not see this burning ship, but proceeded in catching whales and came home with a full cargo. The smallest value that the owners could place on the 175 barrels of sperm-oil that they had good reason to think would have been taken could they have remained on the ground is $3,500, and that is the amount that they claim in remuneration for having saved this large number of lives.

Your committee, after a careful review of the facts, are of the opinion that the claim made by the owners and crew of the Franklin is a just, fair, and reasonable one. These men had every right to expect a successful voyage, and if it were not for the humane act which led to their return from their cruise, all of the value claimed in the bill would in all probability have been secured.

There are many precedents warranting a much larger return for an act like

this, and your committee believe that the passage of the bill will not only be a just and proper recognition of the act, but will be an encouragement to others to leave their pursuit to rescue life with the certainty that the same will be appreciated and a proper return made.

The bill is reported back with the recommendation that it do pass.

Mr. HOLMAN. What is the amount involved in this bill?

Mr. RANDALL. Thirty-five hundred dollars.

Mr. BRECKINRIDGE. Mr. Speaker, I wish the gentleman from Massachusetts would state upon what principle it is claimed that the United States ought to pay the officers, owners, and crew of this vessel.

Mr. RANDALL. There are a great many precedents, cases where a larger amount has been paid under like conditions. It is the understanding of captains that when they leave their crews and abandon all prospect of success in their calling for the time being in order to save life their services will be recognized, and such action ought to be recognized and awarded by the Government. Besides, there are peculiar features connected with the whaling business. In that business no man is paid by the year or by the month. The captain and the men go on shares. Their reward depends upon their success, and to catch whales they have to go upon the feeding grounds of the whale.

Mr. BRECKINRIDGE. The gentleman does not think, I suppose, that this captain and his crew would have allowed these men to be drowned or burned if he had not believed that we would make good their loss?

Mr. RANDALL. Certainly not.

Mr. BRECKINRIDGE. Then it is not for saving the lives that we are to pay them.

Mr. RANDALL. No; but I think such conduct ought to be recognized by the Government, and, as I have said, there are many precedents where such appropriations have been made to quite large amounts. Only the other day a bill was passed appropriating $138,000 for a like purpose. I hope this bill will pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. RANDALL 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.

DANIEL C. TREWHITT.

Mr. EVANS. Mr. Speaker, I call up the bill (H. R. 7641) for the relief of Daniel C. Trewhitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Daniel C. Trewhitt, late captain and assistant adjutant-general, Twenty-fifth Brigade, Seventh Division, Army of the Ohio, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain of cavalry from the 15th day of March, 1862, to the 1st day of August, 1862.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to amend the record of the said captain and assistant adjutant-general, Daniel C. Trewhitt, and to muster him as a captain of cavalry, to date from March 15, 1862, the date upon which he entered upon duty.

Mr. COBB. Mr. Speaker, I ask for the reading of the report.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 7641) for the relief of Daniel C. Trewhitt, of Chattanooga, Tenn., having considered the same, respectfully report:

The claimant Daniel C. Trewhitt, did the duty and performed the services of assistant adjutant-general of volunteers with the rank of captain from March 14, 1862, to July 5, 1862, before he was in a position wherein he could qualify as such officer. The facts are fully set forth in the report from the War Department hereto annexed.

Your committee recommend that the bill be amended by striking out the second section, as no muster of such officer is or could be required.

Your committee believe that the bill is a meritorious one, as Captain Trewhitt performed the duty on the staff of General Spears and has not been paid. They recommend the passage of the bill.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 20, 1890.

SIR: I have the honor to return herewith House bill 7641, for the relief of Daniel C. Trewhitt, etc., which has been referred to the Department by the House Committee on Military Affairs. The bill provides for the payment to the said Trewhitt the pay and allowances of a captain and assistant adjutant-general (that is, the pay of a captain of cavalry) from March 15 to August 1, 1862, and directs the Secretary of War to amend his record "and to muster him as a captain of cavalry," to date from March 15, 1862, etc.

It appears from the records that Daniel C. Trewhitt was mustered in as lieutenant-colonel Second East Tennessee Infantry in September, 1861, and that he resigned as such March 14, 1862. He was nominated to the Senate June 13, 1862, for appointment as assistant adjutant-general of volunteers with the rank of captain, was confirmed June 30, 1862, and was commissioned accordingly by the President July 3, 1862, to rank from June 30, 1862, and received and accepted the commission August 2, 1862.

No papers or recommendations upon which the nomination was made are found on file or of record, but it was ordered, presumably, at the request of Brig. Gen. James G. Spears, who at that time was commanding a brigade in the Army of the Ohio, and for whose command the appointment was made. In his letter of August 2, 1862, accepting his appointment, Captain Trewhitt stated that he "had been in the United States service from 9th August, 1861," and added: "I have reported as ordered to Brig. Gen. James G. Spears, commanding Twenty-fifth Brigade, Army of the Ohio, for whom I have been acting since 14th March, 1862."

There are no returns of this brigade on file, covering the period March to August, 1862, nor does it appear that Captain Trewhitt reported to this office at all during this period. An examination, however, of the order books of the Twenty-fifth Brigade, Army of the Ohio, found among the records of that army sent to this office after the war, shows that Captain Trewhitt signed a number of orders issued by General Spears from April 15, 1862 (earliest on file), to August, 1862. It also appears of record that in March, 1863, the Hon. Horace Maynard presented to the War Department a petition and papers from Captain Trewhitt, asking an appropriation to pay the members of the staff of General Spears, and that these papers were returned to Mr. Maynard with the suggestion that they be presented to Congress.

Upon inquiry of the Second Auditor, Treasury Department, that officer reports that Captain Trewhitt was last paid as lieutenant-colonel Second Tennessee Volunteers to include March 14, 1862, and first paid as captain and assistant adjutant-general of volunteers from and including July 5, 1862. Between these dates Captain Trewhitt had no legal appointment nor commission in the United States military service, and hence could not be legally paid. There was no law or regulation authorizing him to enter duty as captain and assistant adjutant-general, nor any authority for a commanding general to place him upon duty in advance of his appointment by the President.

The evidence of record, however, appears to show pretty conclusively that Captain Trewhitt did actually do duty in the capacity of assistant adjutant-general in General Speas's command during the period in question, and he has therefore an equitable claim for pay. It is accordingly suggested that the bill in this case be so amended as to allow him pay and allowances of a captain and assistant adjutant-general from March 15 to July 4, 1862, inclusive (he has already received pay from July 5, 1862), and to omit the last section, directing the Secretary of War to "muster him as a captain of cavalry to date from March 15, 1862," for the reason that the office of captain referred to was not one which was filled by the process of mustering; that it could have been filled in no other way than by appointment of the President; and that, as it was not so filled as early as March 15, 1862, there is no way in which it can now be conferred upon any person as of that date.

