

SENATE.

FRIDAY, March 21, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

AID TO COMMON SCHOOLS—PERSONAL EXPLANATION.

Mr. RANSOM. I notice from the papers this morning that there is some confusion with reference to my pair on what is known as the Blair educational bill, which was voted upon yesterday. I desire to state that I should have voted for the bill and the Senator from North Dakota [Mr. CASEY], with whom I paired, would have voted against the bill, if we had been present.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Journeymen Bakers and Confectioners' International Union of America, remonstrating against the ratification of the extradition treaty with Russia; which was referred to the Committee on Foreign Relations.

He also presented a petition of Right Reverend John J. Keane, rector of the Catholic University of America, praying for the passage of the bill to extend the line of the Eckington and Soldiers' Home Railroad; which was ordered to lie on the table.

Mr. VEST presented a petition of citizens and residents of the city of St. Louis, Mo., praying that the right to labor on public Government works and Government buildings be confined to citizens of the United States; which was referred to the Committee on Education and Labor.

Mr. SPOONER. I present resolutions adopted by William Evans Post, No. 58, Grand Army of the Republic, of Menominee, Wis., declaring that the Grand Army of the Republic in that State is in favor of the dependent-pension bill, and praying that it be passed. I move that the resolutions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DAVIS presented a memorial of members of the North American Turnerbund residing in Minnesota, remonstrating against any alterations of the immigration and naturalization laws; which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Board of Trade of St. Paul, Minn., favoring the establishment of a navy-yard at New Orleans, La.; which was referred to the Committee on Naval Affairs.

He also presented resolutions adopted by Baxter Post, No. 158, Grand Army of the Republic, Department of Minnesota, favoring the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented resolutions adopted by Wilkins Post, No. 19, Grand Army of the Republic, Department of Minnesota, favoring the legislation recommended by the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented a petition of the Bar Association of Polk County, Minnesota, praying for the passage of the bill dividing the district of Minnesota into two divisions, with terms of court to be held in each; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for legislation to prohibit fictitious transactions in farm products; which was referred to the Committee on Agriculture and Forestry.

Mr. FARWELL. I present a petition of citizens of Belleville, Ill., praying for such amendment of the laws in regard to the erection and construction of United States public buildings that aliens shall not be employed thereon; and I move that it be referred to the Committee on Education and Labor.

The VICE-PRESIDENT. The Chair will state for the information of the Senate that petitions of a character similar to the one presented by the Senator from Illinois have been referred to three different committees, as the Chair is advised, the Committee on Foreign Relations, the Committee on Education and Labor, and the Committee on the Judiciary. What is the pleasure of the Senate?

Mr. EDMUNDS. For the object the petitioners have in view I think that is a very wise course to take, because, speaking as a fisherman, if I fish in three different streams I am more apt to catch something than if I fish in only one. [Laughter.] But I think, really, leaving the amusement of it apart, that the Committee on Education and Labor is the best one to consider those petitions; and when I get time I shall ask the Committee on the Judiciary to report back for reference to that committee the petitions that have gone to the Judiciary Committee.

The VICE-PRESIDENT. The petition will be referred to the Committee on Education and Labor.

Mr. CULQUITT presented a petition of 22 granges of Patrons of Husbandry in the State of California, praying for the removal of the duty on jute and jute bagging and grain bags; which was referred to the Committee on Finance.

Mr. HARRIS presented a memorial of the Farmers' Exchange of Memphis, Tenn., remonstrating against the levying of a tax on compound lard, because it is practically a tax upon cotton-seed; which was referred to the Committee on Agriculture and Forestry.

Mr. WASHBURN presented memorials of the Single Tax League of Minneapolis, Minn., remonstrating against the passage of Senate bill No. 2, providing for the making and altering of regulations as to the times, places, and manner of holding elections for Representatives in Congress; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the Society of Friends, of Minneapolis, Minn., remonstrating against the expenditure of money for the Navy and so-called coast defenses; which was referred to the Committee on Naval Affairs.

Mr. SHERMAN presented a petition of Subordinate Union No. 23, Warren, Ohio, Masons' International Union of America; a petition of Subordinate Union No. 20, of Tiffin, Ohio, Masons' International Union of America; a petition of Subordinate Union No. 3, of Toledo, Ohio, Masons' International Union of America, and a petition of Subordinate Union No. 25, of Springfield, Ohio, Masons' International Union of America, praying that none but citizens of the United States be employed on Government works; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Monthly Meeting of Friends, of Clinton County, Ohio, remonstrating against large expenditures for the Navy and coast defenses; which was referred to the Committee on Naval Affairs.

Mr. ALLISON presented a petition of 94 citizens of Woodward and vicinity, in the State of Iowa, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented a resolution adopted by the Farmers and Bee-Keepers' Association of Newaygo County, Michigan, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition, purporting to contain 500 names of individual signers, citizens of Indiana, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 1 of the Bricklayers and Masons' International Union of America, of Evansville, Ind., praying for the consideration of legislation discriminating in favor of Americans against aliens as employed on the public works of the Government; which was referred to the Committee on Education and Labor.

Mr. MANDERSON. I present a large number of petitions from different sections of the State of Nebraska, very numerous signed, praying for the free and unlimited coinage of silver. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to; and the petitions were referred to the Committee on Finance, as follows:

- A petition of 32 citizens of Nebraska;
- A petition of 3 citizens of Saunders County, Nebraska;
- A petition of 10 citizens of Nebraska;
- A petition of 68 citizens of Nebraska;
- A petition of 7 citizens of Nebraska;
- A petition of 16 citizens of Nebraska;
- A petition of 26 citizens of Nebraska;
- A petition of 53 citizens of Nebraska;
- A petition of 67 citizens of Nebraska;
- A petition of 47 citizens of Nebraska; and
- A petition of 23 citizens of Nebraska.

Mr. MANDERSON presented a petition of McConihie Post, No. 45, Grand Army of the Republic, of Nebraska, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of citizens of Nebraska, remonstrating against an extension of time within which the Pacific railways shall pay their indebtedness to the Government; which was ordered to lie on the table.

Mr. TELLER presented two petitions of citizens of Boulder, Colo., praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. HOAR presented a petition of citizens of Waltham, Mass., praying for the amendment of certain laws of the United States in regard to work on public buildings; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Massachusetts, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented sundry petitions of citizens of Macoupin, Moultrie, and Montgomery Counties, in the State of Illinois, praying that the law of the State of Illinois and the United States law in relation to the transmission through the mails of obscene matter be harmonized; which were referred to the Committee on Post-Offices and Post-Roads.

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. 15) to pension Julia Fleming; and

A bill (H. R. 16) to pension Hiram Wilbur.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3180) for the relief of John M. Robinson, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1988) to establish a hospital and home for inebriates and dipsomaniacs in the District of Columbia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3115) to punish the unlawful appropriation of the use of the property of another in the District of Columbia, reported it without amendment.

Mr. PLUMB. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 117) authorizing the appointment of thirty medical examiners for the Bureau of Pensions, fixing their salaries, and appropriating money to pay the same to June 30, 1890, to report it without amendment.

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

Mr. PLUMB. I give notice that to-morrow, at the conclusion of the formal morning business, I shall ask the Senate to proceed to the consideration of the joint resolution which I have just reported.

Mr. COCKRELL. I desire to state that that is not a unanimous report by any means, and that a motion will be made when the joint resolution comes up to strike out the words providing that the examination for the appointment of these medical examiners shall be in the discretion and under the direction of the Secretary of the Interior. I give notice that I shall move to strike that out and subject these gentlemen to examination and appointment under the civil-service law and regulations to which the Republican party is solemnly pledged.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 249) providing for the completion of the public building in the city of Pensacola, Fla., as originally designed, reported it with an amendment, and submitted a report thereon.

FORT ABRAHAM LINCOLN, NORTH DAKOTA.

Mr. PIERCE. I ask that the action by which the bill (S. 1406) making appropriation for extending and repairing the military quarters at Fort Abraham Lincoln, North Dakota, was indefinitely postponed yesterday be reconsidered, and the bill placed on the Calendar.

The VICE-PRESIDENT. That order will be made if there be no objection. The Chair hears none and it is so ordered.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3209) providing for the extension of the coal laws of the United States to the district of Alaska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FARWELL introduced a bill (S. 3210) granting an increase of pension to George W. Shears; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3211) for the relief of Carl F. Kolbe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3212) for the relief of Jacob Barr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 3213) to make the Commissioner of Fish and Fisheries an officer of the Department of Agriculture, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3214) granting a pension to Mary S. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3215) to remove the charge of desertion from the military record of De Witt C. Hood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MOODY. My colleague [Mr. PETTIGREW] has prepared two bills, but he is necessarily absent now on account of his position as a member of the Committee on Immigration. At his request I introduce the bills for proper reference.

The bill (S. 3216) to ratify and confirm an agreement with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, and for other purposes was read twice by its title, and referred to the Committee on Indian Affairs; and

The bill (S. 3217) to authorize the Pierre and Fort Pierre Ponton Bridge Company to construct a ponton bridge across the Missouri River at Pierre, S. Dak., was read twice by its title, and referred to the Committee on Commerce.

Mr. COKE introduced a bill (S. 3218) for the relief of Adams & Wickes; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARBOUR (by request) introduced a bill (S. 3219) to authorize the Washington and Western Railroad Company of Virginia to extend its line into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3220) increasing the pension of Isaiah Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3221) granting a pension to Kate M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3222) granting a pension to Jared D. Wheelock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3223) for the relief of C. T. Trowbridge, George D. Walker, and John A. Trowbridge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3224) granting a pension to Robert A. Stuart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3225) to amend an act relating to the importing and landing of mackerel, etc., approved February 23, 1887; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Fisheries.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHEESON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 5751) to increase the pension of Isaac Endaly;

A bill (S. 140) to prevent the introduction of contagious diseases from one State to another and for the punishment of certain offenses;

A bill (H. R. 3592) granting a pension to Mrs. Anna Butterfield;

A bill (H. R. 417) for the erection of a public building at Houlton, Me.; and

A bill (S. 1332) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs.

TRUSTS AND COMBINATIONS.

The VICE-PRESIDENT. Is there further morning business? Mr. SHERMAN. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production. It is really the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHERMAN. I ask that the bill be read.

The VICE-PRESIDENT. The bill will be read at length.

The Chief Clerk read the bill.

Mr. SHERMAN. I will state that upon further consideration the Committee on Finance have reported a substitute for the bill, which I ask to be read.

The VICE-PRESIDENT. The substitute proposed by the Committee on Finance will be read.

The CHIEF CLERK. The Committee on Finance report to strike out all after the enacting clause of the bill and to insert:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void. And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

SEC. 2. That any person or corporation injured or damaged by such arrangement, contract, agreement, trust, or combination defined in the first section of this act may sue for and recover, in any court of the United States of competent jurisdiction, without respect to the amount involved, of any person or corporation a party to a combination described in the first section of this act, twice the amount of damages sustained and the costs of the suit, together with a reasonable attorney's fee.

Mr. REAGAN. If the Senator from Ohio will permit me and if it is the proper time now, I wish to present for consideration the amendment that I submitted on a former day.

Mr. SHERMAN. It would not now be in order. An amendment is pending.

Mr. REAGAN. It is an amendment in the second degree, and I believe that is allowable under the rules.

Mr. SHERMAN. If the Senator prefers to offer it now, very well.

Mr. REAGAN. I desire to do so now because I do not wish to be cut out by some other amendment coming in ahead.

Mr. SHERMAN. Very well; offer it now and let it be pending.

Mr. REAGAN. I offer it now, not to interfere with the Senator from Ohio at all.

Mr. PLATT and Mr. ALLISON. Let it be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas [Mr. REAGAN] will be read.

The CHIEF CLERK. It is proposed to substitute for the amendment reported by the Committee on Finance the following:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000, or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

SEC. 2. That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them for either, any, or all of the following purposes:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make or enter into or execute or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall, in any manner, establish or settle the price of any article, commodity, or transportation between themselves or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may, in any manner, be so affected.

SEC. 3. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Texas to the amendment reported from the Committee on Finance.

Mr. SHERMAN. Mr. President, I did not originally intend to make any extended argument on this trust bill, because I supposed that the public facts upon which it is founded and the general necessity of some legislation were so manifest that no debate was necessary to bring those facts to the attention of the Senate.

But the different views taken by Senators in regard to the legal questions involved in the bill and the very able speech made by the Senator from Mississippi [Mr. GEORGE] relative to the details of the bill led me to the conclusion that it was my duty, having reported the bill from the Committee on Finance, to present in as clear and logical a way as I can the legal and practical questions involved in the bill.

Mr. President, the object of this bill, as shown by the title, is "to declare unlawful trusts and combinations in restraint of trade and production." It declares that certain contracts are against public policy, null and void. It does not announce a new principle of law, but applies old and well recognized principles of the common law to the complicated jurisdiction of our State and Federal Government. Similar contracts in any State in the Union are now, by common or statute law, null and void. Each State can and does prevent and control combinations within the limit of the State. This we do not propose to interfere with. The power of the State courts has been repeatedly exercised to set aside such combinations as I shall hereafter show, but these courts are limited in their jurisdiction to the State, and, in our complex system of government, are admitted to be unable to deal with the great evil that now threatens us.

Unlawful combinations, unlawful at common law, now extend to all the States and interfere with our foreign and domestic commerce and with the importation and sale of goods subject to duty under the laws of the United States, against which only the General Government can secure relief. They not only affect our commerce with foreign nations, but trade and transportation among the several States. The purpose of this bill is to enable the courts of the United States to apply the same remedies against combinations which injuriously affect the interests of the United States that have been applied in the several States to protect local interests.

The first section declares:

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states or citizens or corporations thereof, made with a view, or which tend, to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States; or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States, into or within any other State or Territory of the United States; and all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such article, are hereby declared to be against public policy, unlawful, and void. And the circuit courts of the United States shall have original jurisdiction in all suits of a civil nature at common law or in equity arising under this

section, and to issue all remedial process, orders, or writs, proper and necessary to enforce its provisions, and the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

This section will enable the courts of the United States to restrain, limit, and control such combinations as interfere injuriously with our foreign and interstate commerce, to the same extent that the State courts habitually control such combinations as interfere with the commerce of a State.

The question has arisen whether express jurisdiction should be conferred on the circuit courts of the United States to enforce this section, with authority to issue the ordinary remedial process of courts of law and equity, or whether such power is already sufficiently contained in the several acts organizing the courts of the United States. The third article of the Constitution vests the judicial power of the United States in one Supreme Court and in such inferior courts as Congress may ordain and establish.

The judiciary act of 1789 defines the jurisdiction of the several courts, and, by separate acts, this jurisdiction has been, from time to time, extended to new subjects of legislation. The committee therefore deemed it proper by express legislation to confer on the circuit courts of the United States original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, with authority to issue all remedial process or writs proper and necessary to enforce its provisions, and to require the Attorney-General and the several district attorneys, in the name of the United States, to commence and prosecute all such suits to final judgment and execution.

The second section of the bill provides that any person or corporation injured or damaged by such a combination may sue for and recover in any court of the United States of competent jurisdiction, of any person or corporation a party to such a combination, all damages sustained by him. The measure of damages, whether merely compensatory, putative, or vindictive, is a matter of detail depending upon the judgment of Congress. My own opinion is that the damages should be commensurate with the difficulty of maintaining a private suit against a combination such as is described.

These two sections are distinct and different in their scope and object. The first invokes the power of the National Government, in proper cases, to restrain such a combination, by mandatory proceedings, from interfering with the trade and commerce of the country, and the second section is to give to private parties a remedy for personal injury caused by such a combination.

A third section was added when the bill was first reported by the Committee on Finance which declares that all persons entering into such a combination, either on his own account or as an attorney for another or as an officer, attorney, or as a trustee or in any capacity whatever, shall be guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, in the discretion of the court.

The amendments, then, proposed by the Committee on Finance to the first section would be proper amendments to the third section, but not to the first, where they have no proper place. The first section, being a remedial statute, would be construed liberally, with a view to promote its object. It defines a civil remedy, and the courts will construe it liberally; they will prescribe the precise limits of the constitutional power of the Government; they will distinguish between lawful combinations in aid of production and unlawful combinations to prevent competition and in restraint of trade; they can operate on corporations by restraining orders and rules; they can declare the particular combination null and void and deal with it according to the nature and extent of the injuries.

In providing a remedy the intention of the combination is immaterial. The intention of a corporation can not be proven. If the natural effects of its acts are injurious, if they tend to produce evil results, if their policy is denounced by the law as against the common good, it may be restrained, be punished with a penalty or with damages, and in a proper case it may be deprived of its corporate powers and franchises. It is the tendency of a corporation, and not its intention, that the courts can deal with. Therefore the amendments first reported to the first section are not in the substitute.

The third section is a criminal statute, which would be construed strictly and is difficult to be enforced. In the present state of the law it is impossible to describe, in precise language, the nature and limits of the offense in terms specific enough for an indictment. This section is applicable only to individuals.

A corporation can not be indicted or punished except through civil process. The criminal law can only reach officers or agents employed by the corporation. Whether this law should extend to mere clerks, as was proposed in the third section, is a matter of grave doubt. The business conducted by them may be innocent and lawful, and they should not be punished or threatened for the offenses of others. I am, therefore, clearly of the opinion that at present at least it is not wise to include this section in this bill. Such penalties may come later when the limits of the power of Congress over the subject-matter shall be defined by the courts.

It is sometimes said that without this section the law would be nugatory. I do not think so. The powers granted by the first section are ample to check and prevent the great body of illegal combinations that

may be made; but, if not, it is easy enough hereafter to provide a suitable punishment for a violation of this statute. But if the criminal section is retained the amendments first proposed by the Committee on Finance should apply only to that section, and not to the civil section. Every corporation engaged in business must be responsible for the tendency of its business, whether lawful or unlawful, but individuals can only be punished for criminal intentions. To require the intentions of a corporation to be proven is to impose an impossible condition and would defeat the object of the law. To restrain and prevent the illegal tendency of a corporation is the proper duty of a court of equity. To punish the criminal intention of an officer is a much more difficult process and might be well left to the future.

This bill, as I would have it, has for its single object to invoke the aid of the courts of the United States to deal with the combinations described in the first section when they affect injuriously our foreign and interstate commerce and our revenue laws, and in this way to supplement the enforcement of the established rules of the common and statute law by the courts of the several States in dealing with combinations that affect injuriously the industrial liberty of the citizens of these States. It is to arm the Federal courts within the limits of their constitutional power that they may co-operate with the State courts in checking, curbing, and controlling the most dangerous combinations that now threaten the business, property, and trade of the people of the United States. And for one I do not intend to be turned from this course by fine-spun constitutional quibbles or by the plausible pretenses of associated or corporate wealth and power.

It is said that this bill will interfere with lawful trade, with the customary business of life. I deny it. It aims only at unlawful combinations. It does not in the least affect combinations in aid of production where there is free and fair competition. It is the right of every man to work, labor, and produce in any lawful vocation and to transport his production on equal terms and conditions and under like circumstances. This is industrial liberty and lies at the foundation of the equality of all rights and privileges.

The right to combine the capital and labor of two or more persons in a given pursuit with a community of profit and loss under the name of a partnership is open to all and is not an infringement of industrial liberty, but is an aid to production. The law of partnership clearly defines what is a lawful and what is an unlawful partnership. The same business is open to every other partnership, and, while it is a combination, it does not in the slightest degree prevent competition.

The combination of labor and capital in the form of a corporation to carry on any lawful business is a proper and useful expedient, especially for great enterprises of a quasi public character, and ought to be encouraged and protected as tending to cheapen the cost of production, but these corporate rights should be open to all upon the same terms and conditions. Such corporations, being mere creatures of law, can only exercise the powers specially granted and defined. Experience has shown that they are the most useful agencies of modern civilization. They have enabled individuals to unite to undertake great enterprises only attempted in former times by powerful governments. The good results of corporate power are shown in the vast development of our railroads and the enormous increase of business and production of all kinds.

When corporations unite merely to extend their business, as connecting lines of railway without interfering with competing lines, they are proper and lawful. Corporations tend to cheapen transportation, lessen the cost of production, and bring within the reach of millions comforts and luxuries formerly enjoyed by thousands. Formerly corporations were special grants to favored companies, but now the principle is generally adopted that no private corporation shall be created with exclusive rights or privileges. The corporate rights granted to one are open to all. In this way more than three thousand national banks have been formed with the same rights and privileges, and the business is open to all competitors. In most of the States general railroad laws provide the terms on which all railroads may be built, with like rights and privileges. Corporate rights open to all are not in any sense a monopoly, but tend to promote free competition of all on the same conditions. They are mere creatures of the law, to exercise only well defined powers, and are not in any way interfered with by this bill.

This bill does not seek to cripple combinations of capital and labor, the formation of partnerships or of corporations, but only to prevent and control combinations made with a view to prevent competition, or for the restraint of trade, or to increase the profits of the producer at the cost of the consumer. It is the unlawful combination, tested by the rules of common law and human experience, that is aimed at by this bill, and not the lawful and useful combination. Unlawful combinations made by individuals are declared by the several States to be against public policy and void, and in proper cases they may be punished as criminals. If their business is lawful they can combine in any way and enjoy the advantage of their united skill and capital, provided they do not combine to prevent competition. A limited monopoly secured by a patent right is an admitted exception, for this is the only way by which an inventor can be paid for his invention.

Any other attempt by individuals to secure a monopoly should be subject to the same law of restraint applied to partnerships and cor-

porations. A partnership is unlawful when its business tends to restrain trade, to deal in forbidden productions, or to encourage immoral and injurious pursuits, such as lotteries and the like; but if its business is lawful and open to competition with others with like skill and capital, it can not be dangerous. A corporation may be, and usually is, a more powerful and useful combination than a partnership. It is an artificial person without fear of death, without a soul to save or body to punish; but if other corporations can be formed on equal terms a monopoly is impossible. If it becomes powerful enough to exercise an undue influence in one State it is met by free competition with producers in all the other States in the Union and by importation from all the world, subject only to such duties as the public necessities demand.

Mr. President, I have thus far confined my argument to the statement of what this bill does not do; that is, it does not interfere with any lawful business in the United States, whether conducted by a corporation, or a partnership, or an individual. It deals only with unlawful combinations, unlawful by the code of any law of any civilized nation of ancient or modern times.

But associated enterprise and capital are not satisfied with partnerships and corporations competing with each other, and have invented a new form of combination commonly called trusts, that seeks to avoid competition by combining the controlling corporations, partnerships, and individuals engaged in the same business, and placing the power and property of the combination under the government of a few individuals, and often under the control of a single man called a trustee, a chairman, or a president.

The sole object of such a combination is to make competition impossible. It can control the market, raise or lower prices, as will best promote its selfish interests, reduce prices in a particular locality and break down competition and advance prices at will where competition does not exist. Its governing motive is to increase the profits of the parties composing it. The law of selfishness, uncontrolled by competition, compels it to disregard the interest of the consumer. It dictates terms to transportation companies, it commands the price of labor without fear of strikes, for in its field it allows no competitors. Such a combination is far more dangerous than any heretofore invented, and, when it embraces the great body of all the corporations engaged in a particular industry in all of the States of the Union, it tends to advance the price to the consumer of any article produced, it is a substantial monopoly injurious to the public, and, by the rule of both the common and the civil law, is null and void and the just subject of restraint by the courts, of forfeiture of corporate rights and privileges, and in some cases should be denounced as a crime, and the individuals engaged in it should be punished as criminals. It is this kind of a combination we have to deal with now.

If the concentrated powers of this combination are intrusted to a single man, it is a kingly prerogative, inconsistent with our form of government, and should be subject to the strong resistance of the State and national authorities. If anything is wrong this is wrong. If we will not endure a king as a political power we should not endure a king over the production, transportation, and sale of any of the necessities of life. If we would not submit to an emperor we should not submit to an autocrat of trade, with power to prevent competition and to fix the price of any commodity. If the combination is confined to a State the State should apply the remedy; if it is interstate and controls any production in many States, Congress must apply the remedy. If the combination is aided by our tariff laws they should be promptly changed, and, if necessary, equal competition with all the world should be invited in the monopolized article. If the combination affects interstate transportation or is aided in any way by a transportation company, it falls clearly within the power of Congress, and the remedy should be aimed at the corporations embraced in it, and should be swift and sure.

Do I exaggerate the evil we have to deal with? I do not think so. I do not wish to single out any particular trust or combination. It is not a particular trust, but the system I am at. I will only cite a very few instances of combinations that have been the subject of judicial or legislative inquiry, to show what has been and what can be done by them.

I quote from the opinion of Judge Baxter, in the case of *Handy et al., trustees, vs. Cleveland and Marietta Railroad Company*, Federal Reporter, volume 31, pages 689 to 693, inclusive, where it appears, to quote the exact language of the learned judge:

That the Standard Oil Company and George Rice were competitors in the business of refining oil; that each obtained supplies in the neighborhood of Macksburgh, a station of said railroad, from whence the same was carried to Marietta or Cleveland, and that for this service both were equally dependent upon the railroad, then in the hands of the receiver.

It further appears that the Standard Oil Company desired to "crush" Rice and his business, and that under a threat of building a pipe for the conveyance of its oil and withdrawing its patronage from the receiver, O'Day, one of its agents, "compelled" Terry, who was acting for and on behalf of the receiver, to carry its oil at 10 cents per barrel and charge Rice 35 cents per barrel for a like service, and pay the Standard Oil Company 25 cents out of the 35 cents thus exacted from Rice, "making" in the judgment of the receiver, "\$25 per day clear money" for it (the Standard Oil Company) "on Rice's oil alone."

It also appears in an equity suit in which the Commonwealth of Pennsylvania was complainant and the Pennsylvania Railroad Company was

defendant, filed in the supreme court of Pennsylvania for the western district, in the year 1879, and where A. J. Cassatt, then third vice-president in charge of the transportation department of the Pennsylvania Railroad Company, testified that the Standard Oil Company were receiving over and above current drawbacks the following rebates and allowances, namely:

Forty-nine cents per barrel on crude oil from the Bradford oil region to tide water; 51½ cents per barrel on crude oil from the lower oil region to tide water; and 64½ cents on refined oil from Cleveland to tide water.

In the year 1878 the railroad shipments of oil had reached 13,700,000 barrels. Assuming 80 per cent. of this to be the traffic of the Standard Oil Company and that but 50 cents per barrel rebate was paid by the railroad companies, the annual illegal receipts by the Standard Oil Company would have been \$5,480,000, not including the receipts of the American Transfer Company from such traffic as was not embraced within the 80 per cent. of the Standard Oil Company.

Another case of unlawful combination was the case of David M. Richardson vs. Russell A. Alger *et al.*, recently decided in the supreme court of the State of Michigan. I have the opinion by the chief-justice which sufficiently states the nature of the combination and the view taken of it by that court. This is quite a leading case. In order that I may not do injustice to any one I will lay before the Senate the judgment of the court in full, as expressed by the judges of the supreme court of Michigan:

Supreme court of the State of Michigan.

[David M. Richardson vs. Russell A. Alger *et al.* Filed November 15, 1889.]

SHERWOOD, C. J. I think no one can read the contract in question and fail to discover that considerations of public policy are largely involved. The intention of the agreement is to aid in securing the objects sought to be attained in the formation and organization of the Diamond Match Company. This object is openly and boldly avowed. Not only does this appear in its organization and in the business it proposes to conduct and in the modes and manner of carrying it on, but the testimony of General Alger himself avers it and settles its character beyond question. The organization is a manufacturing company. The business in which it is engaged is making friction matches. Its articles provide for the aggregation of an enormous amount of capital, sufficient to buy up and absorb all of that kind of business done in the United States and Canada, and to prevent any other person or corporation from engaging in or carrying on the same, thereby preventing all competition in the sale of the articles manufactured.

This is the mode of conducting the business and the manner of carrying it on. The sole object of the corporation is to make money by having it in its power to raise the price of the article or diminish the quantity to be made and used at its pleasure.

Thus, both the supply of the article and the price thereof are made to depend upon the action of a half-dozen individuals, more or less, to satisfy their cupidity and avarice, who may happen to have the controlling interest in this corporation—an artificial person—governed by a single motive or purpose, which is to accumulate money, regardless of the wants and necessities of over sixty millions of people.

The article thus completely under their control has, for the last fifty years, come to be regarded as one of necessity, not only in every household in the land, but one of daily use by almost every individual in the country. It is difficult to conceive of a monopoly which can affect a greater number of people, or one more extensive in its effect in the country, than that of the Diamond Match Company. It was to aid that company in its purposes, and in carrying out its object that the contract in this suit was made between these parties, and which we are now asked to aid in enforcing it.

Monopoly in trade, or in any kind of business in this country, is odious to our form of government. It is sometimes permitted to aid the Government in carrying on a great public enterprise or public work under governmental control in the interest of the public. This tendency is, however, destructive of free institutions and repugnant to the instincts of a free people, and contrary to the whole scope and spirit of the Federal Constitution, and is not allowed to exist, under express provision in several of our State constitutions.

Indeed, it is doubtful if free government can long exist in a country where such enormous amounts of money are allowed to be accumulated in the vaults of corporations, to be used at discretion in controlling the property and business of the country against the interests of the public and that of the people for the personal gain and aggrandizement of a few individuals.

It is always destructive of individual rights and of that free competition which is the life of business, and it revives and perpetuates one of the great evils which it was the object of the framers of our form of government to eradicate and prevent. It is alike destructive to both individual enterprise and individual prosperity, and therefore public policy is, and ought to be, as well as public sentiment, against it.

All combinations among persons or corporations for the purpose of raising or controlling the prices of merchandise or any of the necessities of life are monopolies and intolerable, and ought to receive the condemnation of all courts.

In my judgment, not only is the enterprise in which the Diamond Match Company is engaged an unlawful one, but the contract in question in this case, being made to further its objects and purposes, is void, upon the ground that it is against public policy.

CHAMPLIN, J. I concur with the chief-justice in dismissing the bill of complaint for reasons which render it unnecessary to discuss the merits of the controversy between the parties.

It appears from the testimony that the Diamond Match Company was organized for the purpose of controlling the manufacture and trade in matches in the United States and Canada. The object was to get all the manufacturers of matches in the United States to enter into a combination and agreement, by which the manufacture and output of all the match factories should be controlled by the Diamond Match Company. Those manufacturers who would not enter into the scheme were to be bought off, and a strict watch was to be exercised to discover any person who proposed to engage in such business and he be prevented if possible.

All who entered into the combination and all who were bought off were required to enter into bonds to the Diamond Match Company that they would not, directly or indirectly, engage in the manufacture or sale of friction matches, nor aid nor assist nor encourage any one else in said business anywhere by doing it, so it might conflict with the business interest or diminish the sales or lessen the profits of the Diamond Match Company. These restrictions varied in individual cases as to the time it was to continue, from ten to twenty years. Thirty-one manufacturers, being substantially all the factories where matches

were made in the United States, either went into the combination or were purchased by the Diamond Match Company, and out of this number all were closed except about thirteen.

General Alger was a witness in the case, and was asked by his counsel the following question:

"Q. It appears that during the years 1881 and 1882 large sums of money were expended to keep men out of the match business, remove competition, buy machinery and patents, and in some instances purchase other match factories. I will ask you to state the reasons, if any there are, why those sums should not be treated as an expense of the business and charged off from this account."

To which he replied: "Because the prices of matches were kept up to correspond so as to pay these expenses and make large dividends above what could have been made had those factories been in the market to compete with the business."

It also appears from the testimony of General Alger that the organization of the Diamond Match Company was in a measure due to his exertions. There is no doubt that all the parties to this suit were active participants in perfecting the combination called the Diamond Match Company, and that the present dispute grows out of that transaction, and is the fruit of the scheme by which all competition in the manufacture of matches was stifled, opposition in the business crushed, and the whole business of the country in that line engrossed by the Diamond Match Company.

Such a vast combination as has been entered into under the above name is a menace to the public; its object and direct tendency is to prevent free and fair competition and control prices throughout the national domain. It is no answer to say that this monopoly has in fact reduced the price of friction matches. That policy may have been necessary to crush competition. The fact exists that it rests in the discretion of this company at any time to raise the price to an exorbitant degree. Such combinations have frequently been condemned by courts as unlawful and against public policy:

Hooker vs. Vandemater, 4 Denio, 349.
Stanton vs. Allen, 5 Denio, 434.
Maric Run Coal Company vs. Barclay Coal Company, 63 Pa., 186.
Central Ohio Salt Company vs. Guthrie, 35 Ohio St., 672.
Craft vs. McConoughy, 79 Ill., 346.
Hoffman vs. Brooks, 11 Week. Lw. Bl., 338.
Hannah vs. Pife, 27 Mich., 172.
Alger vs. Thatcher, 19 Pick., 59.

It is also well settled that if a contract be void as against public policy the court will neither enforce it while executory, nor relieve a party from loss by having performed it in part:

Foot vs. Emerson, 10 Vt., 44; and see Hannah vs. Power, 8 Dana, 91.
Pratt vs. Adams, 7 Paige, 616.
Piatt vs. Oliver, 1 McLain, 300.
Piatt vs. Oliver, 2 McLain, 277.
Stanton vs. Allen, 5 Denio, 434.

It is not necessary that the parties, or either of them, should rely upon the fact that the contract is one which it is against the policy of the law to enforce. Courts will take notice of their own motion of illegal contracts which come before them for adjudication, and will leave the parties where they have placed themselves.

Campbell, J., concurred with Mr. Justice Champlin.

Mr. PLATT. What was the conclusion of the court?

Mr. SHERMAN. They declared the combination null and void, against public policy, and refused to entertain jurisdiction to settle the accounts between the parties, because this case arose on a dispute between two of the parties, Mr. Richardson and General Alger. They declared it unlawful and void and set aside the contract.

Mr. PLATT. If the Senator will permit me, the object of my inquiry was to make it appear clearly that the court as at present constituted has so decided.

Mr. SHERMAN. That was a State matter between parties living within the State, and therefore did not involve any of the questions which are requisite to impart jurisdiction to United States courts under this bill.

Mr. CULLOM. Where was this?

Mr. SHERMAN. It was in Michigan. The supreme court of Michigan made the decision. I have here the case of Craft *et al.* vs. McConoughy, in the supreme court of Illinois, reported in the seventy-ninth volume of Illinois Reports. I am showing that the State courts in different States have declared this thing, when it exists in a State, to be unlawful and void.

Mr. CULLOM. Everywhere.

Mr. SHERMAN. In every case, everywhere, and all I wish is to have the courts of the United States do by these greater combinations what has been done already by the courts of the States.

In the case of Richard C. Craft *et al.* vs. James O. McConoughy, in the supreme court of Illinois, reported in the seventy-ninth volume of Illinois Reports, it was decided that—

A contract entered into by the grain dealers of a town which, on its face, indicates that they have formed a partnership for the purpose of dealing in grain, but the true object of which is to form a secret combination which would stifle all competition and enable the parties, by secret and fraudulent means, to control the price of grain, costs of storage, and expense of shipment at such town, is in restraint of trade, and consequently void on the ground of public policy.

I will insert in my remarks the decision of Mr. Justice Craig without reading it at this time.

Mr. GEORGE. Will the Senator state what was the decision of the court in that case?

Mr. SHERMAN. They set aside the contract.

Mr. GEORGE. The suit was to annul the contract?

Mr. SHERMAN. To annul the contract, and they said they would treat it as illegal. This is the decision:

While these parties were in business, in competition, they had the undoubted right to establish their own rates for grain stored and commissions for shipment and sale. They would pay as high or low a price for grain as they saw proper and as they could make contracts with the producer. So long as competition was free the interest of the public was safe. The laws of trade, in connection with the rigor of competition, was all the guaranty the public required, but the secret combination created by the contract destroyed all competition and created a monopoly, against which the public interest had no protection.

I find another case, that of the Chicago Gas-Light and Coke Company vs. The People's Gas-Light and Coke Company, on page 531, 121 Illinois Reports, in which it appears that the Chicago Gas-Light and Coke Company was incorporated in 1849 with the exclusive privilege of supplying Chicago and its inhabitants with gas for a period of ten years. Subsequently another company, under the name of the People's Gas-Light and Coke Company, was chartered, with power to manufacture and sell gas in the city of Chicago and to erect the necessary apparatus for that purpose, with the usual provisions as to laying their pipes in the streets of the city. Subsequently the two companies divided the city between them, allowing each the exclusive right of supplying gas therein for one hundred years and stipulating that neither would interfere with the business of the other in its own territory.

Here is the judgment of the court setting aside that contract as preventing competition, as null and void by the rules of the common law. I have only now been able to get this, but I will see that it is correctly quoted from the regular report, and will read the brief statement I have:

The defendant company, claiming as the assignee of the exclusive privilege in the territory set off to it, filed a bill against the other for a specific performance of the contract of assignment. The court refused the relief sought, holding "that by the grant of the second charter the Legislature intended to do away with the monopoly" granted under the first; "that, although the contract involved a partial restraint of trade, and therefore might not, by the general rule of law, be invalid, yet that the general rule does not apply to corporations engaged in a public business in which the public have an interest," and that the contract was void.

In a recent case, that of the People of Illinois vs. The Chicago Gas Trust Company, which I find reported in a late paper—

the trust combination consisted of a new corporation holding a separate charter under the general incorporation law of Illinois. In applying for its charter the Gas Trust Company stated the objects of its incorporation to be "the erection and operation of works in Chicago and other places in Illinois for the manufacture, sale, and distribution of gas and electricity, and to purchase and hold or sell the capital stock of any gas or electric company or companies in Chicago or elsewhere in Illinois." Having received its charter the company purchased a majority of the capital stock of each of the gas companies doing business in Chicago, four in number.

The information charges that, by so purchasing and holding a majority of the shares of the capital stock of each of the four companies, the appellee usurps and exercises "powers, liberties, privileges, and franchises not conferred by law."

"That by purchasing and holding such stock it secured the control of each of the companies; that such control by the appellee, an outside and independent corporation, suppresses outside competition between them and destroys their diversity of interest and all motive for competition. There is thus built up a virtual monopoly in the manufacture and sale of gas." It also held that "a corporation thus formed for the purpose of manufacturing and selling gas * * * has no power to purchase and hold or sell shares of stock in other gas companies as an incident to the purpose of its formation, even though such power is specified in its articles of incorporation."

Mr. CULLOM. That is a recent decision.

Mr. SHERMAN. Yes, a very recent decision, and it has not yet gone into the reports. There is a still more recent case, and I am reminded of it by the remark of the Senator from Connecticut [Mr. PLATT], that of The People of New York vs. The North River Sugar-Refining Company, a trust which was investigated by a committee of the House of Representatives, of which Mr. Bacon was chairman, and which came before the supreme court of New York at circuit in January, 1889, was carried to the general term in November last, and is reported in volume 2, Abbott's New Cases, page 164, both decisions being against the defendant, a member of the so-called trust company. This is a statement of the case together with the decision of Mr. Justice Daniels in rendering judgment:

The case was that seventeen corporations, in at least six different States, all engaged in the sugar-refining business, arranged to transfer their stock to a board of eleven members and were to receive in return from the association shares of stock to be issued by it and to be distributed among the several corporations in proportion to the amounts of stock held by them. The profits of the business were to be divided among the holders of certificates for shares issued by the board. No limit for the duration of the association was fixed, and its capital stock was fixed at \$50,000,000. A suit was brought by the attorney-general in the name of the people of New York against one of the associate corporations to vacate and annul its charter for "abuse of its powers" and for exercising "privileges or franchises not conferred upon it by law" by participating "in a combination with certain sugar refineries." Upon both grounds the court found against the defendant.

Daniels, Justice, in rendering his judgment, said:

"The defendant had disabled itself from exercising its functions and employing its franchises, as it was intended it should by the act under which it was incorporated, and had by the action which was taken placed itself in complete subordination to another and different organization, to be used for an unlawful purpose detrimental and injurious to the public. * * * This was a subversion of the object for which the company was created, and it authorized the attorney-general to maintain and prosecute this action to vacate and annul its charter."

This case may be said to be a leading case and was thoroughly discussed and considered. The opinion of the court at the general term pronounced by Mr. Justice Barrett covers the whole ground upon which the great body of the trusts in the United States rests. The suit presented the distinct question raised by many of the contracts which are the bases of these combinations. To use the language of that judge:

Any combination the tendency of which is to prevent competition in its broad and general sense, and to control, and thus at will enhance, prices to the detriment of the public, is a legal monopoly. And this rule is applicable to every monopoly whether the supply be restricted by nature or susceptible of indefinite production. The difficulty of effecting the unlawful purpose may be

greater in the one case than in the other, but it is never impossible. Nor need it be permanent or complete. It is enough that it may be even temporarily and partially successful. The question in the end is, does it inevitably tend to public injury?

Then follows a long and elaborate decision, and I think it is the unanimous judgment of the court—at least I see no dissent marked, and I presume it is the unanimous judgment of that high court of the State of New York—in a case which occurred only last year when it had before it this sugar company. That being a corporation of New York, it could deal with that corporation alone, but the combination was between that company and sixteen others, if I remember aright—perhaps the number was greater. In the courts of the United States all of them might have been parties, but as a matter of course the supreme court of New York could not extend its jurisdiction beyond the limits of its own territory.

I might add to the cases cited innumerable cases in nearly all the States and in England, and in all of them it will appear that while the law in respect to contracts in restraint of trade and combinations to prevent competition and to advance the price of necessities of life has varied somewhat, but in all of them, whether the combinations are by individuals, partnerships, or corporations, when the purpose of the combination or its plain tendency is to prevent competition, the courts have enforced the rule of the common law and have vigorously used the judicial power in subverting them.

And now it is for Congress to say, when the devices of able lawyers and the cupidity of powerful corporations have united to spread these combinations over all the States of the Union, embracing in their folds nearly every necessary of life, whether it is not time to invoke the judicial power conferred upon the courts of the United States to deal with these combinations; when lawful to support them and when unlawful to suppress them.

I might state the case of all the combinations which now control the transportation and sale of nearly all the leading productions of the country that have recently been made familiar by the public press, such as the cotton trust, the whisky trust, the sugar-refiners' trust, the cotton-bagging trust, the copper trust, the salt trust, and many others, some of which have been the subjects of legislative inquiry and others of judicial process; but it is scarcely necessary to do so, as they are all modeled upon the same plan and involve the same principles. They are all combinations of corporations and individuals of many States forming a league and covenant, under the control of trustees with power to suspend the production of some and enlarge the production of others, and absolutely control the supply of the article which they produce, and with a uniform design to prevent competition, to break it down wherever it appears to threaten their interest.

I have seen within a few days in the public prints a notice of a combination intended to affect the price of silver bullion, as follows:

WITH A CAPITAL OF TWENTY-FIVE MILLION DOLLARS.

CHICAGO, March 2.

The Herald to-day says that, with the exception of five companies, all the refining and smelting companies of the United States have formed a trust, with a capital of \$25,000,000, of which \$15,000,000 is to be common stock and the remaining preferred.

If such a combination is formed it will enable a few corporations in different States to corner the Government of the United States in its proposed effort, by a bill pending in the Senate, to purchase silver bullion as the basis and security for paper money. Can any one doubt that such a combination is unlawful, against public policy, with power enough to control the operation of your laws, and destructive to all competition which you invite? It is scarcely necessary on this point to quote further from the law books. Every decision or treatise on the law of contracts agrees in denouncing such a combination.

Judge Gibson, in the case of the Commonwealth of Pennsylvania vs. Carlisle, states the general principle in terse and vigorous language:

A combination is criminal whenever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of the confederates, and giving effect to the purpose of the latter, whether of extortion or of mischief.

The solicitor of the Standard Oil Trust, Mr. Dodd, in an argument which I have before me, admits that certain combinations are null and void. He says:

When I speak of unrestricted combinations I do not mean that combinations should be allowed under all circumstances and for all purposes. While combination is not, *per se*, evil, its purposes may be. The law is possibly our best guide on this subject. It has progressed as experience and the necessities of business required it to progress, from the idea that all combinations were wrong to the idea that all persons should be left free to combine for all legitimate purposes. To this day, however, the law is properly very jealous of certain classes of combinations, such as—

First. Where the parties combining exercise a public employment or possess exclusive privileges, and are to that extent monopolies.

Second. Where the purpose and effect of the combination is to "corner" any article necessary to the public.

Third. Where the purpose and effect of the combination is to limit production, and thereby to unduly enhance prices.

These things are just as unlawful without combination as with it. In other words, the evil is not in the combination, but in its purposes and results.

The law condemns any arrangement the purpose or necessary tendency of which is to destroy all competition and thus to prejudice the public.

I accept the law as stated by Mr. Dodd, that all combinations are not void, a proposition which no one doubts, but I assert that the tendency of all combinations of corporations, such as those commonly called trusts, and the inevitable effect of them, is to prevent competition and to restrain trade. This must be manifest to every intelligent mind. Still this can not be assumed as against any combination unless upon a fair hearing it should appear to a court of competent jurisdiction that the agreement composing such combination is necessarily injurious to the public and destructive to fair trade. These modern combinations are uniformly composed of citizens and corporations of many States, and therefore they can only be dealt with by a jurisdiction as broad as their combination. The State courts have held in many cases that they can not interfere in controlling the action of corporations of other States. If corporations from other States do business within a State, the courts may control their action within the limits of the State, but when a trust is created by a combination of many corporations from many States, there are no courts with jurisdiction broad enough to deal with them except the courts of the United States.

I admit that it is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case. All that we, as lawmakers, can do is to declare general principles, and we can be assured that the courts will apply them so as to carry out the meaning of the law, as the courts of England and the United States have done for centuries. This bill is only an honest effort to declare a rule of action, and if it is imperfect it is for the wisdom of the Senate to perfect it. Although this body is always conservative, yet, whatever may be said of it, it has always been ready to preserve, not only popular rights in their broad sense, but the rights of individuals as against associated and corporate wealth and power.

It is sometimes said of these combinations that they reduce prices to the consumer by better methods of production, but all experience shows that this saving of cost goes to the pockets of the producer. The price to the consumer depends upon the supply, which can be reduced at pleasure by the combination. It will vary in time and place by the extent of competition, and when that ceases it will depend upon the urgency of the demand for the article. The aim is always for the highest price that will not check the demand, and, for the most of the necessities of life, that is perennial and perpetual.