Very respectfully, your obedient servant,

C. McKEEVER,
Acting Adjutant-General.

The SECRETARY OF WAR.

To the Senate and House of Representatives in Congress assembled:

Your petitioner, Daniel C. Trewhitt, a citizen of Hamilton County, Tennessee respectfully shows that on the 15th day of March, 1862, at Barboursville, Ky., he was appointed assistant adjutant-general on the staff of Brig. Gen. James G. Spears, then commanding Twenty-fifth Brigade, Seventh Division, Army of the Ohio.

He immediately entered upon the discharge of the duties of said office and continued therein until in the year 1861.

His appointment was duly forwarded to the President, but from some cause or informality he did not receive his commission till in August, 1862, at Cumberland Gap, Kentucky. His recollection is that his original appointment was simply approved by the President in April, 1862, and returned to him and subsequently returned to be acted on by the Senate, by which body being confirmed a commission was duly issued, dated, as he now remembers, on or about the 2d day of August, 1862.

Subsequently, at or near Carthage, in Tennessee, during our march to Carthage, Tenn., in 1863, his commission and many other valuable papers were lost, as he believes. He states that he received his first pay as such captain and assistant adjutant-general at Cumberland Gap, Kentucky, as now recollected, in August or September, 1862, and was only paid from date of his commission, which he now remembers was 2d of August, 1862.

He respectfully requests the passage of an act authorizing him to receive pay for the services actually performed from 15th March, 1862, to the date of his commission, which will be shown by reference to the War Department.

He respectfully asks this, not as a charity, but as simple justice and proper compensation for services actually performed by him and many others similarly situated, who had not advantages of remaining at their homes to make necessary preparation for a sudden change from the ordinary avocations of life, but were forced suddenly from the civic duties of life and required at once to perform duties and assume responsibilities to which they were utter strangers, and consequently he insists should not be held to the strict requirements applicable to parties more happily situated.

D. C. TREWHITT.

STATE OF TENNESSEE, *Hamilton County:*

Personally appeared Hon. D. C. Trewhitt, the foregoing petitioner, and made oath that the facts stated in the foregoing petition are true to the best of his knowledge, information and belief and recollection.

D. C. TREWHITT.

Sworn to and subscribed before me October 11, 1889.

[SEAL.] FR. DE TAVERNIER,
Justice of the Peace and Notary Public.

STATE OF TENNESSEE, *Hamilton County:*

I, L. M. Clark, clerk of the county court of said county, do hereby certify that Fr. de Tavernier, esq., whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, an acting justice of the peace in and for said county and State aforesaid, duly elected, commissioned, and qualified according to law, and that full faith and credit should be given to his official acts as such.

Witness my hand and seal of said court at office in Chattanooga this 20th day of February, 1890.

[SEAL.] L. M. CLARK, *Clerk.*

STATE OF TENNESSEE, *Hamilton County:*

Personally appeared James R. Edwards and made oath in due form of law that he is a citizen of Chattanooga, Tenn., which is his post-office address; that he is fifty-two years of age; that he has heard read the petition of Hon. D. C. Trewhitt for remuster and pay for services as assistant adjutant-general of Twenty-fifth Brigade, Seventh Division, Army of the Ohio, from 15th March, 1862, to August 2, 1862, or date of his muster in, and in verification thereof states that he joined said command in early part of April, 1862, and said D. C. Trewhitt was then the adjutant-general of said brigade and performing the duties of said position, and continued so to do until near the close of the war.

JAMES R. EDWARDS.

Sworn to and subscribed before me October 11, 1889.

[SEAL.] FR. DE TAVERNIER,
Justice of the Peace and Notary Public.

STATE OF TENNESSEE, *Hamilton County:*

I, L. M. Clark, clerk of the county court of said county, do hereby certify that Fr. de Tavernier, esq., whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, an acting justice of the peace in and for said county and State aforesaid, duly elected, commissioned, and qualified according to law, and that full faith and credit should be given to his official acts as such.

Witness my hand and seal of said court at office in Chattanooga this 20th day of February, 1890.

[SEAL.] L. M. CLARK, *Clerk.*

The committee recommended an amendment striking out the second section of the bill.

The amendment was agreed to.

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. EVANS 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.

J. S. O. G. GREER AND OTHERS.

Mr. HOOKER. Mr. Speaker, I call up House resolution, Mis. Doc. No. 242.

The resolution was read, as follows:

Resolved, That the following bills (H. R. 9636, 9639, 10027, 10367, 11038, 11220, 11219, 11229, 8066, and 10917) for the relief of J. S. O. G. Greer, estate of Michie Blackman, Norah Walsh, William McGee, Adeline N. Larch, Suzanne B. Meullion, Antoine D. Meullion, Anna Hunt, administratrix estate George F. Hunt, deceased; John Cleary, and Joseph Gradengo, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of the acts of Congress commonly known as the "Bowman act" and "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887.

The SPEAKER. There is an amendment which the Clerk will read.

The Clerk read as follows:

After the name "Gradengo" insert the following: "and the case of John A. Heard, of Hinds County, Mississippi, being House Report 937."

Mr. HOOKER. Mr. Speaker, those cases were all referred to the Committee on War Claims, and that committee recommend that they be referred to the Court of Claims for examination, consideration, and report to this House. I ask the adoption of the resolution.

The SPEAKER. Is there objection?

Mr. KILGORE. Before I determine whether I shall object or not, I want to inquire whether the committee has not the authority under the Bowman act to refer these claims to the Court of Claims, and therefore whether it is not unnecessary to pass this resolution.

Mr. HOOKER. I think not. The committee thought it necessary to pass the resolution, and therefore they reported it.

Mr. KILGORE. Does not the resolution undertake to remove the bar of limitation and give a cause of action where none now exists?

Mr. HOOKER. Not at all. All the cases have been considered by that committee, and they think them proper cases to go to the Court of Claims for examination and report.

Mr. CANNON. I think the gentleman from Texas [Mr. KILGORE] is right. My recollection of the Bowman act is that under it any committee of the House or Senate can refer a case to the Court of Claims.

Mr. HOOKER. That may be so, but whether the committee could refer it or not, there is no harm in the adoption of the resolution by the House. If the committee can do it they are simply the agents of the House, and it gives the matter no greater dignity for the House to do it than for the committee to do it.

Mr. KILGORE. But in doing such things we frequently remove the bar of limitation.

Mr. HOOKER. I do not think so. I do not think there is anything of that kind in this case. The resolution says nothing about that, and the court will have to consider the cases under the law as they find the law to be.

Mr. SAYERS. Mr. Speaker, I notice that the name of John A. Heard is included there. Is there a man named I. N. Baker connected with that claim?