But, they say, competition is open to all; if you do not like our prices, establish another combination or trust. As was said by the supreme court of New York, when the combination already includes all or nearly all the producers, what room is there for another? And if another is formed and is legal, what is to prevent another combination? Sir, now the people of the United States as well as of other countries are feeling the power and grasp of these combinations, and are demanding of every Legislature and of Congress a remedy for this evil, only grown into huge proportions in recent times. They had monopolies and mortmains of old, but never before such giants as in our day. You must heed their appeal or be ready for the socialist, the communist, and the nihilist. Society is now disturbed by forces never felt before.

The popular mind is agitated with problems that may disturb social order, and among them all none is more threatening than the inequality of condition, of wealth, and opportunity that has grown within a single generation out of the concentration of capital into vast combinations to control production and trade and to break down competition. These combinations already defy or control powerful transportation corporations and reach State authorities. They reach out their Briarean arms to every part of our country. They are imported from abroad. Congress alone can deal with them, and if we are unwilling or unable there will soon be a trust for every production and a master to fix the price for every necessity of life.

But it is said by the Senator from Mississippi [Mr. GEORGE], who honors me with his attention, that this bill is unconstitutional, that Congress can not confer jurisdiction on the courts of the United States in this class of cases. I respectfully submit that, in his subtle argument, he has entirely overlooked the broad jurisdiction conferred by the Constitution upon courts of the United States in ordinary cases of law and equity between certain parties, as well as cases arising under the Constitution, laws, and treaties of the United States. Much the greater proportion of the cases decided in these courts have no relation to the Constitution, laws, or treaties. They embrace admiralty and maritime law, all controversies in which the United States are a party, controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

This jurisdiction embraces the whole field of the common law and of commercial law, especially of the law of contracts, in all cases where the United States is a party and in all cases between citizens of different States. The jurisdiction is as broad as the earth, except only it does not extend to controversies within a State between citizens of a State. All the combinations at which this bill aims are combinations embracing persons and corporations of several States. Each State can

deal with a combination within the State, but only the General Government can deal with combinations reaching not only the several States, but the commercial world. This bill does not include combinations within a State, but if the Senator from Mississippi can make this clearer any proposition he will make to that effect will certainly be accepted and I will cheerfully vote for his proposition. Can any one doubt the jurisdiction of the courts of the United States in all cases in which the United States is a party and in all cases between citizens, including corporations, of different States? I will read a note from Story on the Constitution:

It has been very correctly remarked by Mr. Justice Iredell that "the judicial power of the United States is of a peculiar kind. It is, indeed, commensurate with the ordinary legislative and executive government and the powers which concern treaties. But it also goes further. When certain parties are concerned, although the subject in controversy does not relate to any special objects of authority of the General Government, wherein the separate sovereignties of the separate States are blended in one common mass of supremacy, yet the General Government has a judicial authority in regard to such subjects of controversy; and the Legislature of the United States may pass all laws necessary to give such judicial authority its proper effect."

The judicial power of the United States extends to all questions of law and equity which arise between citizens of different States or between the other classes named. The jurisdiction of the courts of the United States may depend either upon the nature of the cause arising under the Constitution, laws, or treaties of the United States, or upon the parties to the case.

Chief-Justice Marshall, in the case of *Cohens vs. Virginia*, 6 Wheaton, page 378, says:

The second section of the third article of the Constitution defines the extent of the judicial power of the United States. Jurisdiction is given to the courts of the Union in two classes of cases. In the first, their jurisdiction depends on the character of the cause, whoever may be the parties. This class comprehends "all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority." This clause extends the jurisdiction of the court to all the cases described, without making in its terms any exceptions whatever, and without any regard to the condition of the party. If there be any exception, it is to be implied against the express words of the article.

In the second class the jurisdiction depends entirely on the character of the parties. In this are comprehended "controversies between two or more States, between a State and citizens of another State, and between a State and foreign states, citizens, or subjects." If these be the parties, it is entirely unimportant what may be the subject of controversy. Be it what it may, these parties have a constitutional right to come into the courts of the Union.

The same question was involved in the celebrated case of *Osborn vs. Bank of the United States* (9 Wheaton, page 738), in which it was contended that the courts of the United States could not exercise jurisdiction because several questions might arise in such suits, which might depend upon the general principles of law, and not upon any act of Congress. It was held that Congress did constitutionally possess the power and had rightfully conferred it in that charter. Chief-Justice Marshall said there, in one of the most famous of his opinions involving grave constitutional questions:

A cause may depend upon several questions of fact and law. Some of these may depend on the construction of a law of the United States; others, on principles unconnected with that law.

It was held in that case that the Bank of the United States being created by Congress the right might be conferred upon it by Congress to sue in the courts of the United States without respect to the nature or character of the controversy.

The clause giving the bank a right to sue in the circuit courts of the United States stands on the same principle with the acts authorizing officers of the United States who sue in their own names to sue in the courts of the United States.

If it be said that a suit brought by the bank may depend in fact altogether on questions unconnected with any law of the United States, it is equally true with respect to suits brought by the Postmaster-General.

Cases may also arise under laws of the United States by implication as well as by express enactment, so that due redress may be administered by the judicial power of the United States.

This goes to show that, the jurisdiction once acquired by having the parties before the court, it extends to any kind of remedial jurisdiction, any kind of a case.

It has also been asked, and may again be asked—

Chief-Justice Marshall says—

why the words "cases in equity" are found in this clause. What equitable causes can grow out of the Constitution, laws, and treaties of the United States? To this the general answer of the Federalist seems at once clear and satisfactory. There is hardly a subject of litigation between individuals which may not involve those ingredients of fraud, accident, trust, or hardship which would render the matter an object of equitable rather than of legal jurisdiction, as the distinction is known and established in several of the States. It is the peculiar province, for instance, of a court of equity to relieve against what are called hard bargains. These are contracts in which, though there may have been no direct fraud or deceit sufficient to invalidate them in a court of law, yet there may have been some undue and unconscionable advantage taken of the necessities or misfortunes of one of the parties which a court of equity would not tolerate.

By the Constitution of the United States this jurisdiction of the courts of the United States extends to all cases in law and equity between certain parties. What is meant by the words of "cases in law and equity?" Does this include only cases growing out of the Constitution, statutes, and treaties of the United States? It has been held over and over again that, by these words, the Constitution has adopted

as a rule of remedial justice the common law of England as administered by courts of law and equity.

Judge Story, in his work on the Constitution, volume 2, page 485, says:

What is to be understood by "cases in law and equity" in this clause? Plainly, cases at the common law, as contradistinguished from cases in equity, according to the known distinctions in the jurisprudence of England, which our ancestors brought with them upon their emigration, and with which all the American States were familiarly acquainted. Here, then, at least, the Constitution of the United States appeals to and adopts the common law to the extent of making it a rule in the pursuit of remedial justice in the courts of the Union. If the remedy must be in law or in equity, according to the course of proceedings at the common law, in cases arising under the Constitution, laws, and treaties of the United States, it would seem irresistibly to follow that the principles of decision by which these remedies must be administered must be derived from the same source. Hitherto such has been the uniform interpretation and mode of administering justice in all civil cases in the courts of the United States in this class of cases.

But I need not pursue the matter further. The question of the character and nature of the controversy when the proper legal parties are before the court is never entered into. In some cases, where the rules of law and equity have been modified by legislation, the courts of the United States have followed the local law as construed and administered by the courts of the State where the controversy arose, but it is clearly within the power of Congress to prescribe the rule as well as to define the methods of procedure in the courts of law and equity of the United States; so I submit that this bill as it stands, without any reference to the specific powers granted to Congress by the Constitution, is clearly authorized under the judicial article of the Constitution. This bill declares a rule of public policy in accordance with the rule of the common law. It limits its operation to certain important functions of the Government, among which are the importation, transportation, and sale of articles imported into the United States, the production, manufacture, or sale of articles of domestic growth or production, and domestic raw materials competing with a similar article upon which a duty is levied by the United States.

If this bill were broader than it is and declared unlawful all trusts and combinations in restraint of trade and production null and void, there could be no question that in suits brought by the United States to enforce it, or suits between individuals or corporations of different States for injuries done in violation of it, it would be clearly within the power of Congress and the jurisdiction of the court. The mere limitation of this jurisdiction to certain classes of combinations does not affect in the slightest degree the power of Congress to pass a much broader and more comprehensive bill.

Nor is it necessary to limit the jurisdiction of the courts of the United States to suits between citizens of different States. It extends also to suits by the United States when authorized by law. It is eminently proper that when a combination of persons or corporations of different States tends to affect injuriously the interests or powers of the United States, as well as of citizens of the United States, the proceeding should be in the courts of the United States and in the name of the United States. The legal process of quo warranto or mandamus ought, in such cases, to be issued at the suit of the United States. A citizen would appear in such a suit at every disadvantage, and even the United States is scarcely the equal of a powerful corporation in a suit where a single officer with insufficient pay is required to compete with the ablest lawyers encouraged with compensation far beyond the limits allowed to the highest government officer. It is in such proceedings that the battle with these great combinations is to be fought.

But, aside from the power drawn from the third article of the Constitution, I believe this bill is clearly within the power conferred expressly upon Congress to regulate commerce with foreign nations and among the several States and its power to levy and collect taxes, duties, imposts, and excises.

And here, Mr. President, I wish to again call attention to the argument of the Senator from Mississippi [Mr. GEORGE]. He treats this bill as a criminal statute from beginning to end, and not as a remedial statute with civil remedies. He says:

The first thing which attracts our attention, therefore, is that if the agreement or combination, which is the crime, be made outside of the jurisdiction of the United States it is also without the terms of the law and can not be punished in the United States.

It is true that if a crime is committed outside of the United States it can not be punished in the United States. But if an unlawful combination is made outside of the United States and in pursuance of it property is brought within the United States such property is subject to our laws. It may be seized. A civil remedy by attachment could be had. Any person interested in the United States could be made a party.

Either a foreigner or a native may escape "the criminal part of the law," as he says, by staying out of our jurisdiction, as very many do, but if they have property here it is subject to civil process. I do not see what harm a foreigner can do us if neither his person nor his property is here. He may combine or conspire to his heart's content if none of his co-conspirators are here or his property is not here.

Again he says:

But suppose, what I think, however, is highly improbable, some of these great combinations should be made in the United States. Will the case be any better for the people in whose interest we profess to legislate? The combination, agreement, or trusts, etc., must, under the bill, be made "with the intention to

prevent full and free competition in the importation, transportation, or sale of articles imported into the United States."

The word "intention" is not in the bill. It was proposed as an amendment.

Mr. GEORGE. It was in the bill as reported.

Mr. SHERMAN. Ah, it was proposed as an amendment.

Mr. GEORGE. By the Committee on Finance?

Mr. SHERMAN. Yes, but the Senator treated it as being a part of the bill. It was a proposed amendment to the bill and was never adopted.

Mr. GEORGE. The original bill was proposed by the Senator from Ohio.

Mr. SHERMAN. That had no such word in it.

Mr. GEORGE. That had no such word in it, but when the bill came back from the committee it did have the word in it.

Mr. SHERMAN. But the bill as it comes from the committee now has certainly no such word in it. It was proposed as an amendment, but has no place in the first section. The language is: "made with a view or which tend." The "intention" can not be proved, though "tendency" can. The tendency is the test of legality. The intention is the test of a crime.

And so all through his speech he quotes the phrases of a "certain specified intent," "specific intent," "penal legislation," "reasonable doubt," "indicted must be acquitted." He treats this bill very much as he does the Constitution of the United States, something to be evaded, to be strictly construed, instead of being what it is, a remedial statute, a bill of rights, a charter of liberty. He no doubt is partly justified in this by the amendments proposed but not adopted, and by the third section, which would be subject to his criticism, and which I will join him in striking out.

Mr. GEORGE. It was an amendment proposed by the committee?

Mr. SHERMAN. Yes. Now, Mr. President, what is this bill? A remedial statute to enforce by civil process in the courts of the United States the common law against monopolies. How is such a law to be construed? Liberally with a view to promote its objects. What are the evils complained of? They are well depicted by the Senator from Mississippi in this language, and I will read it as my own with quotation marks.

Mr. GEORGE. I am very much obliged for the compliment.

Mr. SHERMAN. "These trusts and combinations are great wrongs to the people. They have invaded many of the most important branches of business. They operate with a double-edged sword. They increase beyond reason the cost of the necessities of life and business, and they decrease the cost of the raw material, the farm products of the country. They regulate prices at their will, depress the price of what they buy and increase the price of what they sell. They aggregate to themselves great, enormous wealth by extortion which makes the people poor. Then, making this extorted wealth the means of further extortion from their unfortunate victims, the people of the United States, they pursue unmolested, unrestrained by law, their ceaseless round of speculation under the law, till they are fast producing that condition in our people in which the great mass of them are the servitors of those who have this aggregated wealth at their command."

One would think that with this conception of the evil to be dealt with he would for once turn his telescope upon the Constitution to find out power to deal with so great a wrong, and not, as usual, to reverse it, to turn the little end of the telescope to the Constitution, and then, with subtle reasoning, to dissipate the powers of the Government into thin air. He overlooks the judicial power of the courts of the United States extending to all cases where the United States is a party, or where a State may sue in the courts of the United States, or where citizens of different States are contesting parties with full power to apply a remedy by quo warranto, mandamus, judgment, and execution. He treats the question as depending alone upon the power to regulate foreign and domestic commerce and of taxation. I submit that, without reference to the judicial power, they are amply sufficient to justify this bill. What are they?

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The want of this power was one of the leading defects of the Confederation, and probably as much as any one cause conduced to the establishment of a Constitution. It is a power vital to the prosperity of the Union; and without it the Government could scarcely deserve the name of a National Government and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty to mock our hopes and involve us in a common ruin. (Story on the Constitution, volume 2, page 2.)

What is the extent of this power? What is the meaning of the word "commerce?" It means the exchange of all commodities between different places or communities. It includes all trade and traffic, all modes of transportation by land or by sea, all kinds of navigation, every species of ship or sail, every mode of transit, from the dog-cart to the Pullman car, every kind of motive power, from the mule or horse to the most recent application of steam or electricity applied on every road, from the trail over the mountain or the plain to the perfected railway or the steel bridges over great rivers or arms of the sea. The power

of Congress extends to all this commerce, except only that limited within the bounds of a State.

Under this power no bridge can be built over a navigable stream except by the consent of Congress. All the network of railroads crossing from State to State, from ocean to ocean, from east to west, and from north to south are now curbed, regulated, and controlled by the power of Congress over commerce. Most of the combinations aimed at by this bill are directly engaged in this commerce. They command and control in many cases and even own some of the agencies of this commerce. They have invented or own new modes of transportation, such as pipelines for petroleum or gas, reaching from State to State, crossing farms and highways and public property.

Can it be that with this vast power Congress can not protect the people from combinations in restraint of trade that are unlawful by every code of civil law adopted by civilized nations? It may "regulate commerce;" can it not protect commerce, nullify contracts that restrain commerce, turn it from its natural courses, increase the price of articles, and therefore diminish the amount of commerce?

It is said that commerce does not commence until production ends and the voyage commences. This may be true as far as the actual ownership or sale of articles within a State is subject to State authorities. I do not question the decision of the Supreme Court in the case of *Coe vs. Errol*, quoted by the Senator from Mississippi, that property within a State is subject to taxation though intended to be transported into another State. This bill does not propose to deal with property within a State or with combinations within the State, but only when the combination extends to two or more States or engages in either State or foreign commerce. It is said that these combinations can and will evade this bill. I have no doubt they will do so in many cases, but they can do so only by ceasing to interfere with foreign and interstate commerce.

Their power for mischief will be greatly crippled by this bill. Their present plan of organization was adopted only to evade the jurisdiction of State courts. They still maintain their workshops, their mode of production, by means of partnerships or corporations in a State. If their productions competed with those of similar partnerships or corporations in other States it would be all right. But to prevent such competition they unite the interests of all these partnerships and corporations into a combination, sometimes called a trust, sometimes a new corporation located in a city remote from the places of production, and then regulate and control the sale and transportation of all the products of many States, discontinuing one at their will, some running at half time, others pressed at their full capacity, fixing the price at pleasure in every part of the United States, dictating terms to transportation companies, controlling your commerce; and yet it is said that Congress, armed with full power to regulate commerce, is helpless and unable to deal with this monster.

Sir, the object aimed at by this bill is to secure competition of the productions of different States which necessarily enter into interstate and foreign commerce. These combinations strike directly at the commerce over which Congress alone has jurisdiction. "Congress may regulate interstate and foreign commerce," and it is absurd to contend that Congress may not prohibit contracts and arrangements that are hostile to such commerce.

Congress also has power "to lay and collect taxes, duties, imposts, and excises." It may exercise its own discretion in acting upon this power, and is only responsible to the people for the abuse of the power. All parties, from the foundation of the Government, have held that Congress may discriminate in selecting the objects and rates of taxation. Some of these taxes are levied for the direct and some for the incidental encouragement and increase of home industries. The people pay high taxes on the foreign article to induce competition at home, in the hope that the price may be reduced by competition, and with the benefit of diversifying our industries and increasing the common wealth.

Suppose one of these combinations should unite all, or nearly all, the domestic producers of an article of prime necessity with a view to prevent competition and to keep the price up to the foreign cost and duty added, would not this be in restraint of trade and commerce and affect injuriously the operation of our revenue laws? Can Congress prescribe no remedy except to repeal its taxes? Surely it may authorize the executive authorities to appeal to the courts of the United States for such a remedy, as courts habitually apply in the States for the forfeiture of charters thus abused and the punishment of officers who practice such wrongs to the public. It may also give to our citizens the right to sue for such damages as they have suffered.

In no respect does the work of our fathers in framing the Constitution of the United States appear more like the work of the Almighty Ruler of the Universe rather than the conception of human minds than by the gradual development and application of the powers conferred by it upon different branches of the Federal Government. Many of these powers have remained dormant, unused, but plainly there, awaiting the growth and progress of our country, and when the time comes and the occasion demands we find in that instrument, provided for thirteen States, a thread along the Atlantic and containing four millions of people, without manufactures, without commerce, bankrupt with debt, without credit or wealth, all the powers necessary to govern a conti-

mental empire of forty-two States, with sixty-five millions of people, the largest in manufactures, the second in wealth, and the happiest in its institutions of all the nations of the world.

While we should not stretch the powers granted to Congress by strained construction, we can not surrender any of them; they are not ours to surrender, but whenever occasion calls we should exercise them for the benefit and protection of the people of the United States. And, sir, while I have no doubt that every word of this bill is within the powers granted to Congress, I feel that its defects are in its moderation, and that its best effect will be a warning that all trade and commerce, all agreements and arrangements, all struggles for money or property, must be governed by the universal law that the public good must be the test of all.

Mr. INGALLS and Mr. VEST addressed the Chair.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Kansas rise to speak to this bill?

Mr. INGALLS. I rose to inquire if an amendment in the second degree is now pending.

Mr. REAGAN. There is.

The PRESIDING OFFICER. The amendment of the Senator from Texas to the amendment reported from the Committee on Finance is pending.

Mr. INGALLS. I give notice, then, of my intention, when it shall be in order, to offer the amendment which I send to the desk, and which I ask may be now read, and ordered to be printed.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate, and ordered to be printed.

The CHIEF CLERK. It is proposed to substitute the following:

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

SEC. 2. That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

SEC. 3. That the articles of which the foregoing sections relate are wheat, corn, oats, rye, barley, cotton, and all other farm products; also, beef, pork, lard, and all other hog and cattle products.

SEC. 4. That special taxes are imposed as follows: Dealers in "options" or "futures" shall pay annually the sum of \$1,000, and shall also pay the further sum of 5 cents per pound for each and every pound of cotton, or of beef, pork, lard, or other hog and cattle products, and the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act, the right or privilege of delivering which may be acquired under any "options" contract or agreement, as defined by section 1 of this act, or which may be sold to be delivered at a future time or period under any "futures" contract or agreement as defined in section 2 of this act, which said amounts shall be paid to the collector of internal revenue, as hereinafter provided, and by him accounted for, as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall, in their own behalf, or as broker, agent, or employé of another, deal in "options," or make any "options" contract or agreement, as hereinafter defined, shall be deemed a dealer in "options," and every person, association, copartnership, or corporation who shall, in their own behalf or as broker, agent, or employé of another, deal in "futures," or make any "futures" contract or agreement, as hereinafter defined, shall be deemed a dealer in "futures."

SEC. 5. That every person, association, copartnership, or corporation engaged in or proposing to engage in the business of dealer in "options" or of dealer in "futures" as hereinafter defined shall, before commencing such business or making any such "options" or "futures" contract or agreement, make application in writing to the collector of internal revenue for the district in which he proposes to engage in such business or make such contract or agreement, setting forth the name of the person, association, partnership, or corporation, place of residence of the applicant, the business engaged in, and where such business is to be carried on, and in case of partnership, association, or corporation the names and places of residence of the several persons constituting the same, and shall thereupon pay to such collector the sum aforesaid of \$1,000, and shall also execute and deliver to such collector a bond in the penal sum of \$50,000, with two or more sureties satisfactory to the collector, conditioned upon the full and faithful compliance by the obligor therein with all the requirements of this act; and thereupon the collector shall issue to such applicant a certificate in such form as the Commissioner of Internal Revenue shall prescribe that such applicant is authorized for the period of one year from the date of such certificate to be a dealer in "options" or "futures" and to make "options" or "futures" contracts or agreements as hereinafter defined, and for the period specified in such certificate the party to whom it is issued may conduct the business of dealer as aforesaid. Such certificate may be renewed annually upon the compliance with the provisions of this act, and any "options" or "futures" contract or agreement as defined by this act shall be absolutely void as between the parties thereto and their respective assigns unless the party making such contract or agreement shall have at the time of making the same a certificate as aforesaid authorizing the making thereof.

SEC. 6. That it shall be the duty of the collector to keep in his office a register containing a copy of each and every application made to him under the foregoing section and a statement in connection therewith as to whether a certificate had been issued thereon and for what period, which book or register shall be a public record and be subject to inspection of any and all persons desiring to examine the same.

SEC. 7. That every "option" or "futures" contract or agreement as hereinafter defined shall be in writing and signed in duplicate by the parties making the same; and any such contract or agreement not so made and signed shall, as between the parties thereto and their assigns, be absolutely void.

SEC. 8. That it shall be the duty of every person, copartnership, association, or corporation, on the first day of the week next succeeding the date of the certificate issued to them, and on the first day of each and every week thereafter, to make to the collector of the district in which any "options" or "futures" contract or agreement has been made full and complete return and report, under oath, of any and all such contracts and agreements made or entered into by

such person, copartnership, association, or corporation during the previous week, together with a statement of the article or articles embraced in or covered by such contracts or agreements, and the amounts, respectively, of each, and the name of the party or parties with whom such contracts or agreements have been made, and at the same time to pay to such collector the amount of the tax hereinbefore required of 5 cents per pound on each and every pound of cotton, and of pork, lard, or other hog products, and of 20 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act, which are the subject of or covered by such contracts or agreements, or any of them, for which sums such collector shall give his receipt to the party so paying, and the sums so collected shall be accounted for by the collector as provided by law in respect to other taxes collected by him.