Mr. HOOKER. I do not think so. This is a claim for the relief of John A. Heard, of Hinds County, Mississippi.

Mr. KILGORE. What amount is involved in these claims?

Mr. HOOKER. I do not know the amount. That depends upon what the court finds. I ask for the adoption of the resolution. It simply refers these cases to the court for examination, inquiry, and report.

Mr. KILGORE. Well, Mr. Speaker, I am opposed to it, but I shall not object.

Mr. HOOKER. I ask for a vote.

The amendment was agreed to.

The resolution as amended was then adopted.

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. HERMANN. I ask unanimous consent for the present consideration of the public bill which I send to the desk.

The Clerk read as follows:

A bill (S. 2014) for the relief of certain settlers on the public lands of the United States and to authorize the taking and filing of final proofs in certain cases.

Be it enacted, etc., That in cases now before any of the land offices of the United States in which there has been or is now a vacancy in either of the offices of register or receiver, where the day set for hearing final proofs came during the vacancy in said office, and there is no contest or protest against said claims, and where the remaining officer has taken said proofs and reduced the same to writing, the same may now be passed upon by the register and receiver as if the same had been taken when there was no vacancy.

SEC. 2. That hereafter, when a vacancy shall occur in any of the land offices of the United States by reason of the death, resignation, or removal of either the register or receiver, and the time set for taking final proofs falls within the vacancy thus caused, the remaining officer may proceed to take said final proofs, in the absence of any contest or protest, reduce the same to writing, and place it on file in the office, to be considered and passed upon when the vacancy is filled.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

ADDITIONAL JUSTICE, SUPREME COURT OF ARIZONA.

Mr. SMITH, of Arizona. I ask unanimous consent for the present consideration of the bill (H. R. 6975) to provide for an additional associate justice for the supreme court of Arizona.

The bill was read, as follows:

Be it enacted, etc., That hereafter the supreme court of the Territory of Arizona shall consist of a chief-justice and three associate justices, any three of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in the manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the present chief-justice and his associates are hereby vested with the power and authority, and they are hereby directed, to divide said Territory into four judicial districts and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief-justice and his associates, or a majority of them, and grand and petit jurors shall be summoned thereon in the manner now required by law.

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

SEC. 7. That any justice who has heard a cause from which an appeal is taken is hereby prohibited from sitting in or participating in the determination of the same on appeal.

Mr. HOLMAN. I ask for the reading of the report in this case.

The report of the Committee on the Territories (by Mr. STRUBLE) was read, as follows:

The Committee on the Territories, having had under consideration the bill (H. R. 6975) to provide for an additional justice of the supreme court of Arizona, and for other purposes, beg leave to report as follows:

The bill precludes any judge from acting as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exception, or appeal from a decision, judgment, or decree rendered by him as judge of the district court. The evil in this respect which this bill cures in the Territory, there being but three judges, has caused very great dissatisfaction.

The three judges must act in each case in the supreme court in order that there may always be a majority for the decision of cases and the promulgation of opinions. This requires the judge of the district court to act in the supreme court and sit in judgment on and review his own decision. This is unfair to the judge, and it is not unnatural that it should, in the minds of lawyers and interested parties, create suspicion of collusion among the judges to sustain the opinions of each other in the courts below.

In the Territory of Arizona each district is as large as the State of Indiana, and three judges were necessary in past years, when the population was small and litigation light.

These judges, in addition to their duties as supreme court judges, are called upon to try all manner of causes arising under the laws of the United States and the Territory. They exercise in their respective courts the powers of common-law judges and chancellors and exercise the jurisdiction of United States district and circuit judges. In them (except the limited jurisdiction vested in justices of the peace and probate courts) are vested all the judicial powers of the Territory.

Attorneys, witnesses, and litigants have to travel in many instances hundreds of miles to reach the judge or court, and since the judges are not allowed traveling expenses, and railroads are few and the cost of travel very high, the expenses of this character become a great burden to all concerned, which can in a measure be remedied by giving the Territory an additional judge. The courts in all the districts are burdened with accumulated business, and it is not possible to clear the dockets. The Territory is increasing rapidly in population and wealth, and the best interests of the people demand increased court facilities.

In view of the foregoing facts the committee recommend the passage of the bill, with the following amendment: At the end of section 4 add the words "said districts so made to be subject, however, to future act of the Territorial Assembly of said Territory."

Mr. BUCHANAN, of New Jersey. I would like to know from what committee this bill has been reported.

Mr. SMITH, of Arizona. From the Committee on Territories.

Mr. BUCHANAN, of New Jersey. Bills of this class have usually gone to the Judiciary Committee.

Mr. SMITH, of Arizona. This bill has also been favorably reported in the Senate. Every Territory except Arizona has been allowed this fourth judge.

The SPEAKER. Does the gentleman from New Jersey object?

Mr. BUCHANAN, of New Jersey. No, sir; I simply wanted to know the channel by which the bill reached the House.

Mr. OATES. I trust the gentleman from New Jersey will not object. This bill is similar to one which the Committee on the Judiciary considered and favorably reported.

Mr. BUCHANAN, of New Jersey. To relieve the gentleman's apprehension, I will say that I do not object.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee, to insert at the end of section 4 the words "said districts so made to be subject, however, to future act of the Territorial Assembly of said Territory," was read and agreed to.

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. REED, of Iowa, 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.

NUMBERING OF PARAGRAPHS, ETC., OF TARIFF BILL.

Mr. McKINLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be, and he is hereby, directed to number consecutively the paragraphs and sections of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes, in the enrollment of said bill.

NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

Mr. STIVERS. I ask unanimous consent for the present consideration of the bill (S. 260) for the relief of the New York, Lake Erie and Western Railroad Company.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. I object.

COMPENSATION OF CENSUS ENUMERATORS.

Mr. DUNNELL. I ask unanimous consent for the present consideration and passage of the bill which I send to the desk. The gentlemen who objected to this bill the other day have withdrawn their objections.

The bill (H. R. 11716) to amend an act to provide for taking the eleventh and subsequent censuses, approved March 1, 1889, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I ask that the report be read, subject to the right to object. I wish to know what the effect of the bill is.

Mr. DUNNELL. There is no report. The consent of a majority of the Committee on the Eleventh Census was secured to the passage of this bill. The circumstances calling for its passage are explained in a letter which I hold in my hand from the Census Office. I hope the gentleman will not make any objection.

Mr. McMILLIN. I have great confidence in the judgment of my friend from Minnesota, but I would like to know the object and effect of the bill and what amount of additional expense will result from its passage. It seems that an additional expenditure is provided for.

Mr. VAUX. The bill provides for an increase of salaries, as I understand.