SEC. 9. That every person who shall, in his own behalf or in behalf of any other person, association, partnership, or corporation, enter into any "options" or "futures" contract or agreement, as defined by this act, without having a certificate of authority from the collector, as hereinbefore provided, and covering the time at which such contract or agreement shall be made, shall, besides being liable for the amounts prescribed in section 4 of this act, be fined not less than \$5,000 and not more than \$10,000 for each and every such offense. And every person who shall make to the collector a false or fraudulent return or report required by section 8 of this act shall be subject to a fine of not less than \$5,000 nor more than \$10,000, or to imprisonment for not less than six months or more than two years, or to both such fine and imprisonment.

SEC. 10. That neither the payment of the taxes required nor the certificate issued by the collector under this act shall be held to legalize dealing in options and futures, nor to exempt any person, association, copartnership, or corporation from any penalty or punishment, now or hereafter provided by the laws of any State for making contracts or agreements such as are hereinbefore defined as "options" or "futures" contracts or agreements, or in any manner to authorize the making of such contracts or agreements within any State or locality contrary to the laws of such State or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State or municipality from placing a tax or duty on the same trade, transaction, or business for State, municipal, or other purposes.

SEC. 11. That section 3209 of the Revised Statutes of the United States is, so far as applicable, made to extend and apply to the taxes imposed by this act and to the persons upon whom they are imposed.

Amend the title so as to read: "A bill to suppress and punish unlawful trusts and combinations, to prevent dealing in options and futures, and for other purposes."

Mr. VEST. Mr. President—

Mr. SHERMAN. Will the Senator from Missouri allow me to make a suggestion?

Mr. VEST. Certainly.

Mr. SHERMAN. I ask unanimous consent that the substitute reported from the Committee on Finance and read this morning may be considered as the text of the bill. It will be more convenient in offering amendments.

Mr. INGALLS. Then the amendment I have just submitted will be an amendment in the second degree and in order.

Mr. SHERMAN. It will be in order.

Mr. INGALLS. And the pending question?

THE PRESIDING OFFICER. The pending question would then be on the amendment proposed by the Senator from Kansas. The Chair understands this to be the position of the question—

Mr. REAGAN. I understand the amendment offered by the Senator from Ohio—

Mr. SHERMAN. That is the amendment reported from the Committee on Finance.

Mr. REAGAN. I have offered an amendment to that in the nature of a substitute, which is pending. That is an amendment in the second degree.

THE PRESIDING OFFICER. The Chair will state the parliamentary condition of the bill. The substitute reported by the committee upon the 18th day of March is considered as the original bill for the consideration of the Senate. The amendment proposed by the Senator from Texas [Mr. REAGAN] is an amendment in the first degree, and that proposed by the Senator from Kansas [Mr. INGALLS] an amendment in the second degree. The question now is on the amendment proposed as a substitute by the Senator from Kansas, on which the Senator from Missouri is entitled to the floor.

Mr. VEST. Mr. President, no one can exaggerate the importance of the question pending before the Senate or the intensity of feeling which exists, especially in the agricultural portions of the country in regard to it. I take it that there will be no controversy with the Senator from Ohio as to the enormity of the abuses that have grown up under the system of trusts and combinations which now prevail in every portion of the Union. What we desire is one thing; what we can accomplish under the autonomy of our Government is another.

We live, very fortunately, in my judgment, under a written Constitution, and we are governed by the decisions of the Supreme Court in regard to the legislative powers vested in us. Acts of Congress and treaties are the supreme law of the land, if in accordance with the Constitution. I deprecate as much as the Senator from Ohio can possibly do that spirit of hypercriticism which would consider the Constitution of the United States as a bill of indictment. I believe that it is a great bill of human rights, conservative, liberty-preserving, liberty-administering; and it is conservative, it preserves and administers liberty because it is a written Constitution and not because it is given to Congress to legislate as it sees proper, under the general and nebulous presumption of the general welfare, without regard to the grants that are made by the people to them as their legislative servants.

The grants of power to the courts of the United States are limited also by this written Constitution, and the grants of power in the judicial clause of the Constitution consist of two sorts: first, the jurisdic-

tion which comes from the character of the litigants and, secondly, the jurisdiction that comes from the subject-matter involved. This is elementary law, and I simply announce it as one of the necessary premises in any discussion such as that in which we are now engaged.

As I understand the provisions of the original bill reported by the Senator from Ohio and the amendment which he offers now as a substitute, the attempt is made under one or the other of these two classes of jurisdiction, and then, permit me to say respectfully, by an uncertain and nebulous commingling of the two to give the power to Congress to pass this proposed act.

I know how ungrateful and dangerous it is now for a public man to object to this kind of legislation against this terrible evil, this enormous abuse of trusts and combines which the whole country is properly denouncing. I appreciate fully the significance of the remark of the Senator from Ohio when he says that unless relief is given, to use the language of Mr. Jefferson, "worse will ensue."

But, sir, even in the face of the popular indignation which may be visited upon any one who criticises any measure that looks to the destruction of this evil, I can not violate my oath to support the Constitution and all the habitudes of thought which have come to me as a lawyer educated and trained in my profession.

As I said, what we want is one thing, what we can do is another; and for Congress to pass a law which will be thrown out of the Supreme Court under the terrible criticism that any such law must invoke is simply to subject ourselves to ridicule and to say to our constituents that we are powerless to enact laws which will give them relief.

This bill, if it becomes a law, must go through the crucible of a legal criticism which will avail itself of the highest legal talent throughout the entire Union. It will go through a furnace not seven times but seventy-seven times heated, because the ablest lawyers in this country, it goes without saying, are on the side of the corporations and of aggregated wealth.

Without invoking this spirit of hypercriticism, which the Senator from Ohio deprecates, let us look at the provisions of the original bill and then of the amendment which he proposes shall take its place. In the original bill the Senator from Ohio undertakes to derive jurisdiction in Congress, not from the character of the litigants, but from the subject-matter in litigation, and this is evident from a cursory reading even of the first section of the original bill.

That all arrangements, contracts, agreements, trusts, or combinations between persons or corporations—

Not between corporations or persons residing in different States, not between corporations whose stockholders are citizens of different States, but between "persons or corporations"—

made with a view or which tend to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, or in the production, manufacture, or sale of articles of domestic growth or production, or domestic raw material that competes with any similar article upon which a duty is levied by the United States, or which shall be transported from one State or Territory to another, etc.

Here the Senator from Ohio puts the legislative jurisdiction of Congress, which he invokes, not upon the fact that persons living in different States compose these corporations, but the subject-matter is invoked. It must be as to productions going from one State to another or coming from a foreign country into the area of territory composing the United States.

For the able argument of the Senator from Mississippi [Mr. GEORGE], I have no words to express my admiration as a lawyer. I was exceedingly glad that it was made, because it is just through that species of argumentation that this legislation must pass.

It must be subjected to the crucible which was brought here by the Senator from Mississippi in that admirable dissertation upon constitutional power. After that argument was made the Senator from Ohio found it necessary to amend this original bill, and he did so by putting into it another element of jurisdiction; and that was the character of the litigants, in addition to the jurisdiction he had already invoked as to the subject-matter. This is evident from the first clause of the substitute.

That all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations—

Now, there is the original bill, and if it had stopped there the substitute would have agreed with it, but mark the addition—

or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view, etc.

It is plain that the Senator from Ohio, recognizing the weakness of the original bill, then determined or attempted to invoke that idea which is found in the Constitution of the United States and the judiciary act of 1789, that citizenship in different States conferred Federal jurisdiction.

Now, let us see if the Senator by any such process as that can evade the argument made by the Senator from Mississippi. Sir, I shall not attempt to make any elaborate argument, but will simply read the Constitution and then inquire under what clause the legislative jurisdiction to enact this bill can be found. The Constitution of the United States provides as to the judicial power as follows:

The judicial power shall extend to all cases, in law and equity.

If it had stopped there much of the argument of the Senator from Ohio would have been pertinent; but it goes further:

All cases, in law and equity, arising under this Constitution.

That is to say, you must find the jurisdiction within the limits of this instrument.

Mr. SHERMAN. I do not want to interrupt the Senator, but he reads the clause relating to cases in law and equity when there is an independent clause relating to controversies between citizens of different States.

Mr. VEST. I will come to that.

Mr. SHERMAN. The decisions of Chief-Justice Marshall set forth the power distinctly.

Mr. VEST. I do not think there will be any disagreement among lawyers as to the meaning of this clause. I am simply analyzing the grants of the Constitution.

Mr. SHERMAN. I think Chief-Justice Marshall was a pretty good lawyer.

Mr. VEST. I am taking the clauses as they come. The first is:

All cases in law and equity arising under this Constitution—

Under this particular instrument, coming from the Constitution itself—

the laws of the United States—

There is another grant—

and treaties made, or which shall be made, under their authority.

Now, there are three distinct clauses of jurisdiction: first, under the Constitution; next, under the laws made in pursuance thereof; next, under the treaties made with foreign countries. It proceeds:

To all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States,—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Mr. President, let us take these clauses separately and see whether the power to pass this bill can be found under all or any of them. I shall reserve until the last my comments upon the first clause, which is, "To all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority," because I think it can be established beyond any doubt that the jurisdiction is not found in the other clauses that follow. If this bill can be sustained at all, it is because there is a clause in the Constitution which authorizes it outside of the other clauses, which I shall proceed to enumerate. For instance, the next clause is:

To all cases affecting ambassadors, other public ministers, and consuls.

Unquestionably the power is not there. No minister, no consul is involved in this legislation.

To all cases of admiralty and maritime jurisdiction.

Unquestionably it is not found there, because the bill proposes only to affect contracts made upon land, not upon the ocean, and there is no admiralty or maritime question involved. Next:

To controversies in which the United States shall be a party.

Unquestionably it does not affect that unless it be in that uncertain and unsatisfactory statement of the Senator from Ohio that he means in one clause of his amendment to give to the United States the power to proceed by *quo warranto*, injunction, or otherwise. In his original bill he had a direct criminal proceeding on the part of the Government of the United States against these trusts and he struck it out in the substitute. He has eliminated from this discussion the direct criminal proceeding in the name of the United States against the parties composing this trust and against the trust itself. There is no machinery provided for any proceeding by the United States in his amendment; but only the uncertain statement that the United States may proceed by remedial process. There is nothing else to lead us to believe that he intends that the United States shall do anything else except proceed in some fashion by information against the persons composing these trusts or the trusts themselves.

To controversies between two or more States.

Unquestionably the bill is not under that clause.

Between a State and citizens of another State.

There is nothing in this amendment which gives jurisdiction under that clause.

Between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

Of course there will be no contention that the jurisdiction is found under that clause. It must be then found under the clause—

Mr. SHERMAN. I have stated that the jurisdiction is sufficiently conferred in the ordinary language of the judiciary act of 1789, in all controversies in which the United States is a party and in controversies between citizens of different States.

Mr. VEST. Unquestionably.

Mr. SHERMAN. Those are the two clauses to which I referred. I did not claim any other power.

Mr. VEST. Unquestionably where there is any litigation between citizens of different States the Federal courts have jurisdiction, no matter what is the subject-matter. That is elementary law known to every student. But here is a bill which is put upon no such ground. The bill says:

All arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states.

Not where there are litigants, not where one is plaintiff and the other is defendant. There is where the Constitution gives Federal jurisdiction. If the corporation itself is composed of citizens of different States then this jurisdiction attaches. Any citizen can sue although he lives in the same State with the corporation. There is the distinction.

Let me say that it excludes all the remedy that can be given to any citizen of the United States against the enormous evils depicted by the Senator from Ohio, because if this bill be passed and the Supreme Court of the United States decides it constitutional, you will never hear of the corporation which proposes to create or manipulate a trust that does not have the *personnel* of its stockholders all in the same State. That goes without saying, and it is to impute idiocy to the men whose schemes and machinations we are now attacking to suppose that they would do anything else. The idea that they, with the best counsel in the United States and even in the world, with the highest legal talent upon their side, will not immediately construct their corporations so as to nullify such a law is to impute to them a degree of mental imbecility that is simply ludicrous.

The Senator makes no distinction between the parties to the suit and the composition of the corporation which is itself a plaintiff or a defendant. He puts this jurisdiction upon something unknown to the Constitution, and the result would be (and it can be read between the lines) that if we enacted this into law the Supreme Court of the United States would immediately confront us with that clause of the Constitution and the judiciary act of 1789 and throw the case out of court.

It is very obvious that this attempt to invoke the web and woof of the judiciary act of 1789, which was made in pursuance of the clause of the Constitution that I have read, is an uncertain commingling of two elements utterly incongruous and utterly inconsistent.

Mr. SHERMAN. Does the Senator from Missouri say that there is anything in the bill that confers jurisdiction when they are citizens or members of a corporation of different States? There is nothing of that. The language of the bill is plain. I have read it. I do not see what the Senator is driving at.

Between two or more citizens or corporations—

The corporation is considered as a unit and the citizen as a unit— or both, of different States.

This must be some persons and some corporations, distinct and separate personalities, not citizens who are members of the corporation. There is no such provision—

Mr. VEST. I am very unfortunate in my expressions if I have not made the Senator understand me.

Mr. SHERMAN. I think the Senator is unfortunate, although he is not very often so.

Mr. VEST. Here is what I mean, and I think the Senator must agree with me: The Constitution of the United States makes one basis of jurisdiction to be the diverse citizenship of the litigants.

Mr. SHERMAN. Very well.

Mr. VEST. Nothing can be plainer than that.

Mr. SHERMAN. This points that out. They must be citizens of different States or corporations of different States, or both.

Mr. VEST. Of course. Although it is so simple a matter that it hardly needs elucidation, I may put it thus: If Mr. Brown lives in the State of Missouri and Mr. Smith lives in Ohio they can sue each other without regard to the subject-matter, provided it comes within the limits which was fixed in the judiciary act as to the jurisdiction of a Federal tribunal. The Senator does not put his bill upon that ground at all. He undertakes to put it upon the composition of one of the litigants alone. He does not say, if one of these citizens lives in one State and one in another, which we would all admit to confer Federal jurisdiction, but he gives Federal jurisdiction because the corporation which makes the trust is composed of citizens of different States. If it does not mean that, then the English language has lost all its flavor and I have lost my power to understand it.

Here is what he says; I will read it again *ad nauseam*:

All arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States.

And that gives jurisdiction, provided they go on and undertake to do the other things enumerated in the other part of the section as to goods brought from foreign countries or goods carried from one State to another.

The Senator does not follow the Constitution, which says that when a suit shall be brought by a citizen of one State against a citizen of another State for doing the thing which he enumerates afterwards, which is another matter of argument, but he says if the corporation offending is composed of people living in different States, then the Federal courts have jurisdiction, which I submit is an unheard-of proposition and no lawyer ever advanced it before. As I undertook to show,

how easy is it for these corporations to evade any such provision by simply having their stockholders all living in the limits of any particular State? It affords no remedy, even if the argument of the Senator from Ohio could stand for a moment, which it can not.

But, Mr. President, I proceed now, for it is not my disposition to make any elaborate argument, to the latter clause of the amendment, disregarding entirely the original bill, which for the purposes of discussion has been removed. If a corporation is composed of two or more persons living in different States or if it is composed of citizens or corporations, or both, in the United States and a foreign country, and they make a combination to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States, then this proposed law takes effect, and they become subject to the jurisdiction we invoke legislatively.

I do not propose to make any hypercritical argument, but I do insist that unless we adhere to the opinions of the Supreme Court, especially in the great case of *Brown vs. The State of Maryland*, we are at sea without rudder or compass in this whole discussion.

The Senator invokes the commerce clause of the Constitution, that clause which gives to Congress the power to regulate commerce with foreign countries, among the States, and with the Indian tribes. The first question that meets us *in limine*, which any lawyer would be ashamed to confess that he did not invoke at the very beginning of his argument on this commerce clause, is the material question, what is commerce? What is commerce with a foreign country? There is the point in this whole legislation, the point that has given me the most trouble after long and exhaustive thought to the extent of my ability.

I will confess now, parenthetically but honestly, that in all my experience as a lawyer I have never encountered a subject so full of difficulty as that now before the Senate. I can very well understand how it is full of difficulty. Notwithstanding the eulogium in which I cordially unite with the Senator from Ohio upon the framers of the Constitution, it is simply impossible, unless we attribute to the framers of this instrument the intellect of gods, that they in the thirteen original colonies, poor, struggling for existence, limited in their territorial area to the Atlantic sea-board, should ever have contemplated the immense country for which we are now legislating, and the enormous aggregation of wealth which startles and amazes the world. They undertook in the Constitution to meet contingencies, but here is one which begets Aladdin's lamp in the reality that is before us and with us to-day. It is no reflection, then, upon their intellect or their patriotism to say that they could not have contemplated an emergency such as that which now rests upon the people of the United States.

Mr. President, I come back to the question. What is commerce? We have the power to regulate it, but we must first find what commerce is in order to exercise our legislative power. I shall not undertake to read the decisions of the Supreme Court of the United States, which are elementary law upon this subject. In the great case of *Brown against The State of Maryland*, which leads upon this subject, and to which every lawyer goes first, decided by the most eminent men who ever sat upon the bench in this country, and the equals of any in the world, the regulation of foreign commerce was declared to be the regulation of the importation and sale of articles brought from a foreign country before they had left the hands of the importer and been broken as to the original package. I state crudely, but I think accurately.

The Supreme Court in that case settled the question of foreign commerce by declaring, as to the power of a State to tax foreign importations, that so long as the original package remained in the hands of the importer unbroken it was the subject of foreign commerce. When it left his hands and the package was broken, and the goods went into the common mass of the property of the people of the State, then the commercial clause of the Constitution as to foreign commerce ceased to operate.

Mr. President, apply that decision to the provisions of this bill. Here is one clause of the amendment which provides that if a corporation composed of citizens of different States does any act "with a view or which tends to prevent full and free competition in the importation, transportation, or sale of articles imported into the United States," this proposed law shall take effect.

Does the Senator from Ohio pretend that, after the importer has brought in the goods and the package has been broken and the merchandise has been mingled or commingled with the other goods of the people of the State into which the importation is made, under this clause of the Constitution we can enact such a law as is proposed? I take it that the statement of the case is sufficient to answer the proposition. But it is undertaken to get this jurisdiction under another clause of the Constitution. The bill proceeds:

Or with a view or which tends to prevent full and free competition in articles of growth, production, or manufacture of any State or Territory of the United States with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States into or within any other State or Territory of the United States.

I shall not repeat the argument made by the Senator from Mississippi as lucidly and conclusively as any argument could have been made, that we have no power under any clause of the Federal Constitution to legislate as to any article simply because it is manufactured in any State of

the Union and may be at some time carried to another State. That clause in the Constitution of the United States which affects interstate commerce, or, to speak more accurately, commerce among the States, has been defined by the Supreme Court in three leading cases to mean the power to regulate commerce in articles, whether manufactured in the State or not, after they have gone into commerce and are *in transitu* from one State to another.

The Supreme Court of the United States has decided that it is not for the manufacturer or the owner to say, "I intend these goods to go into another State." They must actually be *in transitu*; they must be in the hands of the common carrier, or in his depot or warehouse, with the impression distinctively made upon them that, to use the expression of one judge, they are dedicated to commerce among the States.

The Senator from Ohio makes the fatal mistake as a lawyer that, because goods manufactured in one State may be at some time or other taken into another, which as a matter of course is possible in every contingency, therefore he can invoke the general interstate commerce clause of the Constitution. He can not do it. If we pass this bill upon any such assumption and it goes to the Supreme Court of the United States, we shall simply be told that all we have done here is *vox et preterea nihil*, sound and fury, signifying nothing.

Mr. President, one year ago the Senator from Ohio struck the keynote as to all these trusts and combinations in the United States. It was in the expression made in this Chamber that whenever he was satisfied that any trust or combination was protected by a high tariff duty he would be in favor of reducing that duty. This is the remedy; and any other remedy, without an amendment of the Constitution of the United States, any remedy such as is proposed in this bill, will be absolutely nugatory and ineffectual.

The Senator from Ohio has drawn an eloquent picture of the operations of trusts in the United States. Sir, these trusts—and every intelligent man knows it, whether a legislator or a citizen—are protected by your high tariff, and are enabled to work their iniquitous purposes under that buttress which the tariff law erects around them.

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

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

Mr. VEST. Of course.

Mr. ALLISON. Am I to understand the Senator as saying that the only remedy as respects trusts is that which enables us to reduce tariff duties upon particular articles, and therefore if a trust or combination is made which is not in any way influenced by duties there is no remedy without an amendment to the Constitution?

Mr. VEST. Mr. President, if I stated it that strongly perhaps I went beyond my exact meaning. I believe there is a remedy if you take the jurisdiction of the State and also the jurisdiction of Congress and put them together, but I do not believe there is any complete remedy in the action of either separately and of itself. What I meant to say was that as to nearly all the trusts which have been denounced here to-day the most apparent remedy is to take away the protection which these trusts have from the high tariff that is now upon our statute-books and in operation.

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

Mr. VEST. Certainly.

Mr. PLATT. What is the difficulty of the States dealing with this matter? What prevents any State from dealing with the matter of trusts?

Mr. VEST. I do not think there is any difficulty whatever as to that class of cases in which the products, or the transactions, to speak more accurately, take place entirely within the limits of a State; but we know that these trusts evade the State statutes even when they are made, and if we desire to apply a remedy we must remove the cause or else we are legislative empirics. If it is true that the tariff permits these trusts and protects them and we do not seek to remove the cause, all the remedies we attempt to apply are simply surface and skin, expedients that amount to nothing, and the real cause of the difficulty still remains.

Mr. INGALLS. Will the Senator inform me upon what ground the Missouri anti-trust bill was declared unconstitutional in his own State?

Mr. VEST. The circuit court at St. Louis, Mo., decided the act of the Legislature to be unconstitutional upon the ground that the forfeiture of the charter of a corporation was a judicial act, and could not be done by the act of the secretary of state. It was decided in the court at St. Louis by Judge Dillon, but it has not yet been decided in the supreme court, that the forfeiture of the charter of a corporation was a judicial act, and that the act of the Legislature which gave to the secretary of state the power of himself to declare the forfeiture of the charter was therefore unconstitutional. That was the ground.

But, Mr. President, whether it was on one ground or another, these corporations, with the amount of legal talent they are enabled to employ and invoke, will be able in almost every instance to avoid these statutes, and I solemnly assert here that in my judgment the only real remedy is to be found in taking away the protection and origin of these trusts, which is in the high tariff taxes which stand like a wall and enable these trusts to exist.

The Senator from Ohio has spoken of these trusts. Now, Mr. Pres-

ident, I happen to have here a list of them, and these are only a few. The first is the steel-rail trust, buttressed by a tariff tax of \$17 per ton.

Mr. GEORGE. What per cent. is that?

Mr. VEST. I do not recollect the per cent. We discussed it in the last Congress. Seventeen dollars is the taxation per ton; steel rails are protected that much. As my friend from Iowa very well knows, I tried to reduce it, and he resisted the attempt.

Mr. ALLISON. I beg to put an interrogatory to the Senator, if he will allow me, right there upon the question of steel rails.

Mr. VEST. I do not want an argument upon every one of these items.

Mr. ALLISON. I will not say a word by way of argument.

Mr. VEST. I yield to the Senator.

Mr. ALLISON. I ask the Senator if it is not true that at this moment the price of steel rails in England is practically the same as it is in the United States, or within a dollar or two? If that be so, how is it that the \$17 duty upon steel rails at this moment is injuring the great body of the rail purchasers in this country?

Mr. VEST. Why, Mr. President, if we were told anything in the discussion in which my friend and myself participated rather largely in the last Congress—and I know it was urged by the Senator from New York [Mr. HISCOCK] now in my sight—it was that whenever you reduce the price in any one country you reduce it all over the world, and necessarily in every other country. We know very well that competition always reduces prices. It is no argument to say that steel rails are as cheap, even if it were true, in England to-day as they are in the United States; that will not do. I say if you let these two manufacturing interests compete together and create competition, you then secure lower prices to the consumer. That is the law of trade and that is the law of manufacturers the world over.

Mr. TELLER. I should like to ask the Senator a question, if he will allow me.

Mr. VEST. Certainly.

Mr. TELLER. Is not the Senator from Missouri aware that there is a steel trust in Great Britain that includes every steel establishment in Great Britain except one, and includes the German and Belgian establishments also?

Mr. VEST. I know that statement was made, but I never took the trouble to investigate it. Now, I make this statement to supplement it, and it is as absolutely true as that I am standing in this Senate Chamber. I know that there are trusts in Great Britain, and I have no doubt there will be trusts in any country under the present conditions of manufactures and of commerce; but here is the difference between trusts in Great Britain and the United States:

When you make a trust or attempt to make a trust in Great Britain, you must corner the products of all the world and you must have enough capital to do this, because you compete with every part of the civilized globe and you have no tariff to protect you and prevent competition, and therefore the capital necessary to effect the purposes of the combine must be at hand; but when you come to the United States the combine is helped by the tariff because the tariff tax shuts out the foreign producer and foreign importer, and limits necessarily the amount of capital necessary to achieve the purpose.

Mr. FRYE. If that is true, will the Senator from Missouri please account for the fact that 25,000 tons of steel rails manufactured in the United States were last week sold in Mexico, where all the nations of the earth have free competition one with the other?

Mr. VEST. Mr. President, I am obliged to my friend from Maine. That shows the blessings and the equities of the high protective tariff! These very people making steel rails in the United States, who must be protected in order to live by a subsidy of \$17 per ton, are able to go into Mexico and in a free-trade market to undersell the English, the Belgians, or anybody else!

Mr. FRYE. But the Senator does not reply to the question which I asked him.

Mr. VEST. I was attempting to do so.

Mr. FRYE. The Senator was asserting that a protective tariff prevented competition and created the trusts. I say there is no protective tariff which prevents competition in Mexico, because there is the same tariff against the products of England as against the products of the United States, and yet the United States sells 25,000 tons of steel rails to Mexico.

Mr. VEST. As a matter of course, Mr. Disston, of Philadelphia, who is protected on his saws, it was testified before the committees of the Senate and the House of Representatives, can sell his saws in England and undersell the English manufacturers, and yet Mr. Disston gets his protection in the United States. How will the Senator answer my proposition when he says that we sell 25,000 tons of steel rails in Mexico?

I have a letter in my possession from a gentleman who lives at Piedras Negras on the Rio Grande, which I believe is translated Black Rock, upon the Mexican side, and opposite to it is a small American village, and there are two stores belonging to the same party, one on American soil and one in Mexico, and in Mexico the same goods are sold one-third cheaper than in the United States, because on the Mexican side this man is bound to compete with the whole world, whilst on the

American side he is protected by the tariff and competition does not exist.

Is it any argument to tell me that we sell our saws, our watches, our machinery, our cutlery, all over the world, and do it successfully? I say it is an argument against the high protective tariff because it shows that the subsidy we are paying inside of the United States to enrich these manufacturers is a sham and fraud. They do not need it.

That is what is the matter with the people of the West to-day; that is why the complaint is made of combines and trusts; that is why the farmers are combining or attempting to do so in order to protect themselves against the aggregation of capital, which by this legislation is enabled to compete outside of the United States successfully, and yet to shut out the competition after they reach our own shores. Let me give the facts:

THE TARIFFS AND THE TRUSTS.

[From Justice, Philadelphia.]

1. The Steel Rail Trust, buttressed by a tariff tax of \$17 per ton.
2. The Nail Trust, by a tariff tax of \$1.25 per 100 pounds.
3. The Iron Nut and Washer Trust, by a tax of \$2 per 100 pounds.
4. The Barbed Fence-Wire Trust, by a tax of 60 cents per 100 pounds.
5. The Copper Trust, by a tax of \$2.50 per 100 pounds.
6. The Lead Trust, by a tax of \$1.50 per 100 pounds.
7. The Slate-Pencil Trust, by a tax of 30 per cent.

I should like to hear my friend from North Carolina [Mr. VANCE] on that.

8. The Nickel Trust, by a tax of \$15 per one hundred pounds.
9. The Zinc Trust, by a tax of \$2.50 per one hundred pounds.
10. The Sugar Trust, by a tax of \$2 per one hundred pounds.
11. The Oilcloth Trust, by a tax of 40 per cent.
12. The Jute Bag Trust, by a tax of 40 per cent.
13. The Cordage Trust, by a tax of 30 per cent.
14. The Paper Envelope Trust, by a tax of 25 per cent.
15. The Gutta Serena Trust, by a tax of 35 per cent.
16. The Castor Oil Trust, by a tax of 80 cents per gallon.
17. The Linseed Oil Trust, by a tax of 25 cents per gallon.
18. The Cottonseed Oil Trust, by a tax of 25 cents per gallon.
19. The Borax Trust, by a tax of \$5 per one hundred pounds.
20. The Ultramarine Trust, by a tax of \$5 per one hundred pounds.

And so on, and they are adding to them day by day. Now, Mr. President, the favorite argument of our friends who sustain the high protective tariff is that high duties lower the cost of products to the consumer by reason of the competition between the manufacturers inside of the United States. If that be so, why are these trusts created? They are created because when foreign competition has been shut out and competition becomes acute and severe between American manufacturers they come together and create these combines at the expense of the consumer in order to enhance their own profits. If the high protective tariff were removed the foreign competition would furnish, if not an absolute, certainly a most beneficial remedy to remove this evil.

We have been told in some directions that the trusts and combines have nothing to do with the tariff. Mr. President, that reminds me of a very suspicious old gentleman who when the Siamese twins were in this country thought he would invest twenty-five cents in looking at this great natural curiosity. He paid the tax, went into the exhibition room, and there found two grown young men posing before the audience in the most approved style. He was very suspicious and he examined them critically, and finally examined the ligament that bound them together in that world-renowned connection which scientists, even, were not able to explain, and he found in this ligament the pulsation which indicated animal life to the fullest extent. He stepped back, still suspicious, and said to them, "Now, boys, tell me the truth; are you brothers?" [Laughter.] So with the connection between the trusts and the tariff.

Mr. DAWES. Would it interfere with the Senator if I put a question?

Mr. VEST. Oh, no.

Mr. DAWES. I appreciate the difficulties of this subject as well as the Senator does. I understand him to say that the remedy, the method of putting down the trusts in this country is to open these trusts to the competition of the foreign trusts. Now, the query I want to put to him is this: What is to hinder taking one more into a trust and taking the foreign trust into the American trust or the American trust into the foreign trust and then having it beyond all control?

Mr. VEST. Mr. President, I am against all trusts, and the Senator—

Mr. DAWES. The Senator does not get my point. I asked him what remedy he would get by erecting free trade so as to cause active competition between the two trusts. Would there not be just the same motive and just the same opportunity and just the same facility to put these two trusts together when they were competing as there would be to have two competing with each other here at home?

Mr. VEST. Mr. President, any sort of assumption could be made as to what parties would come in as competitors from a foreign country. With that I have nothing to do so far as the purposes of my arguments are concerned. I take it that in the natural course of trade the foreign importer would come in and compete with the American manufacturer. I know absolutely that the purpose of the friends of a high protective tariff is to shut out foreign competition. If I had any doubts about that, they were removed in the last Congress when my friend from Iowa [Mr. ALLISON] and my friend from Rhode Island [Mr. ALD-

RICH] and my friend from New York [Mr. HISCOCK] applied in every case as to every item in the tariff bill that they reported, not the test whether protection was needed for the manufacturer in this country or for the consumer, but how much of the competing article was brought in during the last year.

Mr. ALLISON. Mr. President, will the Senator yield to me for a moment?

Mr. VEST. Certainly.

Mr. ALLISON. Did we not in that bill provide for a reduction of 50 per cent. upon the sugar duty as against 18 per cent. in the House bill, cutting down the profits of the refiners of sugars one-sixth of a cent as compared with the House bill in addition?

Mr. VEST. Oh, yes; they did all that. I understand there was a reduction upon sugar. I do not propose to go into the sugar question just at this time, but in my judgment that reduction was in the interest of the refiner. The raw sugar was permitted to come in, which is their raw material.

Mr. ALLISON. I will say to the Senator that if he will take half an hour to examine the details of that bill he will see that the reduction made by the Senate bill was not only not in the interest of the refiners, but was against their interest as compared with the bill that came to us from the House of Representatives, and against their protest.

Mr. VEST. We discussed all that, and so far from taking a half hour I took something like two months on that bill and examined every provision in it and every item in it, and without wanting to go into that argument and thrash over old straw I say now that the Senator and his colleagues took pains to increase the duties on all the necessities of life that were imported in competition with American manufactures.

Mr. DAWES. To wit, duties on what?

Mr. VEST. On hardware, on woolen goods, on a dozen other articles that are absolutely necessities of life, and refused to take them off lumber and salt and other things that enter into the daily consumption of the American people. That is the fact, and the Senators know it.

As a matter of course they reduced the duties upon coarse cotton cloths, because they are made in the South, but they took care to put the duties up on fine cotton cloths, that are made in New England; and now the Senator from Iowa says they reduced the duties on sugar. That was because sugar was raised in Louisiana. It was for a climatic reason, and that only. If the sugar had been raised in the North, all of them, I think, would have "taken sugar in theirs," and if the Senate wanted to reduce the duties upon necessities why was it not done? It was not done because the Republican party could not afford to do it and did not do it.

Sir, I have spoken longer than I intended. I hope that some member of the majority, because it will be useless for me to do so, will move to refer this question to the Judiciary Committee. The amendment of the Senator from Texas is now pending before a subcommittee of that committee, together with other proposed legislation on this subject, which has been introduced into the Senate. This is a subject so elaborate, so important, so overwhelming, that it should be approached with the greatest caution and treated with the greatest care.

I sympathize with the objects of the Senator from Ohio. I am willing to vote for any bill which I think as a law will stand judicial criticism and construction, but in my judgment to pass a law which the Supreme Court would declare to be unconstitutional is simply to invite additional disaster.

Mr. HISCOCK. Mr. President, I sympathize with a great deal that has been said by the Senator from Ohio [Mr. SHERMAN] and agree to all that he has said against trusts and combinations, and I am willing to join hands with him in every effort that promises success to defeat them. I do not, however, sympathize with the expression which has been made here that a public legislator can not afford to resist efforts in the direction of unwise, illegal, and unconstitutional legislation because his action may be misconstrued. One is always safe in predicating his action upon the intelligence of the people, and they will understand that the bill or the amendment to the bill now offered by the Senator from Ohio is absolutely ineffectual to remedy the evils which he has so elaborately and ably commented upon.

In reference to interstate and foreign commerce, I understand that he states the proposition to be that the initial point with us in respect of foreign and interstate commerce is when the merchandise is launched on its way to its destination, or at least is in the hands or possession of the common carrier who transports it there. There is no doubt that is the law of the land. Bearing that in mind, let us briefly take this amendment and see precisely what it means and what it proposes, what merchandise it covers and what transactions it declares void. It provides—

that all arrangements, contracts, agreements, trusts, or combinations between two or more citizens or corporations, or both, of different States, or between two or more citizens or corporations, or both, of the United States and foreign states, or citizens or corporations thereof, made with a view or which tend to prevent full and free competition in the importation—

It prohibits a contract and arrangement preceding the very act which gives Congress jurisdiction over it—

importation, transportation, or sale of articles imported into the United States,

The provision on the face of it applies to contracts which are made before importation has commenced, before the article is within the purview of the Constitution, and they are declared to be void. It is in the purchase of the goods, Mr. President, within the language of the provision, that the combination may not be made to prevent importation into this country, and "with a view or which tend to prevent full and free competition," is the preceding language. Goods may be purchased and diverted from the United States, and that may be the object of the combination, to send them elsewhere, divert them from coming here and flooding our markets, and the amendment proposed takes jurisdiction of that.

I hope that the Senator from Ohio will point out the clause of the Constitution that gives us the power and the right to take jurisdiction of goods which may never be imported here; never come within the jurisdiction of the Federal Constitution or of the laws which have been passed under it. But an article reaches here, and, as has been well said, it has passed beyond the hands of the importer.

It is then subject to State law, State taxation; and yet this amendment follows it, and under this provision if it becomes a law penalties are imposed. At both ends it legislates with reference to commerce before the merchandise has been dispatched on its way to this country, and after it has reached here and after it has been taken out of the volume of commerce. Let us take the next clause of this amendment:

Or with a view or which tend to prevent full and free competition in articles of growth, production, or manufacture of any other State or Territory of the United States, with similar articles of the growth, production, or manufacture of any other State or Territory, or in the transportation or sale of like articles, the production of any State or Territory of the United States into or within any other State or Territory of the United States.

That clause provides that if the trust may prevent competition of property which is grown in one State or Territory and merchandise which is manufactured in one State or Territory with that produced in another, then it is illegal and void; it need not be transported. I call the Senator's attention to the effect. There may never have been an intention of transporting it into another State, and yet the provision of this section of the bill applies to it.

It takes control of the manufacturing, of the mining, and of the agricultural industries of the whole country wherever there may be competition as between the people of one State and the people of another. The language is explicit. As I remarked, the article may never have been produced for the purpose of transportation or delivery from one State into another, still this amendment reaches out and takes jurisdiction of it.

The damages which may have resulted from the trust may have been incurred by the individual before it has entered upon transit from one State to another, and yet, under the provisions of this bill a plaintiff can recover. What follows?

And all arrangements, trusts, or combinations between such citizens or corporations, made with a view or which tend to advance the cost to the consumer of any such articles, are hereby declared to be against public policy, unlawful, and void.

There is no limitation upon the language. It does not pretend to regulate interstate commerce. Let us go back again to the first lines of the bill, "made with a view or which tend" to do this; and these arrangements are void, under the provisions of the bill, as against public policy. It takes the control of every manufacturing industry; it takes the control of every mine; it takes the control of all the merchants, because, as I have said, it does not limit its operations and effects to goods in interstate commerce.

And the circuit court of the United States shall have original jurisdiction of all suits of a civil nature at common law or in equity arising under this section, and to issue all remedial process, orders, or writs proper and necessary to enforce its provisions. And the Attorney-General and the several district attorneys are hereby directed, in the name of the United States, to commence and prosecute all such cases to final judgment and execution.

Inquisitorial power is given to the officers of the General Government to reach into the management of every industry in the United States, and I repeat it does not depend upon the fact that the merchandise is to be involved in interstate commerce. Not at all. If by its production a certain effect may be had, if it may compete in any way, the penalties follow. Now, with the interchange of commodities we have in this country, it is fair to say that wheat raised in Dakota competes with wheat raised in New York if not a bushel of that wheat is transported to the State of New York. Competition is now in the markets of the world, and it is not confined to States or the markets of States between themselves.

If this bill shall be carried into effect I shall expect the Senator from Ohio to present here next year an amendment to it that manufacturers are to be licensed and their business carried on under the restrictions of that license and under the inquisitorial power of the Attorney-General, the district attorneys, or some other officials.

It seems to me, Mr. President, that I have commented enough on the enormities, the far-reaching effect of this bill if it shall become a law and be declared by the courts to be constitutional. The logic of the decision will be for Congress to take control of every producing interest in the respective States of the Union.

The Senator from Ohio has read several decisions here upon the subject of the power of the courts over this question and the illegality of

these trusts. In each case that he cited the court established its jurisdiction and its power to afford a remedy, and the Senate would have been under great obligation to the Senator from Ohio if he had pointed to a single case as to which there is not a complete remedy or may not be a complete remedy under State laws. I should be obliged to him if, in the progress of this discussion, before its close, he would point out and describe the cases in which there is not ample jurisdiction in the Legislatures and courts of the States, respectively, in respect to all these trusts and combines.

As I have already said, interstate commerce commences when the goods are entered for transportation from one State to another. Up to that point of time every contract made in reference to them, the control of the goods themselves, is within the jurisdiction of the State courts and of the Legislatures of the States, respectively.

I think something has been said here that the framers of the Constitution neglected to put something in the Constitution that might properly have been placed there giving Congress the proper authority in respect to this subject.

Why did they need to put it there? I ask, Mr. President, bearing in mind what I have stated, that up to the point when an article of production is delivered to the common carrier every contract in reference to it and the custody of the goods is within the jurisdiction of the Legislature of the State in which it starts, and when it reaches another State it is subject to the jurisdiction of the courts and of the laws of that State.

It is with reference to interstate commerce that Congress has the right to take jurisdiction; that is the act of exchange from one State to another; and we all know why that provision was placed in the Constitution. One of the chief reasons was that the General Government might prevent States from practically prohibiting commerce between each other, for the purpose of regulating taxation upon property which was to go from one State to another. The purpose was obvious; but it was not the intention of the framers of the Constitution to take the jurisdiction of the property until it had passed beyond the point when it was subject to State taxation and State control.

The Senator from Ohio has seemed to think, and has argued here, that we might take control of this subject on account of that provision of the Constitution which gives jurisdiction to the courts of persons, forms of action, and all that. I hope in the progress of this discussion the Senator will tell us if he believes that our courts can create a cause of action. That is the question involved here as he presents it. They may have jurisdiction of the litigants and of the cause of action in actions of law and in equity, but it should be borne in mind they have no power to create a cause of action. They have ample and full jurisdiction over the remedies, but the creation of the cause of action rests with the law-making power, and not with the court, and Congress, the law-making power, looks to the Constitution for its authority to create a cause of action, and nowhere else.

Mr. President, criticisms have been made upon this bill that in my judgment may be obviated by amendments to it. I have devoted no time to defects of that kind. The objections that I make to the bill are fundamental; they can not be obviated by any amendments that possibly can be proposed.

What I maintain is that whenever property, either in process of manufacture or completely manufactured, has not already been put on its course of transit either into this country or from one State to another, whatever the intention may have been in its production, up to the point of time when it is started to its destination, absolute and complete control of that property is within the legislative power, the law-making power, and the jurisdiction of the courts, of the States and countries respectively in which it is situated.

If the Senator from Ohio will point to a single case in which the Legislature and the courts have not the one the power to give the other jurisdiction, and the latter to administer it, I will join hands with him in an effort to perfect a bill by Congress that shall give to the Federal courts jurisdiction with reference to that subject. But it must be borne in mind that this is not a jurisdiction that can be abdicated by the States. It is not a jurisdiction that can be possessed by a State and the General Government at the same time. There is no partnership in respect to it, and there can be none. If the States have jurisdiction the National Government can not have it, and if the National Government has jurisdiction, or can take it, it can not be possessed by the States.

As I said some time since, my objections to the bill are fundamental; they can not be reached by Congressional legislation. According to the cases that have been read here, there is full and ample power on the part of each State Legislature in respect to this very subject. Why not then leave it there as a matter of right and wrong between the States? Local and State sentiment will take care of these questions. It does not depend upon one State alone. The State from which the goods are started has jurisdiction and the States to which they are consigned has it also.

Mr. President, I have not gone through with this bill to elaborate the different subjects, all the matters of which it proposes to take jurisdiction. The language is remarkable in it:

Made with a view or which tend to prevent full and free competition.

I can summon here to answer those who would be injured by the bill whose voice would be as potential to put up or down the supporter of it as all those who can be invoked by popular clamor against trusts; and I hope we shall be told in the progress of this discussion if there is a labor organization in the United States that is not affected by it. Every organization which attempts to take the control of the labor that it puts into the market to advance its price is interdicted by this bill.

Sir, I am one of those who believe in labor organizations. I believe the only safety to labor rests in the power to combine as against capital and assert its rights and defend itself.

The criminal section of this proposed law has been eliminated from it. Perhaps it was wise to do that, because under that section these organizations and their promoters might have been reached. Possibly under the damage provisions in the bill they never would be pursued; but it strikes at them as viciously as it is possible to conceive of. Will it be said that their combinations are not made with a view of advancing costs and regulating the sale of property? Will it be argued that they do not directly do it? If we have entered upon a race to outstrip each other in the denunciation of capital, the manufacturing industries, the combinations of capital, and it is to be on the line of the support of this bill, I announce that there are two sides to it. If Senators are to be deterred from their opposition to it by this clamor, I call their attention to the fact that the bill takes within its embrace those affected by its provisions and injured by its provisions who are very potential in asserting their rights and respect for their wishes.

In my judgment, Mr. President, neither this bill nor any like it should be enacted into law unless it is within the warrant of our charter, unless we are satisfied that it is legal and constitutional. No attempt should be made to reach into the States and take from the jurisdiction of the State Legislatures the subjects of which they have full and ample control.

AID TO COMMON SCHOOLS.

During the remarks of Mr. HISCOCK,

Mr. BLAIR. By the courtesy of the Senator from New York I ask the floor to enter a motion to reconsider the vote by which the Senate refused to order to a third reading Senate bill No. 185, the educational bill.

Mr. INGALLS. What is the motion, Mr. President?

The VICE-PRESIDENT. A motion to reconsider the vote upon the educational bill.

Mr. INGALLS. Will the Senator from New York yield to me a moment?

Mr. BLAIR. Mr. President—

Mr. INGALLS. I move to lay the motion to reconsider on the table.

Mr. BLAIR. I have the floor. My motion is pending.

The VICE-PRESIDENT. Does the Chair understand that the Senator from Kansas wishes present consideration of the motion which he has just made? [A pause.] The Senator from New York will proceed.

PROPOSED ADJOURNMENT TO MONDAY.

After the remarks of Mr. HISCOCK—

Mr. JONES, of Arkansas. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. SHERMAN. I hope not. I hope the Senate will meet to-morrow.

Mr. JONES, of Arkansas. I did not suppose there would be any objection to the motion.

Mr. SHERMAN. I hope the Senate will meet to-morrow for the purpose of disposing of business on the Calendar.

Mr. JONES, of Arkansas. As far as I am concerned, I have no desire to interfere with the wish of the Senate. I find that I can dispose of a good deal more work by having one day in the week that I can devote to work outside of the Senate Chamber, and I was in hopes that the Senate would adjourn over.

The VICE-PRESIDENT. Does the Senator from Arkansas withdraw his motion?

Mr. SHERMAN. I hope the Senator will withdraw the motion.