Mr. DUNNELL. The object of the bill is to make provision for those enumerators of the census who, in rural portions of the country, were found to be receiving a very inadequate compensation. By the letter from the Census Office it appears that in many of the States the average compensation did not exceed $1.75 a day, out of which these enumerators had to pay their expenses. I hope the gentleman from Tennessee will not object. There is no appropriation asked for.

Mr. McMILLIN. But it necessarily creates an appropriation, and, for all we can see, a very considerable one. I think the effect will be the expenditure of a very large sum. But considering the inefficiency in which a part of the work at least was done, without any fault of the office here, I do not hesitate to say that this ought to be looked into a little more carefully.

The SPEAKER. Is there objection?

Mr. McMILLIN. For the present I object.

BOUNTY—ORDNANCE CORPS.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6584) for the relief of certain enlisted men of the Ordnance Corps, United States Army, in the matter of claims for bounties.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department be, and they are hereby, directed in the consideration of the claims for bounty heretofore filed, or which may be hereafter filed, of enlisted men of the Ordnance Corps, United States Army, to allow to such enlisted men of the Ordnance Corps, their widows or heirs, the same bounties as have been allowed to other enlisted men who served in the war of the rebellion.

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

Mr. BRECKINRIDGE. Reserving the right to object, I call for the reading of the report.

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

The Committee on War Claims, to whom was referred the bill (H. R. 6584) entitled "A bill for relief of certain enlisted men in the Ordnance Corps, United States Army, in the matter of claims for bounties," submit the following report:

The records of the War Department show the total number of men enlisted in the Ordnance Corps from 1861 to 1865 to have been 731. Of these 89 deserted and 176 were discharged or died prior to the close of the war. The Paymaster-General's office estimates the amount that would be required to pay to all, except the deserters, sums equal to those paid other enlisted men of the same dates of enlistment at $163,535.

From this there would be a reduction on account of such discharges as were made under circumstances preventing payment of bounty; also the usual percentage of cases in which claims would not be presented owing to disappearance of claimants and absence of heirs or legal representatives. It is believed that the total cost of placing these men on a footing in this particular with other volunteers would not exceed $150,000.

Your committee report back the bill and recommend its passage.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. HOLMAN. I rise to submit a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I wish to enter a motion to reconsider the vote by which the bill H. R. 11391 was passed. I refer to the bill in regard to Indian schools, which was before the House last night.

The SPEAKER. The motion will be entered.

ORDER OF BUSINESS.

Mr. HANSBROUGH. Mr. Speaker, I ask unanimous consent——

Mr. BRECKINRIDGE. I call for the regular order.

The SPEAKER. The regular order is the bill relating to the jurisdiction of the courts, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 9014) to define and regulate the jurisdiction of the courts of the United States.

Mr. KILGORE. My understanding about that bill was that it was to go to a committee.

The SPEAKER. No, a point of order was made by the gentleman from Kentucky [Mr. BRECKINRIDGE]. The Chair sustains the point of order and the bill is referred to the Committee on the Judiciary.

FRANCIS GILMAN.

The SPEAKER also laid before the House the bill (H. R. 4258) increasing the pension of Francis Gilman, with Senate amendment.

The Senate amendment was read.

Mr. PERKINS. I move to concur in the amendment of the Senate.

Mr. KERR, of Iowa. What is the effect of the amendment?

Mr. PERKINS. The effect is to strike out two months' pension which would be received under the House bill.

The motion of Mr. PERKINS was agreed to, and the Senate amendment was concurred in.

ADMINISTRATION OF JUSTICE, UNITED STATES ARMY.

The SPEAKER also laid before the House the Senate amendment to the bill (H. R. 7989) to promote the administration of justice in the Army, and for other purposes.

The Senate amendment was read, as follows:

In line 7, strike out the word "in" where it occurs the second time.

Mr. CUTCHEON. This is simply the correction of a clerical error by which either the engrossing clerk or the printer inserted the word "in" a second time. It is not necessary to the sense of the text, but on the contrary obscures it. I move to concur in the Senate amendment.

The motion was agreed to.

ALLOTMENT OF LANDS IN SEVERALTY.

The SPEAKER also laid before the House the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1889, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes," with House amendments disagreed to by the Senate and request for a conference on the disagreeing votes.

The SPEAKER. The question is on insisting on the amendments of the House and agreeing to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. This concludes the business on the Speaker's table.

CUSTOMS COLLECTION DISTRICT, NORTH AND SOUTH DAKOTA.

Mr. HANSBROUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1568) establishing a customs collection district to consist of the States of North Dakota and South Dakota, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That a collection of customs district be, and the same is hereby, established, embracing the States of North Dakota and South Dakota, with Pembina, in the State of North Dakota, as a port of entry, and Sioux Falls, in the State of South Dakota, as a port of delivery.

SEC. 2. That the collector for the port of North and South Dakota shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of $1,200 per annum.

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

Mr. McMILLIN. Let the report be read. Has this bill been reported by a committee of the House?

Mr. HANSBROUGH. It has been.

Mr. McMILLIN. Let the report be read.

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

The Committee on Commerce, to whom was referred Senate bill 1658, providing for the establishment of the customs collection district of North and South Dakota, report that said bill should pass by reason of the fact that the two States aforesaid are not now in a customs collection district; that the north

ine of the said proposed district—350 miles in length—is the boundary line between the United States and the Dominion of Canada; that the interests of the customs service and of the people demand a more systematic and perfect inspection along the line than is possible under the present arrangement in order that the law may be enforced and smuggling prevented and unlawful immigration prevented.

Mr. McMILLIN. In what collection district are these States now?

Mr. HANSBROUGH. They are now under the jurisdiction of the district of Minnesota, but properly they are not in any collection district.

Mr. McMILLIN. They are under that jurisdiction?

Mr. HANSBROUGH. Simply under the jurisdiction.

Mr. McMILLIN. And the laws enforced from that office?

Mr. HANSBROUGH. Yes; from St. Paul, 400 miles away.

Mr. McMILLIN. You provide for two districts here?

Mr. HANSBROUGH. No, sir; only one district, including the two States.

Mr. McMILLIN. And establish a port of delivery?

Mr. HANSBROUGH. Yes; at Pembina.

Mr. McMILLIN. What officials——

Mr. HANSBROUGH. There is a port of entry at Pembina, on the north line, and a port of delivery at Sioux Falls, in South Dakota, 500 miles south.

Mr. McMILLIN. What offices are provided for in the bill?

Mr. HANSBROUGH. Simply a collector, and I would say that the passage of this bill will make no extra expense to the Government.

Mr. McMILLIN. How will the second office, the port of delivery, be run?

Mr. HANSBROUGH. It is optional with the Secretary of the Treasury whether he shall appoint——

Mr. McMILLIN. Strike out that part of it and I will have no objection to the passage of the bill. I do not see the necessity for that, and it contemplates officers the need for whom I am not able to see from the report.