Mr. JONES, of Arkansas. I am willing to let the Senate determine the question. I prefer to have a vote upon it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas, that when the Senate adjourn to-day it be to meet on Monday next.

The question being put, a division was called for, and the ayes were 16—

Mr. CULLOM. I hope the Senator from Arkansas will withdraw his motion.

Mr. SHERMAN. To save time I call for the yeas and nays.

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

Mr. BATE (when Mr. FAULKNER'S name was called). The Senator from West Virginia [Mr. FAULKNER] requested me to state that he is paired with the Senator from Pennsylvania [Mr. QUAY]. The Senator from West Virginia is necessarily absent.

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY], but I take the liberty to transfer my pair to my colleague

[Mr. FARWELL], so that both the Senator from Florida [Mr. PASCO], with whom my colleague is paired, and myself can vote. I vote "yea."

Mr. WASHBURN (after having voted in the negative). I have a general pair with the Senator from Louisiana [Mr. EUSTIS] and I withdraw my vote.

Mr. HIGGINS (after having voted in the negative). I am paired generally with the Senator from New Jersey [Mr. McPHERSON]. I did not observe that he was out of the Chamber when I voted, and I therefore withdraw my vote.

Mr. GEORGE (after having voted in the affirmative). Has the Senator from New Hampshire [Mr. BLAIR] voted?

The VICE-PRESIDENT. He has not.

Mr. GEORGE. I withdraw my vote.

Mr. MORGAN (after having voted in the affirmative). I am paired with the Senator from New York [Mr. EVARTS]. I thought he was in the Chamber when I voted. I withdraw my vote.

The result was announced—yeas 17, nays 25; as follows:

YEAS—17.			
Barbour,	Gorman,	Pasco,	Walthall.
Bate,	Hampton,	Pugh,	Wilson of Md.
Berry,	Harris,	Reagan,	
Coke,	Hearst,	Turpie,	
Colquitt,	Jones of Arkansas,	Vest,	
NAYS—25.			
Aldrich,	Edmunds,	Pierce,	Stewart,
Allison,	Frye,	Platt,	Teller,
Cullom,	Hawley,	Plumb,	Wilson of Iowa,
Davis,	Hiscock,	Sawyer,	Wolcott.
Dawes,	Hoar,	Sherman,	
Dixon,	Morrill,	Spooner,	
Dolph,	Paddock,	Stanford,	
ABSENT—40.			
Allen,	Chandler,	Hale,	Morgan,
Beck,	Cockrell,	Higgins,	Payne,
Blackburn,	Daniel,	Ingalls,	Pettigrew,
Blair,	Eustis,	Jones of Nevada,	Quay,
Blodgett,	Evarts,	Kenna,	Ransom,
Brown,	Farwell,	McMillan,	Squire,
Butler,	Faulkner,	McPherson,	Stockbridge.
Call,	George,	Manderson,	Vane,
Cameron,	Gibson,	Mitchell,	Voorhees,
Casey,	Gray,	Moody,	Washburn.

So the motion was not agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of February 28, 1890, a statement in regard to expenses of a three-years' cruise around the world of one line-of-battle ship of 10,000 tons displacement, etc.

The Secretary proceeded to read the communication.

Mr. FRYE. Why should not that be printed and referred to the Committee on Naval Affairs without being read?

The VICE-PRESIDENT. If there be no objection, the communication will be referred to the Committee on Naval Affairs, and printed.

TRUSTS AND COMBINATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production, the pending question being on the amendment proposed by Mr. INGALLS to the amendment of Mr. REAGAN.

Mr. REAGAN. Mr. President, with some of the criticisms made upon the bill reported by the Senator from Ohio I agree. I think the country is debtor to that distinguished Senator for his efforts to furnish a remedy for a great and dangerous evil. I know the difficulty of preparing a bill to be enacted by Congress to meet this evil. I have presented an amendment by way of substitute for the bill reported by the Senator from Ohio. I do not know but that when it becomes subject to criticism it may fare as badly as his bill has done, and yet I have tried to formulate a measure which would obviate the objections that have been urged to his. Whatever authority we have here over this subject is derived from the provision in the Constitution which confers upon Congress the power to regulate commerce with foreign nations and between the States. Keeping that in view, I will read the first section of the amendment which I have offered:

That all persons engaged in the creation of any trust, or as owner or part owner, agent, or manager of any trust, employed in any business carried on with any foreign country, or between the States, or between any State and the District of Columbia, or between any State and any Territory of the United States, or any owner or part owner, agent, or manager of any corporation using its powers for either of the purposes specified in the second section of this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding \$10,000, or imprisonment at hard labor in the penitentiary not exceeding five years, or by both of said penalties, in the discretion of the court trying the same.

I concede that the penalty provided here is a very strong one, but it is designed to meet a very great evil perpetrated by powerful and wealthy parties. It is designed to arrest and prevent an evil which can only be met, in my judgment, by strong, coercive measures. Now, I desire to call attention to the second section of my amendment, which

is simply intended as a definition of the things prohibited in the first section. The second section is:

That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of any two or more of them for either, any, or all of the following purposes:

It will be understood that it is for these purposes when performed under the influence of the first section of this proposed act, that is, by persons engaged in commerce with foreign countries or between the States:

First. To create or carry out any restrictions in trade.

Second. To limit or reduce the production or to increase or reduce the price of merchandise or commodities.

Third. To prevent competition in the manufacture, making, purchase, sale, or transportation of merchandise, produce, or commodities.

Fourth. To fix a standard or figure whereby the price to the public shall be in any manner controlled or established of any article, commodity, merchandise, produce, or commerce intended for sale, use, or consumption.

Fifth. To create a monopoly in the making, manufacture, purchase, sale, or transportation of any merchandise, article, produce, or commodity.

Sixth. To make, or enter into, or execute, or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or shall have bound themselves not to manufacture, sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, or consumption below a common standard figure, or by which they shall agree, in any manner, to keep the price of such article, commodity, or transportation at a fixed or graduated figure or by which they shall, in any manner, establish or settle the price of any article, commodity, or transportation between themselves, or between themselves and others, so as to preclude free and unrestricted competition among themselves and others in the sale and transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite in any interest they may have in connection with the sale or transportation of any such article or commodity that its price may, in any manner, be so affected.

Sec. 3. That each day any of the persons, associations, or corporations aforesaid shall be engaged in violating the provisions of this act shall be held to be a separate offense.

I am advised that some criticisms have been made upon the second section; that it relates to things which it is said Congress has no jurisdiction of. I apprehend that those who make that criticism read the second section of the bill without considering that everything in the second section is controlled by the provision of the first section, which makes the things referred to in the second section those which are involved in commerce with foreign nations or among the several States.

As to the authority of Congress to act upon the subject, that is all I now care to say upon that point. I deem it proper to say that, though I was present when the Senator from Ohio gave notice yesterday evening that he would call the subject up to-day, other duties prevented any consideration of it which might prepare me to discuss it now as its importance and merits deserve.

It will be seen that, as between the bill reported by the Senator from Ohio and my amendment, his provides for civil suits only for damages by persons who conceive themselves to be injured, damaged by these unlawful combinations, while the amendment which I have presented does not make provision for civil suits, but provides for a criminal prosecution and severe penalties against those who may be engaged in these unlawful occupations. After what has been said by other Senators this morning on the subject, if we were better prepared to discuss these points it is not necessary that I should go over the evils which it is intended to prevent by this character of legislation. I am inclined, however, to think that if the amendment which I present should be adopted as a substitute for the bill of the Senator from Ohio, it would be well to incorporate in it after its adoption, or at some time, a provision of that measure authorizing civil suits. I am inclined to think that it would be well that whatever law should be adopted on this subject should embrace both jurisdiction of civil and criminal proceedings to prevent and punish these evils.

In speaking of this subject and in looking at its difficulties, I feel sure, notwithstanding the great demand for action by Congress, that the people interested, the people oppressed and distressed by operation of these trusts, look too much to the Congress of the United States for the desired relief. Congress can go no further, as I understand its authority under the Constitution, than to provide a remedy with reference to those things which come into the category of commerce with foreign nations and commerce between the States. That is as far as it may rightfully go; and it seems to me that it is one of the highest and most important duties under the circumstances that it should go that far. But if the people of this country expect salutary relief on this subject they must look to their State governments, for they have jurisdiction over the great mass of transactions out of which these troubles grow. If the Federal Government will act upon those things which relate to international and interstate commerce, and the States, responding to the necessity of the country and the complaints of the people, will act upon the branch of subjects of which the States have jurisdiction, we may, it seems to me, arrest the evil of trusts and combinations to augment prices or to depress prices in the interest of monopoly and for the oppression and wrong of the people.

I am inclined to say right here, Mr. President, that it seems to me unfortunate that of late years the people of this country, whenever a grievance arises, feel that they must appeal to Congress for the redress of that grievance without considering whether it is one that Congress can redress or not. The idea seems to have become prevalent all over the country that anything which is wrong, anything which oppresses or depresses the people, must be remedied by Congress. I think it most

unfortunate that the people forget that their own local governments at home, controlled by their immediate representatives, are able to furnish the remedies for most of the grievances of which they complain, and for many of which they complain over which Congress has no power whatever. On this subject, however, Congress does have a limited power; but the exercise of its power under the Constitution and the doing of what it may do rightfully under the Constitution will not give relief to the people of the country unless the Legislatures of the several States take hold of the subject and make provisions there which will cover the larger number and the greater amount of the wrongs complained of by the people.

I had intended to make a criticism upon the bill of the Senator from Ohio which has in part been made by the Senator from Missouri [Mr. VEST] and in part by the Senator from New York [Mr. HIRSCOCK]; and inasmuch as those criticisms have been made I do not feel disposed to occupy the attention of the Senate by going over them again. I simply say in conclusion that I think the bill presented by the committee is objectionable on account of its not being within the provisions of the Constitution for the most part of it. The first clause of the first section is within the provisions of the Constitution, that which relates to commerce with foreign nations. A good deal of it, I think, is not within the provisions of the Constitution; and if the Senate should agree with me upon that point and should then agree with me that the provisions of the amendment which I have presented are within the purview of the Constitution, I shall hope they will adopt the amendment which I have presented.

Mr. ALLISON. Mr. President, I do not desire at this hour of the day, or at any time indeed, to discuss the merits of the bill presented by the Committee on Finance. I only rise now to occupy a few moments somewhat in response to the suggestions made by the Senator from Missouri [Mr. VEST], who has discussed the question so fully.

I must say that his argument as a lawyer discourages me somewhat as respects a remedy for these so-called trusts or combinations. If I understood the Senator correctly, he says that without an amendment of the Constitution the only practical remedy there is at this time is either an abolition or a great reduction of tariff duties or concurrent legislation of the States and of the United States, I suppose as respects interstate commerce; that beyond this narrow limit we have no power here to legislate upon this subject.

To fortify his argument as respects the tariff, he stated, as I understood him, that the tariff is the fruitful source of these combinations. If that be true, it is a curious thing to me that all these great combinations in our country are practically outside of and independent of the tariff.

The Senator read a number of trusts from a statement which he held in his hand, showing that the articles in the combinations alluded to by him were also articles that were included in the tariff schedules. But the complaint of the people, as I understand it, is not in respect mainly to the articles embraced within the tariff. I know it is true as respects the great article of sugar. Those whom I represent upon this floor in part, living in the State of Iowa, and those represented I have no doubt in part by the Senator from Missouri, are in favor practically of no tariff duty upon sugar. They believe that sugar is a necessary of life, and they believe that because of the fact that our entire production of sugar in this country amounts to but one-tenth of the consumption, the duty upon sugar is a tax upon that consumption, and therefore they are for its abolition or practical abolition if we can spare the revenue from that source.

With the exception of sugar and with the exception perhaps of steel rails, I know of no product in this country to-day (and in this I shall be glad to be corrected if I am mistaken) of any great magnitude that is affected by the tariff.

Nor will I admit that the tariff duty in and of itself produces even the sugar trust. I am not sure but that if sugar was to-day free, as it is in Great Britain, there would still be a combination among the sugar-refiners of our country to hold the market of our country. Whilst I have no doubt the present high rate of duty upon sugar has to some extent the effect to enable refiners and others more thoroughly to complete this combination, as fewer men can engage in sugar refining because of the high duty, yet I believe that if there was no duty upon sugar it would still be possible for a combination to exist here as respects the refining of sugar.

So it is practically with steel rails. The price of steel rails in England is substantially the price of steel rails in the United States to-day. Therefore the combination, if there be a combination, has not at this time any effect upon the price of steel rails in the United States. I will join the Senator from Missouri in making a proper and fair reduction of the duty on steel rails when we reach the question of the tariff, but the tariff on steel rails to-day has practically no effect upon the price, because, as I have stated, the price abroad is nearly equal to the price at home.

The Senator from Missouri illustrated his argument by reference to the copper trust. It is well known to every man who has studied the copper question that we can put copper upon the free-list any moment we choose to do so. We reduced the duty one-half upon copper in the proposed act of 1888, and it might just as well have been put upon the

free-list. There has been a trust in copper. I do not know whether it exists now, but I presume it does. But that trust has not even an existence in the United States. It is a combination in a foreign jurisdiction which comes here and buys all the copper we produce and all the copper produced in the world. We are the largest producers of copper in the world. We are large exporters of copper to foreign countries. Therefore the duty upon copper has no more effect as respects trusts than if copper was upon the free-list.

The Senator from Missouri read one or two little instances or illustrations of trusts as respects our tariff, but I waited for him to show illustrations from the great tariff schedules as respects trusts and combinations resulting from the tariff. What are the great schedules that we deem important to protect American manufactures against similar manufactures and products of foreign countries? They are the great staples of woolen and cotton and leather and iron and steel.

The Senator from Missouri, with a production of steel of perhaps one thousand five hundred million dollars per annum, only illustrated by his statement as respects steel rails and nails. Those two items as compared with the great production of steel and iron in our country are infinitesimal and mere "leather and prunella." The manufactures of iron extend throughout the length and breadth of our country. Although there may be a few instances where iron production or steel production is under these trust combinations, I maintain that they are not there, because there is a tariff duty upon the articles.

Who has ever heard of a trust in woolen goods and woolen manufactures? The Senator from Missouri said the Committee on Finance of last year failed to reduce the duties upon woolen goods, and upon wool, and thereby oppressed the consumers of the country. Those consumers, whatever may be their conditions and relations to the tariff duties, which I will not discuss now, are not oppressed by reason of trust combinations. I state without fear of successful contradiction that in the two or three hundred millions of woolen goods manufactured in the United States there is no trust combination as respects those manufactures, and if I am mistaken in this I should be glad to be corrected now by any Senator.

Take the great manufacture of cotton, which the Senator from Missouri says in our tariff bill last year we reduced as respects the lower grades of cotton, and not upon the higher, and he undertook to criticize the committee by saying that that was done because the coarser cottons were manufactured in the Southern States and the finer products in the North. Mr. President, for myself, and for myself alone, I want to say to the Senator from Missouri that in dealing with the tariff I know no section of the Union, whether it be North or South. The reason why the duties upon cotton fabrics of a coarser character were proposed to be reduced was because those who produced those fabrics said they could produce them in competition with the world upon the rate we fixed. Yet with all these millions of cotton manufactures in the United States there is not a trust in any one of them of which I have ever heard.

Take another great article which is protected by the tariff, the article of leather and its productions. Boots and shoes and all the products of leather are produced in the United States, and are produced relatively at as cheap a rate as they are produced abroad, notwithstanding our tariff duties. They amount to hundreds of millions of dollars per annum. There is not within the range of all the States of this Union a trust or combination in the manufacture of boots and shoes.

So we are developing in this country a great silk industry. I have not heard, I do not know, how many millions of production we have, certainly up to the fifties, being nearly one-half of the silk consumed in the United States, and protected by a heavy duty upon silk manufactures. If there is now or ever has been a trust or combination as respects the silk manufactures of the United States, I have not heard of it.

So, Mr. President, agreeing to what the Senator says as respects trusts and combinations, I differ with him absolutely in the statement that they originate wholly in our tariff legislation. If we shall put wool and woolsens upon the free-list, if we shall put cotton and manufactures of cotton upon the free-list, if we shall put leather and all its products upon the free-list, there will be no more and no less combinations in this country. If we should put practically all the iron upon the free-list, it would not change the trust relations and combinations except as to a few articles which were named by the Senator from Missouri.

These combinations exist, I admit, under the tariff in some of its relations, but the mass of these great combinations exist outside of it and beyond it. The Senator from Missouri himself is chairman of an important committee looking into a very important industry in our Western States, as respects the slaughtering of beef. He has been engaged in taking testimony upon that question. It is the common and the current belief among the farmers of the State in which I reside and of all the West that there is a combination in the city of Chicago which not only keeps down the price of cattle upon the hoof, but also has such relations and situations as respects the internal commerce of this country that its members are enabled to make the consumers of beef pay a high price for that article. Does anybody for a moment say that this great combination, involving the price of cattle perhaps in all the

Northwestern States and Territories, has in the slightest degree its origin in the tariff? Certainly not.

So I might illustrate by going into other great trusts in our country, like the whisky trust. Is that controlled in any way by the tariff? Yet it is perfectly well known that the production of distilled spirits is and has been under a close trust for a good many years.

Take the Standard Oil Trust, another great and ramifying corporation, not only in this country, but throughout the world. That combination, whatever it is, not only controls practically the price of the raw material in our country, but it controls the price of the refined oil throughout the civilized world. Year by year as we go on we not only produce more of this raw material in our own country, but we add year by year to the exports of refined oil in competition with the rest of the globe, and without any relation or without any respect whatever to the tariff.

Mr. President, there has been in our Western country for four years a combination as respects the production of oatmeal. Is that affected in any way by the tariff? Yet the producers of oatmeal have had a local combination whereby they have been enabled to keep up the price of oatmeal, not only to the cost of production, but to a point of reasonable profit, and sometimes beyond it, as I have heard.

So, when I heard the declamation of the Senator from Indiana [Mr. VOORHEES] the other day, and again repeated in substance by the Senator from Missouri [Mr. VEST] to-day, that our tariff system is the fruitful source of all our woes, I can not forbear for a single moment to show, not by going into debate, but by mere illustration, that although I agreed with those gentlemen who are in favor of remodeling and revising the tariff, if we are to correct the great evils which arise from combinations and trusts in this country, we shall fall far short of our duty and far short of accomplishing what we propose if we undertake to do it simply by a change and modification of tariff rates.

Therefore, Mr. President, I welcome this discussion as respects the measure of our duty here and as respects the means whereby we can accomplish the desired result. I undertake to say that it is our duty to the extent of our power, whatever that power may be, to put upon our statute-books such national legislation as we can put there inhibiting these combinations and trusts, and I merely call attention to the fact that that is our duty in connection with the fact, that we can not do it by merely modifying or changing existing tariff rates.

Mr. TELLER. Mr. President, the Senator from Kansas [Mr. INGALLS] has offered a very important amendment. I suppose this debate will not be closed to-day, and I do not propose now to discuss the bill before the Senate particularly, unless there is a disposition to vote upon it to-night. It will not be voted upon to-day, I understand.

I rose to call the attention of the Senate a little more in detail to a question I asked the Senator from Missouri [Mr. VEST], who on several occasions I have heard express the opinion that these trusts, which have become very prevalent in this country, were the result of the tariff, and that, too, in the face of what the Senator from Iowa [Mr. ALLISON] has so well just said, that the principal trusts in this country and against which there is the greatest complaint, and under which the people are suffering the most, have no relation whatever to the tariff. There is not a civilized country anywhere in the world now that is not more or less cursed with trusts. A trust may not be always an evil. A trust for certain purposes, which may mean simply a combination of capital, may be a valuable thing to the community and the country. There have been trusts in this country that have not been injurious. But the general complaint against trusts is that they prevent competition.

I have before me, and I propose to read, testimony taken in 1886 before the British Commission to inquire into the cause of the depression of trade. If I had known that this discussion was coming up to-day (and it is only by accident that I have this book with me) I could have read other testimony showing that there are other trusts besides the one I am going to mention.

Mr. I. T. Smith was called before the commission on the 17th day of December, 1885, and interrogated with reference to a trust that I suppose the Senator from Missouri must have heard about, whether he has ever read this report or not, because I think everybody who has studied the industrial question in this country has known that that trust existed—a trust composed, as will be seen by reading here, of all the steel manufacturers of Great Britain with one single exception, of all of the manufacturers of steel rails in Germany with the exception of two, and of all the Belgian manufacturers. I need not observe that it was composed of the great free-trade country, Great Britain, on the one hand; Germany, a protective country, on the other; and Belgium, the country of free trade *par excellence*, where they have free trade with all its beauties, including the yoking of women and dogs together to do the common work. This Mr. Smith said (I shall read the questions and the answers):

Can you give us any information with regard to the association which we understand has been formed for the purpose of distributing the orders received for the manufacture of rails?

I had something to do with the origin of that association, and the conduct of it since. It was formed two years ago—

That would be in 1883—

at which time steel rails were being sold at less than 4*l.* per ton at the works,

that price, I believe, being a loss to the parties selling them varying from 5*s.* to 10*s.* a ton. The quantity of rails that were required then had fallen off to only about one-third of what it had been in previous years; we were all of us working nothing like half time, and when orders came in it became a question, is it better to take these orders at a known loss or let the works stand and have an indirect loss in that way? The competition became so keen that we got down to less than 4*l.* a ton at the works. After some time the makers in England, all except one firm, agreed to join the association, and it was decided to endeavor to associate the Belgians and Germans with us as being the only two countries that exported rails.

You will see later that when other countries attempted it they interfered with their exportations.

It ended, after taking the figures of three years of the exports from the three countries, that Great Britain kept 66 per cent. of the entire export trade—

Now, this is in the trust—

Belgium had 7 per cent., and Germany 27 per cent. We have since modified the division a very little, and given Germany 1 or 2 per cent. more and Belgium 11 per cent.; but in effect this country has reserved two-thirds of the export trade. The next thing that we had to do, having agreed upon what proportion each country was to have of the orders of the world, was to agree amongst ourselves how we should divide those orders, and we thereupon assessed the capabilities of each work, each company representing a certain number of parts out of one hundred parts. The effect of this has been that we have gone on for two years dividing the orders in something like a proper proportion, and we have maintained a price of 4*l.* 13*s.* a ton at the works, it having been when we began 4*l.*

In this last distribution he is speaking of the distribution among the English manufacturers, and not the manufacturers of the world. He continues at some length, but as the hour is late I will not read it all. The chairman said:

Who regulates the prices, the council?

A. Yes; we have never altered the price, but once raised 2*s.* 6*d.* a ton four months after we commenced, and we have continued that since. Personally, I should prefer to reduce it again, but in an association of this kind you are obliged to deal very carefully with the opinions of those you are working with, and it is only recently that we have all come to the conclusion that to avoid the competition of firms outside the union we must reduce the price considerably.

Evidently they were making rails at a good round profit or they would not voluntarily reduce the price. Mr. Dale, one of the board, asks this question:

Mr. DALE. Your association is charging more than they really need to charge for profit?

A. We are not charging much profit.

Mr. DRUMMOND. What proportion of the firms in England are in the union?

A. All except one; in Germany all except two, and in Belgium all the firms are in the union.

The CHAIRMAN. What would be the position of a man opening a new firm?

A. The position of a man opening a new firm would be that if he would not join the union we should have to put our price to the point that would prevent other people coming into it. The point to which we regulate our price is to minimize competition as much as we can.

Mr. HOULDSWORTH. When you say all the firms you mean steel-making firms?

A. Yes; steel-rail makers.

Does the association extend to anything except rails?

A. No.

Mr. DALE. Does the firm that stood out at first come in?

A. No; they still stand out.

Have the prices since you established the association been such as were calculated to insure an inordinate profit or such as were calculated rather to insure against loss by undue competition?

A. The price was fixed at very much what we considered the cost price would be at the least favored works, and any amount of profit upon the prices we fixed is due to the better position and better plant of the various works.

There is no competition at all. They took the lowest as they always do in such cases, the price of the least favored works, and made that the standard price, which gave, of course, to the more favored works a great advantage.

And any amount of profit upon the prices we fixed is due to the better position and better plant of the various works.

Did your least favored works agree to that?

A. The least favored works are in a minority.

Mr. PALMER. Could you say how much you advanced the price under the arrangement?

A. I should say that we advanced the price certainly by from 12*s.* 6*d.* to 13*s.* a ton.

Upon what price?

A. Upon the price that was current when the association started; but it is not quite fair to consider it in that way, because it was impossible for the prices that existed when the association started to be maintained for any length of time; it was absolute ruin to almost everybody to go on.

The price would have been about 4*l.* then, according to the figure you have given?

A. Under the extreme competition that was going on just at the time we started it was about 4*l.*, and we put the price up to 4*l.* 15*s.*, but we have only realized about 4*l.* 13*s.*, because there have been a good many cases in which we have had to compete with France, and one or two cases in which we have had to compete with Austria, and when any firm supplies rails under the standard price the price is made up out of the funds of the association.

I hope the Senator from Missouri understands that system of executing a trust. That simply means that when France undertook to export rails and Austria undertook to export rails, some member of the association put down the price of rails to such an extent that he lost by it, and the association made up the difference in order to ruin the export of France and Austria.

This contains very interesting reading, but I will not detain the Senate with the entire volume. After asking as to the amount of rails they had produced, the examination proceeded thus:

Then we may take it that the result of the combination has not assisted at all the quantity, although it has given the iron-masters a somewhat better price?

A. As far as we can make out the combination has not interfered with the volume of trade at all; we can not make out that we have lost a single order that would have been placed if the combination had not existed.

But then you still have the fact before you that you have willingly surrendered to Germany, during the period I have named, 248,000 tons?

A. We have willingly surrendered, that is true; but we should have had probably to surrender an equal quantity if we had gone on competing and to have surrendered it at a less price. The share of work given to the Germans and Belgians in the last two years is based upon giving them the share that they took in 1881, 1882, and 1883, in competition with us.

Mr. PALMER. May I ask why you gave 2 per cent., recently, more to Germany?
A. Because the Germans alleged that there had been an error in the figure upon which our calculation was made two years ago.

Then the witness went on to say that by the terms of this combination they were nearly ready to close, but they were considering the propriety of continuing this trust.

The Senator from Missouri has on several occasions complained of the tariff, especially with reference to steel rails, as I understood he did today, and as to steel generally, notwithstanding, as stated by the Senator from Iowa, practically steel rails and steel have been at the same price in Great Britain and in this country for a number of years. In December, 1885, steel rails were sold in Great Britain, according to the testimony to be found in this book, for more money than they were selling for in New York, and I want to call the attention of the Senator from Missouri and the Senate to a statement made here as to the manufacture of steel generally.

This is the testimony of Mr. Vickers, who is a steel manufacturer, and I want to say that the commission which took this testimony did not call before it Tom, Dick, and Harry, but it called men who stood at the front in the industrial enterprises in Great Britain. It took the masters of the question and brought them before it, and there never has been in the history of the world such a collection of important facts connected with the history of the industries of a country as was collected before that commission; and it is important both on account of the industry of the men who took it and on account of the great character and learning of the men who were in business who appeared before the commission. If this book could be put before the American people, if they could read the whole of it, the Senator from Missouri and those who think like him would have very little to say, I imagine, about the benefits of free trade to the industrial enterprises of any country.

Mr. VEST. I should like to ask the Senator from Colorado a question, which it seems to me concerns the people of this country a great deal more than the evidence taken before that commission. Does he not know that it is a fact that the steel-makers, including the steel-rail men, in this country entered into a trust a few years ago; that they made a trust here in the United States in order to put up the price and keep up the price of steel rails and other steel products?

Mr. TELLER. I understand they did, but they made it just exactly as it was made in Great Britain, and they will make it without any tariff; and if we had been exporters of rails, which we are now to some extent, but not largely, our American rail manufacturers would have entered into that trust with the British. I have no doubt about it at all. I am not saying that the men who manage these great industries will not get all they can out of the people. I am not defending trusts. I intend to vote for any measure that is constitutional and legal to break up these trusts, and I propose to say something about the bill which I do not care to say to-night, because I want to examine more carefully the amendment offered by the Senator from Kansas. I wish, however, to read from this volume about the price of steel.

Mr. Vickers went on then to tell about a pool, which is another name for a trust, that existed among the manufacturers of other steel besides steel rails. Let me read the questions put to him and his answers:

Mr. AIRD. Upon that I would ask you whether you do not believe that these pools or arrangements amongst individuals or companies tend to discourage individual enterprise?

A. I do not think they do; if manufacturers combine together and agree to sell at the same price, of course their great aim is to try to manufacture as cheaply as possible, in order to try to get a larger profit than other manufacturers at equal prices.

But surely it has the effect of discouraging an individual who may be an energetic, business-like man in pushing his own individual works to the front.

A. A man can always retire from the pool if he wishes to do so.

But that retiring from the pool would be very likely to bring upon him—

A. The favor of the buyers.

And the opposition of the manufacturers?

A. The opposition of the manufacturers would do him no harm, but the favor of the buyer would do him a great deal of good.

That is proof positive, if he would have the favor of the buyer, that there is an opinion among the buyers in that country that these pools do put up unduly the price of the product.

You are aware that the manufacturers inside the ring contribute to assist each other to the prejudice of those outside the ring when orders are given under certain circumstances.

A. I am not aware of that.

Where the pool is used in that way, do you not think it is to the detriment of the trade?

A. I do not think that a pool is at all to the detriment of the trade in the country in which it exists, but it is a subject I have not thought much of.

The CHAIRMAN. Are you aware whether there are any similar pools in America?

A. I am not.

Mr. ECKROYD. In reference to an answer you gave to Professor Bonamy Price just now, do you know whether the price of steel in America is just so much higher than the price here as represents the duty?

A. The price of steel in America now is so low that we can hardly send steel at all to America. I have here some prices which were reported by our agents in April, 1885. American steel sold, in competition with our best cast steel, at 71 cents a pound, without duty. This price would net us 151. 17s. per ton in Sheffield. If the raw materials—that is to say, the iron—were given to us we could not manufacture it at the price.

That is a Sheffield iron manufacturer, and everything is free there. Then the examination proceeds:

That is not quite what I wanted to elicit. If the price of a certain quality of steel at Sheffield is 40s. a ton and if the price of the same manufacturer in America were 42s. a ton, you could not, of course, export?

A. It would be impossible to compete with them.

Because the duty would bring yours up to 53s. 16s. a ton, while theirs would be 42s.?

A. Yes.

That shows who pays the duty.

Therefore, it does not follow that the consumers pay the extra price represented by the duty?

A. Certainly not. They do not pay anything like the amount that is represented by the duty, because the works have been established and their proprietors must now manufacture at a low price in order to keep the works going; they do not manufacture at a large profit.

The effect of the American tariff is to keep your goods out without raising the price in America to the consumer to anything like the amount represented by the duty?

A. That is so now; it was not so in the past.

Professor BONAMY PRICE. But do you believe that the word "now" is to go on?

A. I believe the duty in the past has fostered the building of these works; these works are there and must be kept going.

At a profit?

A. At a profit or no profit, they must keep them going.

What I wanted to know was this: Whether, supposing the tariff not acting, the works are in the state that they would have been in if they had no duty as far as the steel goes?

A. I believe at the present time they are paying no more for their steel than they would be if they had no duty. When I say "at present" I should say three months ago. I believe prices have risen considerably in the last three months in America. I am informed that trade has very much improved there.

With that improved trade, is the price of steel increasing?

A. The price of steel is still too low to enable us to compete.

That was on the 21st of January, 1886. Now, Mr. President, at the risk of worrying the Senate I want to read one or two other things that I have got here, which I think may prove to be of interest. Several of these witnesses were asked the question directly who paid the duty, and so far as I have been able to find in this testimony—and I think I have read everything in it, and it is pretty voluminous—not a single witness ever suggested that we paid the duty, but they all declared that the duty came out of them, and witness after witness declared over and over again in every department of industry in Great Britain in this volume, and in the other to which I have referred, that it was the hostile legislation of France, of Germany, of the United States, and of Russia that was ruining the business of England so that the English could not compete, that manufactures were being built up in these countries to such an extent that they could manufacture as cheaply as the British manufacturers could, and that they had to pay the tariff duties and they could not do it.

Now, Mr. President, speaking of Germany, Mr. I. T. Smith said:

Then you do not look to the development of the steel and iron industry in England in supplying countries like Germany, America, France, and Belgium, who make so largely for themselves and who have hostile tariffs against us to-day?

A. To those three countries which you have named I do not anticipate that we shall send any material quantity of iron or steel, but to other countries we shall, although there are hostile tariffs there also; but in Germany they are making their iron and steel nearly as cheap as we do, and we, having to pay import duty, are necessarily barred from that country.

That is Germany. He said they had been selling some rails to the United States which he thought they sold because theirs were superior; at all events, they had got a higher price than the ranging price in the United States.

Then it is owing to the inferiority of their rails and to your having a better article that the Americans will pay you 6 guineas a ton more for rails manufactured by you than for rails manufactured in their own country?

A. Two pounds ten shillings a ton.

And 3s. 16s. for duty?

A. No, we pay the extra price; they pay us 2l. 10s., and we pay the duty.

Mr. GORMAN. Will the Senator from Colorado permit me to ask a question?

Mr. TELLER. Certainly.

Mr. GORMAN. I understand that the Senator in what he is reading is dealing alone with the question of steel rails.

Mr. TELLER. The Senator is mistaken. I am reading now because I happen to have this volume here; but the Senator will find that same statement running through the testimony of all the men who testified before the commission, all the manufacturers of woolen goods, of Sheffield hardware, and of everything else.

Mr. GORMAN. Take the item of tin-plate, which is not manufactured in this country, on which the duty is three-fourths of a cent a pound. I ask the Senator whether it is not the fact that the consumer pays that entire amount, and if the duty were removed would not the consumer have tin-plate three-fourths of a cent a pound cheaper than he is compelled to pay for it to-day?

Mr. TELLER. No, Mr. President; tin-plate is a high manufacture of iron. That is all there is of it. The Senator from Massachusetts [Mr. DAWES] says he would like to answer the question, and I yield to him for that purpose.

Mr. DAWES. When the Mills tariff bill was reported, which put tin-plate on the free-list, tin-plate went up in the British market just exactly the amount of the duty. If anybody indulges in the delusion that when the foreigner can secure the control of our market he will put down the price to accommodate us, it is not I.

Mr. VEST. I want to call the attention of the Senator from Massachusetts to another startling fact. We took the duty off quinine a few years ago and immediately quinine went up, but it did not stay up, for it is down now.

Mr. TELLER. The Senator from Missouri is not serious in saying or pretending that the fall in the price of quinine had anything to do with our taking the duty off that article. The Senator knows very well that quinine went up for a little while—

Mr. VEST. A little! It went up for a year, and it was pointed to by the protectionists of this country as a horrible example of the fact that taking off duty did not diminish the cost to the consumer.

Mr. TELLER. It would have staid up but for the fact that the production of quinine exceeded anything that had ever before been heard of. The British Government and other Governments had fostered and encouraged the raising of the shrub from which quinine comes, and just about that time they had arrived at the stage when they could begin to realize upon it, and quinine went down, the world over, in its raw state. That is why it went down, and our tariff had nothing to do with it. But I am not to be diverted on the quinine business just now. I am on the steel business.

I continue to read the questions put to Mr. Smith and his answers:

Would you explain a little further your statement to Mr. Pearce about you paying duties on steel rails which went to America?

A. When we deliver steel rails at New York we can not land those rails in New York without paying a duty of \$17 a ton.

You do not mean to say that the exporters pay the duty?

A. We do.

You mean that the duty is paid, not by the importing people, but by the exporting people?

A. The price is fixed free to New York, and you can not put the rails into railway trucks for inland transport until the duty is paid.

Mr. JACKSON. That is one of the conditions of the bargain?

A. That is it.

EARL OF DUNRAVEN. Do you mean that you sell the article cheaper per ton to the American importer to the extent of the duty?

A. Yes.

There is not a Senator on the other side of the Chamber who has ever made a speech on free trade or the tariff who has not over and over again reiterated that we paid the duty, not only on steel rails, but on everything else.

Mr. VEST. I suggest to the Senator from Colorado that I wish the Senator from Rhode Island [Mr. ALDRICH] was in the Chamber, who stated in the last Congress that the tariff was put on in order to put up the price. That was said in debate.

Mr. TELLER. The tariff is put on to protect our people from just what these trusts did with reference to France and Austria, so that when we want to export or when we want to trade with our own people these trusts shall not come in and break down our enterprises. That is what he said.

Mr. VEST. No, sir.

Mr. TELLER. And it compels them to do just what he said it was for their interest to do, to sell at a loss rather than to shut up their establishments.

Now, let me read a little further what this witness said:

Then the exporter has to pay the duty?

A. Yes; if no duty had to be levied it would make a difference of \$17 less per ton.

There was one other part I intended to read, but I do not remember the page it is on and I shall not stop to find it now.

Mr. President, I suggest that the Senators who are so certain that the tariff always raises the prices of all articles and that the consumer pays the tariff duty under all circumstances should get a copy of this work and give some attention to this testimony. We published the testimony taken by the Commission on the Precious Metals, and I think the Committee on Printing will do a great service to this country if they will cause this volume to be published for free distribution, because the cost of the total publication is, I think, about \$15, or something in that neighborhood, and beyond the reach of the great mass of our people. There could be no public document sent out that would give the people so much information and instruction as can be obtained from these volumes. If it was the farmer complaining, he would find that the people of Great Britain have suffered immeasurably greater evils than the farmers of this country have suffered, and he would find a statement of affairs there that would be frightful. I shall take occasion before long, probably when some other question is pending, to present some of the testimony in this report in detail. I can say that the testimony before this commission shows that the income of the farmers of Great Britain for the year before the testimony was taken had been reduced by the depreciation of farm products in round numbers \$42,000,000 in one single year; that the farmers, as a rule, had sunk from 40 to 60 per cent. of their capital, and that the landlords had lost from 30 to 40 per cent. of their rents.

Mr. President, I do not attribute this depreciation to free trade. The people of Great Britain attribute it to free trade largely, and the men who appeared before the commission testified that in their opinion very largely it was the effect of free trade, though some of them were so decidedly free trade in their proclivities and in their notions that they declared there was not any reason for it and there could not be any given, that nobody could tell. Some said it was occasioned by bad

seasons, but they said with bad seasons or with good seasons the farmer was growing poorer and poorer and losing more every year and had been doing it for twelve straight years. I can demonstrate, and I intend to do so some day on this floor, that the trouble with Great Britain, as with us, is not because of the tariff duties, but it is owing to a lack of money, and that is what the whole world is suffering from to-day.

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

Mr. COKE. I should like, before that motion is put, to submit an amendment, which I intend to propose as a substitute for the trust bill at the proper time. I ask that it be printed and lie on the table.

The VICE-PRESIDENT. The proposed amendment will be ordered to be printed.

Mr. DAWES. I ask the Senator from Illinois to withhold his motion for a moment.

Mr. CULLOM. The Senator from Massachusetts desires to say a word, and I will yield to him.

Mr. DAWES. Mr. President, the Senator from Maryland [Mr. GORMAN] made an inquiry in reference to tin-plate and I made such answer as I was able to make at the time from memory in reference to that. He wanted to know what would be the effect upon the price of tin-plate in this country if those who have now the monopoly of its production abroad should have permission to introduce it free of duty here, and I spoke from memory. I should like now to read from the Pall Mall Gazette of July 25, 1888, this extract:

A RISE IN THE PRICE OF TIN.

The passing by the United States House of Representatives of the Mills tariff bill, which places tin-plates on the free-list, has led to a sharp rise in the price of tin. Yesterday Straits touched 89.7s. 6d. cash and 89.35s. three months. This is an advance of from 14l. to 15l. on the figures quoted recently. If the Senate passes the bill in its present form tin will command higher prices than have ruled of late, and a great impetus will be given to an important branch of manufacture in this country.

The Ironmonger, a paper published about the same time, further speaks of this matter in a manner which will be highly instructive to those of our friends who are teaching those workmen employed on tin-plate that they are taxed because of an effort to furnish them with the raw material in this country. This is what The Ironmonger says:

The promoters of the home-made plan are exceedingly pertinacious and are leaving no effort untried in order to achieve success, and through the Pittsburgh exhibition the way will be made easier for pushing a bill through Congress next session, having for its object the imposition of much heavier duties upon imported tin-plates. Should this scheme succeed, there is no doubt that a great deal of American capital will be promptly embarked in the business and sooner or later the tin-plate will cease to be a monopoly of South Wales and Monmouthshire. Nevertheless, we see no reason why the manufacturers of tin-plate in this country need grow disheartened or despondent.

I hope the Senator from Missouri will listen to this.

Mr. VEST. I suppose that extract is from The Economist.

Mr. DAWES. This is from the London Ironmonger:

They have the advantages of possession, position for shipment, trained labor, and all materials on the spot. These are very important points, but, in addition, the Welsh makers have strong allies in the United States, and if the alliance is made the most of, we should have very considerable doubts of the success of any application to Congress to increase the present duties. But to insure that result the Welsh makers and their business connections must not only watch, but work, and work hard, to checkmate the advance of the American ultra-protectionists.

Mr. CULLOM. I yield to the Senator from Mississippi [Mr. GEORGE] to make an announcement.

Mr. GEORGE. I call the attention of Senators to what I am going to say. With the consent of the Senator from Ohio [Mr. SHERMAN] and one or two others over there, for my personal convenience, I ask that the bill now before the Senate be passed over until the conclusion of the morning business on Monday morning, and be then the unfinished business. I suppose it will require unanimous consent to make that arrangement.

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

Mr. VEST. Will the Senator from Ohio agree to that?

Mr. SHERMAN. I have no personal objection to letting the bill go over if it can be considered as the unfinished business for Monday.

Mr. VEST. I have not the slightest objection. Then, if that is the agreement, I renew the motion that we adjourn over until Monday. I am on two committees which meet to-morrow.

Mr. CULLOM. I think it is pretty generally understood that there is to be a session to-morrow to consider the Calendar of unobjected cases.

Mr. HARRIS. Will not the Senator from Illinois ask unanimous consent that to-morrow shall be devoted to the Calendar under Rule VIII?

Mr. CULLOM. While upon the floor and before insisting upon my motion to proceed to the consideration of executive business, I ask that to-morrow's session be devoted to the consideration of the Calendar of unobjected cases under Rule VIII.

Mr. GEORGE. Now I should like to have my request acted upon.

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

Mr. PLATT. Of course there is no objection to allowing this bill to go over, but if unanimous consent is required that this bill is to be pro-

ceeded with on Monday, whatever may come up at that time and no matter what other business may come up at that time, I do not want to agree to that. I do not want to bind ourselves that this business shall proceed on Monday as against all other business.

Mr. HARRIS. There can be no objection to letting this bill remain as the unfinished business.

Mr. PLATT. I have no objection to letting it remain the unfinished business.

Mr. HARRIS. That is all that was implied.

Mr. PLATT. If that is all that was implied, I have no objection to that.

Mr. CULLOM. I ask unanimous consent that to-morrow's session be devoted to the Calendar under Rule VIII.

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

Mr. INGALLS. Does that include the entire day, from the conclusion of the formal morning business until the adjournment?

Mr. HARRIS. Unless an executive session is interposed, I should think.

Mr. CULLOM. I do not suppose it would preclude an executive session later in the day.

Mr. INGALLS. Everything but that?

Mr. CULLOM. Everything but that.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois? The Chair hears none.

Mr. CULLOM. Now I insist on my motion for an executive session.

Mr. GEORGE. Will the Senator yield to me to offer an amendment?

Mr. CULLOM. I yield for that purpose.

Mr. GEORGE. I offer an amendment which I intend to propose to the pending bill, and I ask that it be printed.

The VICE-PRESIDENT. The amendment will be received and ordered to be printed.

Mr. SHERMAN. I hope Senators will all understand that on Monday we shall proceed with this bill and try to finish it before the adjournment on that day.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. PLATT. What is that?

The VICE-PRESIDENT. That the bill under consideration at the present time shall go over until Monday next and be considered as the unfinished business, to be disposed of on that day.

Mr. ALLISON. The unanimous consent does not go to the point of finishing the bill on Monday.

Mr. HARRIS. Oh, no; not to that extent. We do not know how long the bill may take.

Mr. PLATT. No, and it does not go to the point of considering it on Monday either.

Mr. CULLOM. A majority can settle that on Monday. I now insist on my motion 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 three minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, March 22, 1890, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21, 1890.

UNITED STATES CONSULS.

James F. Ellis, of Wisconsin, to be consul of the United States at Brockville, Canada.

James C. Kellogg, of Louisiana, to be consul of the United States at Stettin.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 21, 1890.

The House met at 12 o'clock m. Prayer by Rev. GEORGE ELLIOTT, of Washington, D. C.

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

ORDER OF BUSINESS.

Mr. MORROW. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the purpose of considering the annual pension appropriation bill.

Mr. RICHARDSON. Mr. Speaker, is not this day set apart under the rules for the consideration of the Private Calendar?

The SPEAKER. Under the rules the Committee on Appropriations has the right to make this motion at any time after the reading of the Journal on any day.

Mr. RICHARDSON. Without a formal motion to dispense with the Private Calendar?

The SPEAKER. Without that.

The question was taken on the motion of Mr. MORROW, and the Speaker declared that the ayes seemed to have it.

Mr. RICHARDSON. I ask for a division.

The House divided; and there were—ayes 93, noes 25; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BURROWS in the Chair.

PENSION APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the annual pension appropriation bill. The gentleman from Indiana [Mr. CHEADLE] is entitled to the floor.

Mr. CHEADLE. Mr. Chairman, the bill under discussion is the largest annual appropriation for pensions ever made, and I would not attempt to underestimate its cost to the country. I know that pension expense is heavy and must be heavier for several years to come. The Government these pensioners saved from destruction solemnly promised its citizen heroes that if they would volunteer in its defense those who were wounded or broken in health, and the widows and children of those who died should be properly cared for. The patriotic soldiers performed their part of the contract; they volunteered and saved the nation's life, and it remains to be seen whether those who are charged with the administration of the Government now will fulfill its promises and redeem its pledges made to the soldiers of the war of 1861-1865.