Mr. HANSBROUGH. This is a Senate bill, and if it is amended now it probably will not pass during this session.

Mr. McMILLIN. You can send it back to the Senate and have it disposed of

Mr. GIFFORD. I hope the gentleman will not object to the port of delivery.

Mr. HANSBROUGH. Sioux Falls is a city of 20,000 inhabitants. I hope the gentleman will not object to the establishment of a port of delivery.

Mr. McMILLIN. As there seems to be no other in either of the States, I shall make no objection. I shall not object to each State having one.

Mr. HANSBROUGH. There is great necessity in Sioux Falls for the establishing of a port of delivery. The gentleman from Tennessee withdraws his objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

Mr. HANSBROUGH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FORT RANDALL MILITARY RESERVATION, SOUTH DAKOTA.

Mr. PAYSON. Mr. Speaker, I present a report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation, in South Dakota, 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 with an amendment as follows:

Amend the title so as to read: "An act opening to settlement a portion of the Fort Randall military reservation, in South Dakota, and to dispose of the Sisseton military reservation;" and the Senate agree to the same.

L. E. PAYSON,
E. J. TURNER,
W. S. HOLMAN,
Managers on the part of the House.

P. B. PLUMB,
A. S. PADDOCK,
S. PASCO,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House submit the following explanation of the report of the committee of conference on House bill 789, opening to settlement a portion of the Fort Randall military reservation, in South Dakota:

The Senate amended the bill by adding thereto sections 2, 3, and 4.

Section 2 provides for the survey of the abandoned Fort Sisseton military reservation, in South Dakota.

Section 3 grants to the State of South Dakota one section of land of the said Fort Sisseton military reservation, upon which the buildings used in connection with said fort are situated, to be used by said State as a permanent camp and parade ground for the militia of said State, the title to said grounds to revert to the United States whenever they cease to be used by said State for such purpose.

Section 4 grants to said State of South Dakota the remaining portion of said reservation as a part of the lands granted to said State under the provision of the act admitting said State into the Union.

L. E. PAYSON,
E. S. TURNER,
W. S. HOLMAN,
Managers on the part of the House.

The report was adopted.

Mr. PAYSON. I have another privileged report that I desire to present.

The Clerk read as follows:

A bill (H. R. 7254) to repeal the timber-culture laws, and for other purposes.

Mr. PAYSON. Read the report.

The Clerk read as follows:

Your committee have had under consideration House bill No. 7254, to repeal the timber-culture law, and for other purposes, and recommend that the House non-concur in all Senate amendments and agree to a conference.

Mr. PAYSON. I ask that the House non-concur in the Senate amendments and agree to the conference asked for by the Senate.

Mr. ANDERSON, of Kansas. I would like to inquire of the gentleman whether it is intended to come to an agreement at this session.

Mr. PAYSON. I will say to the gentleman, if I may properly do so in advance, that unless the Senate recede from their entire amendment and pass the repeal of the timber-culture law as the House passed it, no agreement will be reached at this session.

The motion was agreed to.

The SPEAKER subsequently announced as conferees on the part of the House Mr. PAYSON, Mr. PICKLER, and Mr. HOLMAN.

AMENDMENT TO POSTAL LAWS.

Mr. STOCKBRIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11527) to amend chapter 1065 of the acts of the first session of the Fiftieth Congress.

The Clerk read as follows:

Be it enacted, etc., That chapter 1065 of the acts passed at the first session of the Fiftieth Congress be, and the same is hereby, amended as follows, namely: By inserting in line 19 of said act, between the words "new" and "registering," the words "or improved."

SEC. 2. That this act take effect from the date of its passage.

Mr. GROSVENOR. Mr. Speaker, a point of order on that bill.

Mr. STOCKBRIDGE. I will explain the effect of the act in a few words.

Mr. GROSVENOR. I want to make a point of order. I want to call the gentleman's attention to the form of the bill. I doubt whether this is a good amendment of an act passed by a former Congress, to attempt here to simply insert two or three words into a former act. I do not see how a court would be able to recognize the existence of a statute sought to be amended in that way.

Mr. STOCKBRIDGE. The act has become one of the Revised Statutes by its passage.

Mr. GROSVENOR. That is very true, but you only insert these words without stating how the act will read after it is amended. This would be proper as an amendment to a pending bill, but I do not believe you can amend an act passed by a former Congress in that way.

Mr. CUTCHEON. You ought to recite the section as it will read after it is amended.

Mr. GROSVENOR. I think you ought to redraught the section.

Mr. STOCKBRIDGE. Does the gentleman make that point of order?

The SPEAKER. The Chair does not think that is a point of order.

Mr. GROSVENOR. I do not know that it is, but I call the gentleman's attention to it.

Mr. FARQUHAR. That is a point of law rather than a point of order.

Mr. STOCKBRIDGE. The effect of this act, I will say for the information of the House, is this: The act referred to was passed in the Fiftieth Congress, looking to the providing of new locks for registered mail pouches, in order to secure the greatest safety for them. By the terms of the act the Department construed that they are only authorized to accept locks which are not new merely in fact, but new in mechanical design.

As a matter of fact the Department has advertised, but has accepted no new lock, because none was presented which was believed to be superior to the existing lock. The effect of this amendment would be, in case any improvements are made on the existing lock, that a readvertisement should be made, which would leave the matter open for any new lock manufactured.

Mr. HOLMAN. Is it recommended by the Postmaster-General?

Mr. STOCKBRIDGE. That is recommended by the Post-Office Department.

Mr. BINGHAM. It simply makes available an appropriation already made by Congress.

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none. The question is on ordering the bill to be engrossed for a third reading.

Mr. McMILLIN. Before it goes to that, Mr. Speaker, I did not understand the gentleman to say whether it was recommended by the Postmaster-General or not.

Mr. STOCKBRIDGE. It is; and it is also reported favorably by the committee.

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

Mr. STOCKBRIDGE 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.

LEAVE TO SIT DURING VACATION.

The SPEAKER laid before the House (on behalf of Mr. CANNON) the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Appropriations, or such subcommittee as they may designate, are hereby authorized to sit during the vacation for the purpose of considering and facilitating the business of the committee in advance of the next regular session, to be convened at such time as the chairman of said committee may order.

LEAVE TO PRINT.

The SPEAKER also laid before the House (on behalf of Mr. MORRILL) the following resolution; which was read, considered, and agreed to:

Resolved, That 25 copies of the testimony taken by the special committee to investigate charges against the Commissioner of Pensions be ordered to be printed for the use of the committee.

JAMES M. LOWRY.

Mr. CLEMENTS. I ask unanimous consent for the present consideration of the bill (H. R. 3449) for the relief of James M. Lowry.

The bill was read, as follows:

Be it enacted, etc., That the sum of $217.73 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to James M. Lowry, of Whitfield County, Georgia, the same being balance due him for services rendered as assistant marshal in the eleventh enumerators' district of East Tennessee in taking the Eighth Census of the United States.

The SPEAKER. The gentleman from Georgia presents the following amendment.

The Clerk read as follows:

Amend by striking out the words "of Whitfield County, Georgia."

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

Mr. KERR, of Iowa. I would like to hear a statement about the bill.

Mr. CLEMENTS. Mr. Speaker, this bill has been reported by the Committee on Claims in previous Congresses, and passed in the Forty-eighth Congress. It is simply a little balance. There was an appropriation made to pay all these claimants at one time in a lump sum; but the gentleman having this claim did not know of it until it was lapsed, and this is the only one of that class. I have a letter from the Department which explains it fully and shows that it was due and is unpaid.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON. I think we may as well have the regular order.

Several MEMBERS. Oh, no.

Mr. CANNON. I may as well withdraw it.

GRANT TO THE RIO GRANDE JUNCTION RAILWAY COMPANY.

Mr. TOWNSEND, of Colorado. I ask unanimous consent for the present consideration of the bill (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to convey in fee to the Rio Grande Junction Railway Company, for right of way and other necessary railroad purposes, a strip of land in Mesa County, State of Colorado, now held by the United States for school purposes in connection with Grand Junction Indian school, said land being described as follows: Beginning at a point on the Ute meridian 1,769.7 feet north of the southwest corner of section 18, township 1 south, of range 1 east of the Ute meridian; thence running northward along the said Ute meridian to the northwest corner of the southwest quarter of said section 18; thence easterly along the north line of the said southwest quarter of section 18 to the northeast corner of the said southwest quarter of section 18; thence in a southerly direction along the east line of the said southwest quarter of section 18 40 feet; thence in a straight line and in a southwesterly direction to the place of beginning, not to exceed in the aggregate 26 3 acres: *Provided*, That the said railway company shall first convey or cause to be conveyed to the United States in fee, which conveyance shall be satisfactory to the Attorney-General of the United States, the following-described land, in lieu of the land to be conveyed to the said company as herein provided: Commencing at the southeast corner of the southwest quarter of section 18, township 1 south, of range 1 east of the Ute meridian; thence running east along the south line of said section 18 70 rods; thence north 80 rods, more or less, to the north line of the southwest quarter of the southeast quarter of said section 18; thence west 70 rods to the east line of the southwest quarter of said section 18; thence south 80 rods, more or less, to the place of beginning; being the west 35 acres of the south half of the southeast quarter of section 18, township 1 south, of range 1 east of the Ute meridian, together with water rights appurtenant thereto, including 22 statute inches of water from the Mesa County ditch, for the irrigation of said land: *Provided further*, That the said railway company shall build and maintain a fence along the line of railway next to the school lands: *And provided also*, That the United States reserves the unrestricted right of way for irrigation purposes over said land to be conveyed to said company as herein provided.

Mr. HOLMAN. I hope the report will be read.

The report (by Mr. TOWNSEND, of Colorado) was read, as follows:

The Committee on the Public Lands, to whom was referred Senate bill 3938, having had the same under consideration, make the following report:

The bill was referred by the Committee on Public Lands of the Senate to the honorable Secretary of the Interior; and the letters of the Hon. T. J. Morgan, Commissioner of Indian Affairs, the Hon. Lewis A. Groff, Commissioner of the General Land Office, and the Hon. George Chandler, Acting Secretary of the Interior, are herewith attached as a part of this report, and it appears from said letters that they favor said bill with certain amendments. The amendments indicated were made by the Senate and your committee can see no objection to the bill, and therefore recommend that the same do pass as it comes from the Senate without amendment. The objects of said bill are set forth in the report of the Committee on Public Lands of the Senate, and the same is herewith made a part of this report.

The Senate report (by Mr. TELLER) is as follows:

The Committee on Public Lands, to whom was referred Senate bill 3938, having had the same under consideration, make the following report:

It appears to be necessary in the construction of the Rio Grande Junction Railway to cross the northwest corner of the quarter-section of land on which the Grand Junction Indian school, in the State of Colorado, is located. It is proposed by this bill to exchange the land that will be cut off by the line of such railway from the main part of said school farm for other lands adjoining the school farm, and that can be reached without crossing the proposed railway track.

For the 26.3 acres to be conveyed to the railway company the said railway company is to convey to the Government, for the use of said school, 35 acres of land which is doubtless of equal value per acre with the land to be conveyed to the said railway company. This exchange is approved by the Department, as will be seen by the following:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 30, 1890.

SIR: I have received by Department reference for report Senate bill No. 3938, to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States.

The bill authorizes the Secretary of the Interior to convey in fee to the said company a strip of land not to exceed 26.3 acres to be taken from the northern portion of the tract of ground belonging to the Grand Junction Indian school, upon the condition that the company shall first convey to the United States in fee a portion of land aggregating 35 acres adjoining the southeastern portion of the reservation, with the water rights thereto belonging.

It is further provided that the United States shall maintain the unrestricted right of way for irrigation purposes in the land proposed to be conveyed to the company, and that the line of railway next to the school lands shall be securely fenced by the company.

This bill was first referred to the General Land Office for report, but as the lands proposed to be conveyed by the Government are held for Indian school purposes, it was returned to the Department with the suggestion that a report should be made upon the matter by this office.

The Commissioner of the General Land Office in his letter herewith returned adds, however, the following information with regard to the land proposed to be conveyed to the Government by the company: 'Pre-emption cash entry No. 126, by George D. P. Whitson, made October 29, 1883, for the south half southeast quarter, section 18, and north half northeast quarter, section 19, township 1 south, range 1 east. Patent has not as yet issued upon said entry."

The matter of the proposed exchange of lands provided in the bill has been the subject of some correspondence between this office and the officials of the railway company, and also the superintendent of the Grand Junction Indian school, and after careful consideration I see no objection to the proposed exchange, provided the rights of the Government are fully protected.

I have the honor to submit for the consideration of the Department certain additions and amendments to the bill under consideration.

The description of the land proposed to be conveyed to the company by the Government is defective, and in line 12, after the word "one," the following words should be inserted: "south of range 1;" and after the word "east" the words "of the Ute meridian."

In view of the statement of the Commissioner of the General Land Office, that no patent has ever issued for the land proposed to be conveyed to the United States by the company, and in order that the Government may receive a perfect title in case the exchange is made, the following words should be inserted in line 23, after the word "deed:" "which conveyance shall be satisfactory to the United States Attorney-General."

In my opinion the Government should not be required to fence the lands proposed to be conveyed to it by the company, and it is therefore suggested that after the word "lands," in line 40, the following words be inserted: "and also the tract of land which shall be conveyed to the Government as herein provided."

The bill is herewith returned, and I have the honor to state that if it shall be amended as herein indicated I see no objection to its approval.

Very respectfully, your obedient servant,

T. J. MORGAN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 16, 1890.

SIR: I am in receipt, through reference for report, of Senate bill 3938, to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States.

The lands sought to be conveyed to said company by this bill appear to be now held by the United States for school purposes in connection with the Grand Junction Indian school.

From inquiry, it is learned that the deeds and other papers looking to the proposed transfer are all on file in the Indian Office, and it would seem that any report as to the advisability of the transfer should be made by said office.

I might add, however, that the records of this office show as follows, in relation to the tract offered by the company, described as "being the west 35 acres of the south half of the southwest quarter of section 18, township 1 south, of range 1 east of the Ute meridian."

Pre-emption cash entry No. 126, "Gunnison series," by George D. P. Whitson, made October 29, 1883, for the south one-half, southeast quarter, section 18, and north one-half northeast quarter, section 19, township 1 south, range 1 east.

Patent has not as yet issued upon said entry.

The bill is herewith returned.

Very respectfully,

LEWIS A. GROFF, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, July 2, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of S. 3938, "A bill to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States."

In response thereto I transmit herewith copies of communications from the Commissioner of the General Land Office and Commissioner of Indian Affairs, dated June 16 and June 30, respectively.

The report of the Commissioner of the General Land Office shows that a portion of the land sought to be conveyed by the railroad company is covered by cash entry 126, "Gunnison series," by George D. P. Whitson—not yet patented—but on informal inquiry at the Land Office I am advised that this case is before the "board of equitable adjudication" for confirmation.

The Commissioner of Indian Affairs sees no objection to the proposed exchange, provided the rights of the Government are fully protected. He has amended the bill so as to correct the description of the land, providing that the deed of conveyance to the United States shall be satisfactory to the Attorney-General, and for fencing the lands conveyed to the United States.

The bill as amended is herewith returned.

Very respectfully,

GEO. CHANDLER, *Acting Secretary.*

THE CHAIRMAN COMMITTEE ON PUBLIC LANDS,
United States Senate.

The committee recommend the following amendments, and that, as amended, it pass:

Amend Senate bill 3938 as follows:

In line 4, section 1, strike out the words "by patent."

In line 12, after the word "one," insert "south of range 1."

In said line 12, after the word "east," insert "of the Ute meridian."

In line 22, after the word "convey," insert "or cause to be conveyed."

In line 23, strike out the words "by deed" and insert "which conveyance shall be satisfactory to the Attorney-General of the United States."

In line 39, strike out the word "securely" and insert "build and maintain."

In line 41, strike out the word "maintain" and insert "reserve."

In line 42, strike out the word "in" and insert the word "over."

The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.

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

Mr. TOWNSEND, of Colorado, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER THE TENNESSEE RIVER.

Mr. ALLEN, of Mississippi. I ask unanimous consent for the present consideration of the bill (H. R. 10301) to extend the time for construction of bridge over the Tennessee River.

The bill was read at length for information.

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

Mr. KILGORE. I object.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I introduced that bill. It is simply an extension of the time. The charter has run out, and now they are ready to build the road. The bill is in regular form.

Mr. KILGORE. I object, Mr. Speaker.

Mr. McMILLIN. I think the bill is a proper one and should go through, and I hope that the gentleman will withdraw his objection.

The SPEAKER. Objection is made.

DANIEL W. PERKINS.

Mr. BLISS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8846) for the relief of Daniel W. Perkins.

The bill was read at length for information.

The SPEAKER. Is there objection to the consideration?

Mr. KILGORE. I object.

Mr. CANNON. Regular order.

STATISTICS OF INTERNAL COMMERCE.

Mr. STIVERS, from the Committee on Printing, reported back the joint resolution (S. R. 53) authorizing the printing of the annual report of the Chief of the Bureau of Statistics on internal commerce for 1889.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That there be printed 15,000 copies of the annual report of the Chief of the Bureau of Statistics for the year 1889; 5,000 copies for the use of the members of the Senate and 10,000 copies for the use of the members of the House of Representatives; and that the sum of $8,284.50, or so much of the same as may be necessary to defray the expenses of printing such report, be appropriated and paid out of the money in the Treasury not otherwise appropriated.

The joint resolution was ordered to a third reading.

The question was taken on the passage of the joint resolution.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 44, noes 4.

Mr. KILGORE. There is no quorum present to do business.

Mr. VAUX. Mr. Speaker, I move that the House do now adjourn. We can not do business without a quorum.

The SPEAKER. The motion to adjourn is not debatable. [Laughter.]

Mr. VAUX. I know it is not.

The motion to adjourn was rejected—ayes 44, noes 48.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, has it been determined that there is no quorum present? If it has, I move a call of the House.

The SPEAKER. The Chair thinks the gentleman from Texas [Mr. KILGORE] made the point of no quorum.

The SPEAKER counted the House and ascertained the presence of 97 members.

Mr. BUCHANAN, of New Jersey. I move a call of the House.

Mr. KERR, of Iowa. Pending that I move that the House adjourn.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote,

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

Joint resolution (S. R. 125) to extend the time of payment to settlers on the public lands in certain cases;

A bill (S. 125) for the relief of Reaney, Son & Archbold;

A bill (S. 270) for the relief of the assignees of John Roach, deceased;

A bill (S. 728) in recognition of the merits and services of Chief Engineer George Wallace Melville, United States Navy, and of the other officers and men of the Jeannette Arctic expedition;

A bill (S. 968) for the relief of Amos L. Allen, survivor of the firm of Larrabee & Allen;

A bill (S. 1857) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison and Valle;

A bill (S. 2212) relative to the Rancho Punta de la Laguna;

A bill (S. 2916) to remit the penalties on gunboat No. 2, known as the Petrel;

A bill (S. 3269) for the relief of the administratrix of the estate of George W. Lawrence;

A bill (S. 3532) granting a pension to Georgiana W. Vogdes;

A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein;

A bill (S. 3952) to authorize the construction of a bridge across the Alabama River, at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company;

A bill (S. 4021) to authorize the commissioners of the District of Columbia to annul and cancel the subdivision of part of square 112, known as Cooke Park;

A bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia;

A bill (S. 4221) to confirm certain sales of the Kansas trust and diminished reserve lands in the State of Kansas;

A bill (S. 4309) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes;

A bill (S. 4354) to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes;

A bill (S. 4395) to authorize the construction of a bridge across the Missouri River at some accessible point in Boone County, in the State of Missouri;

A bill (S. 4396) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri;

A bill (S. 4398) giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation;

A bill (S. 4403) to provide an American register for the steamer Joseph Oteri, Jr., of New Orleans, La.;

A bill (S. 4405) to authorize the construction of a bridge across the Missouri River at the most accessible point within 1 mile above or below the town of Quindaro, in the county of Wyandotte and State of Kansas; and

A bill (H. R. 11469) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes.

The House then (at 3 o'clock and 48 minutes p. m.) adjourned.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. OWENS, of Ohio (by request):

Resolved, That the commissioners of the District of Columbia be requested to inform the House of Representatives as speedily as possible whether the law requiring the capital stock of the street railroads in said District to be assessed at its fair cash value has been observed or not; to send forthwith certified copies of the annual return made under oath by the officers of said corporations as to the value of their stock and the assessment for the past five years; to inform the House of Representatives whether the president of the Washington and Georgetown Railroad Company has (or any other railroad company) been allowed to change the printed oath to his return, and, if so, why; to inform the House of Representatives whether the annual license tax of $6 for each street-car has been collected for the past fifteen years, and, if not, why; whether any taxes, and, if so, what, have been assessed and collected on the cars, horses, and other personal property of said corporations for the past twelve years, and, if not, why not; and to send a tabulated statement of the assessment and tax account with said roads for the past ten years;

to the Committee on the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 1677) granting a pension to John Speech, private Company B, One hundred and twenty-first United States Colored Infantry—to the Committee on Invalid Pensions.

A bill (S. 2047) granting a pension to Mrs. Esther J. Boone—to the Committee on Invalid Pensions.

A bill (S. 2761) granting a pension to Mrs. Sarah A. Aspold—to the Committee on Invalid Pensions.

A bill (S. 2808) for the relief of Amos Gilbert—to the Committee on Pensions.

A bill (S. 3258) granting a pension to Adaline L. Miller—to the Committee on Invalid Pensions.

A bill (S. 3438) for the relief of John K. Hummer—to the Committee on Invalid Pensions.

A bill (S. 3586) for the relief of Johanna Willoth—to the Committee on Invalid Pensions.

A bill (S. 4416) granting a pension to Thomas Richardson—to the Committee on Invalid Pensions.

A bill (S. 4341) granting a right of way across Fort Assinniboine military reservation to the Great Northern Railway—to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12120) to increase the pension of Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant-colonel and deputy paymaster-general, United States Army, accompanied by a report (No. 3228)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 11311) granting an increase of pension to Eugene A. Osborn, accompanied by a report (No. 3229)—to the Committee of the Whole House.

Mr. VAN SCHAICK, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 1265) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California, accompanied by a report (No. 3230)—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the Senate (S. 3829) for the relief of Charles W. Cronk, accompanied by a report (No. 3231)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 2357) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn, accompanied by a report (No. 3232)—to the Committee of the Whole House.

ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, on the bill (H. R. 10861) to amend section 3066 of the Revised Statutes of the United States, in relation to issue of warrants in certain cases. (Report No. 3233.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WALLACE, of New York: A bill (H. R. 12188) authorizing refund of duties on certain goods—to the Committee on Ways and Means.

By Mr. CUMMINGS: Joint resolution (H. Res. 234) to increase from 50 to 100 the number of copies of the eulogies on the late Samuel Sullivan Cox to be delivered to his widow—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. GREENHALGE (by request): A bill (H. R. 12189) for the relief and payment of certain moneys to the heirs and legal representatives of the late Jeremiah French—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 12190) for the relief of the attendants on the insane at Hospital for the Insane in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEEL: A bill (H. R. 12191) for the relief of the legal representatives of Calvin B. Cunningham—to the Committee on War Claims.

Also, a bill (H. R. 12192) for the relief of William D. McBride—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 12193) granting a pension to Benjamin F. Brown, of Kansas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12194) for the relief of Ephraim A. Brown, of Kansas—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 12195) to pension Hannah C. Reid—to the Committee on Invalid Pensions.

By Mr. WADDILL: A bill (H. R. 12196) for the relief of James T. Caldwell—to the Committee on War Claims.

Also, a bill (H. R. 12197) for the relief of George Munn, of the city of Manchester, in the State of Virginia—to the Committee on War Claims.

Also, a bill (H. R. 12198) for the relief of the estate of Alexander Myers, late of Henrico County, Virginia—to the Committee on War Claims.

Also, a bill (H. R. 12199) to relieve Peter Tresnon from the charge of desertion—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLISS: Petition of Charles Sumner Post Woman's Relief Corps, of Sumner, Mich., praying passage of a bill granting a pension to Anna Ella Carroll, an army nurse—to the Committee on Invalid Pensions.

By Mr. BUCKALEW: Petition of 128 citizens of Pennsylvania for the passage of a national Sunday-rest law—to the Committee on Labor.

By Mr. CARUTH: Petition of Business Men's Association and Exchange, of Syracuse, N. Y., in favor of placing mailing boxes at railroad stations—to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: Resolution of citizens meeting in Cooper Institute, New York, favoring the eight-hour law for postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOMAS: Petition and papers in claim of J. A. Romsburg—to the Committee on War Claims.

By Mr. PEEL: Petition of Mary Qualls, for property taken by Federal troops during the late war—to the Committee on War Claims.

Also, petition of William D. McBride, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

WEDNESDAY, *October* 1, 1890.

The Senate met at 12 o'clock m.

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

On motion of Mr. EDMUNDS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN. I ask the consent of the Senate to submit the following resolution:

Resolved, That a committee of two Senators be appointed on the part of the Senate to join such committee as may be appointed by the House of Representatives to wait on the President of the United States and inform him that unless he may have any further communication to make, the two Houses are now ready to adjourn.

I ask for the present consideration of the resolution.

Mr. BLAIR. I desire before any adjournment to call up the labor bill which is now the unfinished business, and to ask action upon it. I should not like to have any resolution passed which would at all interfere with the disposition of that measure.

Mr. SHERMAN. This is simply a formal resolution to call on the President to ascertain whether he has any further communication to make. It will not interfere with the bill the Senator has in charge.

Mr. BLAIR. But it also contains a statement that the Senate is ready to adjourn if the President has nothing further to communicate. I insist that the Senate shall consider the labor bill, and I shall, as soon as the proper moment arrives, move to proceed to its consideration.

The VICE-PRESIDENT. Does the Chair understand the Senator from New Hampshire to object to the present consideration of the resolution?

Mr. BLAIR. I object to its consideration if it is to interfere at all with the consideration of the labor bill.

Mr. SHERMAN. It will not interfere with it.

Mr. EDMUNDS. It will not interfere with the motion the Senator designs to make.

Mr. SHERMAN. It is the ordinary courteous message to the President.

Mr. BLAIR. I know it is quite ordinary, but it concludes with an intimation that the Senate is ready to adjourn.

The VICE-PRESIDENT. Does the Senator from New Hampshire object to the present consideration of the resolution?