I wish to call the attention of the House and the country in the time given me to the duty of providing a service pension for life to our citizen heroes and to the duty of providing a pension for the widow of every deceased Union veteran and of properly caring for all who are now broken in health.

I had the honor of introducing House bill No. 235, a bill which authorizes and directs the payment of a service pension to every honorably discharged Union soldier, sailor, and marine who served sixty days in the war of 1861-1865 and who has now arrived or shall hereafter arrive at the age of fifty years.

This bill also authorizes the granting of a pension to the widow of every deceased veteran at the rate of \$12 a month. If I could I would make the rate of pension for every widow \$20 a month, and then repeal all laws in conflict with this provision, and thus end at once and forever all forms of class legislation upon the disability of widowhood, a disability in which there can be no degrees and yet one for which in this land of constitutional equality of citizenship Congress has dared to grant to one widow \$3,500 a year and to another \$144 a year.

This bill authorizes the granting of a pension to every disabled veteran and simplifies the ratings for invalid pensions below the specific rates granted for the loss of limbs, eyes, and for deafness, or their equivalents, thus giving practical effect to the statement of our honored President, who in one of his public speeches said, "In granting pensions to our Union veterans they ought not to be weighed in apothecary balances," meaning thereby, I have no doubt, that there never should be such fine distinctions in ratings that it would require these pensions to be divided into the fractional part of a cent per month, as they now are under existing laws. The bill also meets the demand for the repeal of the arrears act by providing that all invalid pensioners whose pensions do not carry arrears shall be granted a pension of \$5 a month from the date of the incurrance of the disability to the date of the issuing of the existing pension.

A bill so just and patriotic as this one is, a measure which is in nearly every one of its provisions so thoroughly in harmony with the legislative precedents of the Government from its organization, merits, in my opinion, the most careful consideration and study by every member of this House and by the people of the whole country. I think it is conceded by every fair-minded and patriotic citizen of the Republic that it was the Union soldiers, sailors, and marines who, by their valor, their sacrifices, and their sufferings, suppressed the gigantic rebellion against the life of the nation, conquered an honorable and lasting peace, and thereby secured and re-established this temple of constitutional liberty with all its manifold blessings to the present and coming generations who shall follow us.

If, then, it is to them that we are indebted for all the blessings of this peerless citizenship of ours; if, having suffered so much and risked life itself to secure for us these inestimable blessings, what are the just and legal rights of those who still live, who were of that grandest and noblest of all armies in that greatest of all conflicts? I repeat, Mr. Chairman, what are the just and legal rights of these veterans?

I hold, as I am quite sure the great mass of our people hold and as the solemn pledges of the Government made to these men when they left their homes and enlisted imperatively demand, that it is their right to claim, yes, Mr. Chairman, their right to demand and receive, the same benefits and honors which have heretofore been conferred by the Government upon their fathers who participated in other wars and rendered heroic service to their country in the earlier days of the Republic. If it be true that the Government did recognize and honor its heroes in its earlier history, when its people were poor and its Treasury was hard pressed to meet the current demands of Government, surely a patriotic Congress and people can not consistently refuse to grant a patient hearing to these claims and will not deny so just a demand at this time, when the wealth of the nation has quadrupled since that

war began, and at a time when the national Treasury can promptly meet every pension demand that may be made upon it without increasing the tax burden upon the country one cent.

The language of the bill and existing laws will give to every honorably discharged veteran who now draws a pension of less than \$8 a month, or who is not pensioned at all, who served sixty days in the war of 1861-1865, and who shall have arrived at fifty years of age, a service pension for life. The term of service demanded of those who fought in the early wars of the Republic were by no means as hard. If they served for a period of fourteen days in the Army or if they had been one day in battle, they were entitled to the pension. The language of this bill calls for sixty days' service, and is therefore more than four times the term of service required of the Revolutionary patriots. Surely no one can find fault with this provision of the bill.

I do not ask the enactment of this bill into law, as I am sure the great mass of our people do not ask its enactment, for the purpose merely of providing for the maintenance and support of these patriots and their loved ones, and to keep the wolf of hunger and want from their homes. I want it enacted, as I know the people do, and the service pension for life granted and conferred upon these veterans, as a badge of distinction for patriotic service rendered the Government, and as a token of gratitude to the heroes who so loved that flag, Mr. Chairman, and this Government of the people, for the people, and by the people, that they laid aside their vocations of peace, left home with all its endearments and hallowed associations, and, taking their lives in their hands, went down to war, tendered their services to those charged with the duty of defending the honor and life of the nation, and through campaign and battle so marched and fought that they suppressed the rebellion against the life of the Government, conquered an honorable peace, saved the union of States and with it this temple of constitutional liberty, the benefits of which we now enjoy.

It was, Mr. Chairman, their bravery upon land and sea, their sacrifices, and theirs alone, that made it possible for this nation to exist and enables us to meet as Representatives of the people, and to rejoice to-day over the fact that the flag above your head is the emblem of freedom and national unity, and that this Government by the people still lives. We owe these men, Mr. Chairman, a debt of gratitude which we can never repay. The liberties protected by law which we now enjoy, the blessings of constitutional liberty vouchsafed to those who shall come after us, all that we have, all that we are as a nation, all that we can ever hope to be, we owe to their heroic efforts upon land and sea as they fought and struggled for all these blessings from Belmont to Appomattox.

I think, Mr. Chairman, that pensions should be the evidence of acknowledged devotion to duty, granted by a grateful and patriotic nation. Perish forever the thought that to secure and entitle one to receive a pension he must claim it as a person in need of food and clothing, the absolute necessities of life. I would demand this service pension for the defenders of the life of my country as an absolute and completed right. Devotion to country in its hour of peril is the highest evidence of patriotism, and I would make the granting of pensions the highest evidence of the gratitude of the Republic to those who risked their lives in its defense.

PROMISES MADE VETERANS.

When hostilities began in 1861, the Government was without an army and without money. Congress was at once convened in special session and the authorities set resolutely at work to suppress the rebellion and restore peace. Promises were made by the Government. Promises to the men who loaned it money and promises to those who volunteered in its defense. The Government, through its proper officers, made pledges to the money-lenders, and every promise made to every person who loaned it money has been kept.

The citizen who invested his money in its bonds has been paid, fully paid, in gold. When the war cloud lowered and the hearts of the people were full of sorrow, and hope hung trembling in the balance, and when the credit of the Government was partially destroyed, men bought Government bonds at 50 cents on the dollar. How have those bonds been paid? They have been paid at their face value in gold, and to-day, when the end of a quarter of a fiscal year is reached, sufficient clerical force has been at work to promptly remit every cent of interest at maturity to every holder of our bonds.

It will not be denied that the most solemn promises were made by the Government to induce men to enlist. Promises were made by the authorities, by the press, by the orators, by the people. These promises were universal. Every man who had the courage to volunteer was to be pensioned for life, if he should be fortunate enough to return to his home when the war was over. Each one of us was to receive, in addition thereto, 160 acres of land. From the orator, the press, and even from the sacred desk, came the most solemn promise, that, if we fell in battle, died fighting under that flag for freedom and the right, our loved ones should become the wards of the nation; that the widow and children of the hero who died for his country should never come to want.

We are all familiar with what followed. The brave men of the North responded to the call for help and created the grandest army ever marshaled in battle. The official rolls show that there were 2,778,304 enlistments. The army opposed to us was composed of men of the same

ancestry, of the same nationality, of the same religion. They were flesh of our flesh and bone of our bone. Even the leaders of the contending hosts had been classmates in the same military school, had studied the same tactics, and were educated in the same theories of war, had fought side by side under the same flag; hence the contest was the most terrific. In that war more battles were fought and more men killed and wounded than in any conflict of which reliable history gives account. At last, thank God, at last the war was ended, and peace came to bless our beloved land, and the great armies were disbanded, and the Union veterans returned to their homes and resumed the peaceful pursuits of life.

How have we as a nation kept the promises and fulfilled the pledges made these heroes? Have we made the widow and children of our heroic dead the wards of the nation? Have we properly cared for him who lost his health in that fearful contest and has since realized the fact that he can not successfully fight the battle of life for food and raiment? Let the presence of a full army corps, 25,000 of these heroes, who live upon the charity of their local government or in the almshouses of the States, make answer. How have we kept our promises to these heroes? Capital paid in full. The bondholders' claim fully adjudicated, and I honor my Government for paying these claims in full, dollar for dollar, cent for cent; and yet the men whose bravery upon land and sea was the only guarantor capital ever had or could have for the payment of its interest and principle have not been paid at all.

A part of those who lost limb or health have been, it is true, partially pensioned, and I present you, from the last annual report of the Commissioner of Pensions, a bill of particulars, where the ratings are so technical that in some instances fractions of a cent per month are necessary to differentiate the disabilities. Read them:

Rate per month.	No. of pensioners.	Rate per month.	No. of pensioners.
\$1.00	35	\$2.50	1
2.00	26,875	2.66	5
2.25	4	2.66½	8
2.33½	1		

I would like to gaze upon the photograph of a medical referee who could give a reason for the two-thirds of a cent per month of those eight pensioners:

Rate per month.	No. of pensioners.	Rate per month.	No. of pensioners.
\$3.00	1,556	\$6.00	50,397
3.75	331	6.25	77
4.00	69,048	6.37	3
4.25	345	6.66½	2
5.00	1,073	6.75	1
5.25	2	7.00	165
5.33	3	7.25	2
5.33½	18	7.50	843
5.75	17	7.75	16

Mr. Chairman, it is true that some of the men who risked their lives for their country have been partially recompensed. The foregoing facts, taken from the last official report of the Pension Office, are conclusive upon that point. The technical and trivial distinctions in ratings establish, however, one fact beyond question and that is that the ridiculous modes of procedure and distinctions in ratings for physical disabilities in our Pension Office need a radical revision, and need it at once. The farcical distinctions have existed long enough.

I have heard it said that these veterans ought to be satisfied and thankful for the invalid pensions already granted their comrades. Thankful for what? Thankful that while every man who invested his money in that war issue has been fully and promptly paid there now remain unadjudicated (after the lapse of twenty-five years) more than 450,000 invalid pension claims in our Pension Office, while the Treasury is fully prepared to meet any pension demand that may be made upon it and thoroughly competent men are anxious for a chance to go to work in adjudicating those claims? Thankful, indeed, that, in the face of the most solemn pledges to tenderly care for all who were broken in health, 25,000 of their comrades who are broken in health are now inmates of the poor-asylums of the States?

Thankful can they be while scores upon scores of thousands of the widows of their dead comrades are not pensioned at all, and are to-day bending over wash-tubs or at other hard work striving to keep soul and body together, and when the little children of these heroes are crying for bread, while the money in our national Treasury is being used to buy up our war bonds at a premium of 23 cents on the dollar? Thankful, do you say—thankful that the nation they fought so bravely to save from destruction should fail, either through neglect, or avarice, or cowardice, to keep its promises to any one of the millions of brave men who risked their own lives in its defense? These heroes will be thankful when their Government shall have redeemed its pledges to all who dared or died in that great contest; when it shall be able to present as clear a balance-sheet upon the pension question as it can upon the war debt.

The veterans believe that the claims of those who risked life should be held to be as precious and as sacred in the estimation of the Government as the claims of those who risked the mighty dollar in that contest for the life of the nation, and every patriotic citizen of the Republic must admit that their faith and belief is well founded. These veterans know that their claims are the most sacred ones pending before Congress to-day, and they demand as of right justice for all who risked life in that contest, and until every claim shall be granted they can not in honor be thankful to the Government their valor saved from destruction.

COST OF PENSIONS.

The claim is frequently made that the service-pension bill ought not to pass because it would cost too much money. I shall not pause to argue at length the question of cost. We all know by experience the full force of the saying, "All that a man hath will he give for his life," and I hold that this is as true of nations as of men. The men whose claims I this day present for your consideration did not stop to consider the cost of their gift to their country. They heard the cry for help, and went as only proud and brave men could go to the rescue. It cost them an inestimable loss in money, a sum far greater than all the pensions they will ever receive, and who would dare here and now to undertake to estimate the losses they sustained by reason of exposure on marches, in hospitals, on battle-fields, or in prisons by torture?

Did the man who objects to a service-pension law because it will cost too much ever stop and investigate the facts? If he will pause and learn the truth he will find that the total cost of all pensions growing out of the late war to June 30, 1889, is less than one-half of the cost for interest on the war debt to June 30, 1889. There has been paid out by the Government in interest alone upon the war debt to June 30, 1889, the sum of \$2,407,807,989.45; and yet who would stand here and object to the payment of interest upon the war debt because it has cost so much money? During the same period there has been paid out on account of pensions \$1,059,847,826.04 only, or just \$144,056,168.68 less than one-half the sum of money paid out as interest upon the war debt, and yet we hear gentlemen object to a service-pension bill on account of its cost. It seems to me, Mr. Chairman, that this comparison of the actual cost of interest and pensions must be a complete answer to and should end at once every objection against the passage of a service-pension bill upon the question of its cost.

When the Government shall have paid to pensioners a sum of money equal to the amount it has paid upon interest, it will, in my judgment, be quite soon enough for Congress to raise the question of its cost as a reason why the measure should not be enacted into law. Pensions *vs.* interest; which one of these claims should be held to be the most sacred by those who are charged with the duty of representing the Government which the persons who make claim for pensions saved from destruction?

During the war the loyal, patriotic people of the Union submitted without a murmur to the most burdensome taxation in order to raise the required sum of money necessary to maintain the nationality of the Union, and the patriotic citizens of the country will never object to the payment of pensions on account of the cost. They can not in good conscience object, because they are now enjoying the blessings procured by the heroic efforts of the veterans whose claims I this day present.

Congress has removed from time to time since the close of the war taxes which aggregate the enormous sum of \$397,000,000 a year, and there yet remain two items of war taxes which bring annually into the Treasury more than \$129,000,000 a year—I refer to the revenue tax upon tobacco and alcohol in all of its forms—so that I am justified by the facts and repeat that a service-pension bill can be enacted into law and a service pension can be granted to every Union veteran over fifty years of age, the invalid pensions can be continued, and the total cost thereof can be paid out of the Treasury without levying one cent of additional taxes upon the country.

Mr. Chairman, I want the House and country to keep in mind this fact: The long delay on the part of the Government in adjudicating pending pension claims, and the consequent increased sum of money required to make the first payment to pensioners whose claims are now being allowed, does not in any sense belong to the annual pension expense and ought not to be considered as an item of the annual cost of pensions should this or some other service-pension bill become a law. These first payments are past-due obligations, and should have been paid years ago, and during the last fiscal year amounted to between 24 and 25 per cent. of the total cost of pensions.

I have made a careful estimate of the additional annual expense should a service-pension law be enacted and all invalid pensioners who now receive less than \$8 a month elect to take a service pension in lieu of their invalid pension. This would increase the cost between six and one-half and seven millions of dollars a year. Thus far in this investigation there can be no serious differences, because we have reliable data from which to make estimates. At this point there will be a divergence of views, because there are no official or reliable data by which we can estimate the number of veterans who are now living. It is all guess work, guess work at the War Department, guess work here in Congress.

No man in his logic and reasoning was ever nearer correct than Abraham Lincoln, and he reasoned about the questions of greatest importance by and from his knowledge of the smaller ones that came under his own personal observation. He reasoned and unerringly from the smaller to the greater. We know the total number of enlistments. They were 2,778,304. There were so many men, however, who enlisted twice and three times, and in thousands of cases four times, that it is impossible to know how many different men did actually enlist. The figures vary half a million nearly, from 2,035,000 to 2,500,000; so do the estimates vary as to the number now living. One man who has given the question careful study places the number at 1,500,000. Captain Ainsworth, of the War Department, fixes the number at 1,285,471, July 1, 1890. Another gentleman who has prepared at great cost a list of every military and naval organization of the war, and has secured the names and addresses of 400,000 veterans, tells me that he was astonished to learn the proportion of those who served two, three, and even four enlistments. He does not believe there are over 900,000 living.

During the last nine years the Pension Office has been procuring the names and post-office address of these veterans. It has been aided by the thousands of the Grand Army of the Republic posts, by the hundreds of soldier associations, by its corps of special examiners, by requests repeated over and over to the postmasters in the United States, and by the hundreds of thousands of pensions claimants, and yet with all these aids it has been unable to secure 850,000 names. I find that in the Ninth Indiana district just about 48 per cent. of the veterans are pensioned; and that if the ratio of 40 per cent. was extended to the total number of pensioners the total number of living veterans would be 943,000. From a careful study of all the data I have been able to find, I do not think the census will show that one million of us survive the 1st of July of this year.

Three hundred and sixty-four thousand one hundred and sixteen died in the service; this statement is accurate and made from official reports. The annual reports of the Adjutant-General of the Army show that only 979,722 men of the volunteer army were mustered out of service from November 1, 1864, to January 20, 1866, the date of the last muster-out. If we accept the War Department figures as correct we will be confronted with this fact, that after deducting from their total number of enlistments those who died in the service, and then from the remainder their estimate of the number now living, we shall learn that all of the deaths out of the service since the war began, twenty-nine years ago, is only 25 per cent., or less than 1 per cent. a year; when we who served any length of time know that almost one-fourth of our comrades were mustered out during the war on account of breaking down in the service, and that of these nearly all of them are gone.

To emphasize the death rate, I will name three widely different commands from my own State:

Last fall at their annual reunion the Eleventh Indiana Battery had left 30 men only.

An infantry company that only served a short term went into service with 86 men; they lost four in the service, came back 82 strong. Of this number 31 have since died and 51 are now living. This death rate is 50 per cent higher than Captain Ainsworth's estimate.

Take the company I served in: It was in the service three years and had on its rolls 147 men. I only wish that I could say to this House that only so few of my comrades had laid aside life's burden; but, alas! I can not. The death angel has come again and again into our company until the greater portion are now at rest. I do not believe there is a veteran in this House who can find three-fourths of his comrades who returned home with him who are still alive. Therefore I place the number of survivors at one million. If a service-pension law shall pass, and we pension all who shall be entitled to its benefits at fifty years of age, then the average length of time they will receive pensions will not be to exceed eight years.

On the 1st of March, 1890, there were, in round numbers, on the pension-rolls 377,000 invalid pensioners. This would leave not to exceed 633,000 veterans to pension for an average of eight years; and then what? We find that the total cost under the most liberal construction that can be placed upon the service and per diem bill can not exceed \$648,000,000.

I do not think that the increased cost for the next fiscal year, if a service-pension law shall pass, including the cost to pension all the widows of our comrades, will exceed \$41,000,000. I wish to call attention to the fact that the appropriation bill now under consideration includes first payments upon claims that the Government has neglected to allow to the amount of about \$25,000,000, and that the total annual expense of invalid pensions and the service pensions, exclusive of first payments on invalid claims, will be about \$110,000,000 for the next fiscal year. The present Commissioner of Pensions is pushing the work in that office, and in my opinion the amount required to make first payments for the next fiscal year will be the largest in our pension history.

Suppose that the high-water mark of pensions should reach \$150,000,000 a year, and that this sum should be required for seven years, what then? I wish to remind the House and country that should this sum be required, great as its cost would be, yet at the expiration of the seven years pensions will not have cost the country as much money by

\$200,000,000 as the interest upon the war debt will have cost at that time.

I admit that a service-pension law will cost a vast sum of money. I want it to cost money. I want this generation and the country to know and feel the cost of that war. I want the world to know that nothing is too good or expensive for the brave men who in that great contest saved, at the cost of so much blood and sacrifice, this Government by the people. And, Mr. Chairman, I want a service-pension granted as an object lesson for our children; I would impress upon their minds the honor and gratitude of the Government to its citizen soldiers who in that war saved its life.

What reasonable excuse can therefore be urged against such a measure, in the light of the pledges made these veterans and of the absolute justice of their demands, upon the mere question of its cost. Will this House decide that the claims of men who loaned the Government money in that crisis in its history are more sacred and entitled to greater consideration than the claims of the men whose heroic services upon land and sea saved the life of that Government and made it possible for this House to meet and legislate for the welfare, the honor, and glory of the Republic? I honor my Government for keeping all of its pledges to the men who risked their money in that contest, and so does every veteran; but I do not stop there; I go further, and demand that it shall redeem every pledge and keep every promise to every man who risked his life in that great war; every promise, Mr. Chairman, to every veteran and to his widow and to his children; and to fail to keep these solemn promises would be, in my opinion, an inexcusable crime.

I have heard it said you must not ask for a service-pension law, because it will not pass this House; that such a law can not pass this House. I ask why? Is it not a just bill? The Treasury can meet the expense without increasing the taxes one cent. An army corps of these veterans are dying every year, and if aid is ever to come to them it must come to them now.

The men who quailed not in the supreme hour of the nation's peril are now demanding it. They have petitioned for it by scores, yes, by hundreds of thousands. The great mass of what the martyr President, Mr. Lincoln, called the common people favor it. Their claim is a just one. The nation is amply able to pay them, besides every principle of justice, honor, and gratitude demands their payment. Then, I repeat, why not enact the bill into law, and thus redeem the pledges we made these heroes as we have already redeemed the pledges made those who then loaned the Government money?

Can it be true, Mr. Chairman, that we, the representatives of the people, are wanting in patriotism ourselves? Are we afraid that some men or papers will condemn us if we shall keep the promises made by those charged with the administration of the Government from 1861 to 1865? I trust not, sir. I hope that we shall possess the courage to do right. Speaking for myself I shall do all I can to bring this plain and patriotic question before the House. I want an opportunity to record my vote in favor of it, and if that privilege is given me I would leave as a heritage to my children the knowledge of the fact that as a Representative of the people I voted in favor of a bill which granted a service pension for life to every honorably discharged Union soldier, sailor, and marine who served sixty days in the war of the rebellion of 1861-1865, thus discharging my full duty as a representative in compelling the Government to do justice to and fulfill its promises made to the heroes who saved it from destruction.

Speaking in behalf of and for these veterans to the gentlemen charged with the leadership of this side of the Chamber and of this Congress, I desire to impress upon their minds the fact that what these veterans ask and demand is the enactment of a measure which shall afford to them ample and just relief in compliance with the promises made them. They do not want any more promises. Promises are cheap and easily broken. They will not longer be content with mere promises, they and their friends, and be it said to the great credit of the masses of the people of the North and West, they are united and in favor of service pensions, and, Mr. Chairman, they have sent us here to execute their will. Every other interest has had its day in Congress.

The veterans whose valor made it possible for Congress to exist now ask and demand their day in Congress, and, Mr. Chairman, they will have it.

I respectfully suggest to those charged with the leadership of this House that a pension bill which will require a veteran to file in the Pension Office evidence of the fact of his poverty, of his absolute need of the necessities of life, before he can receive a pension, will not meet the expectations of the veterans, nor will it satisfy their demands. Shame upon any man or party claiming to be patriotic that would ask a man who was brave enough to risk his own life for the preservation of the life of this Republic to so humble himself and family as to compel him to make oath to the fact that he was a pauper before he can receive from the Government the aid that was solemnly promised him when he went to war.

I have read of a State noted for the bravery of its men where prior to the war the children who availed themselves of the benefits of the public schools could only do so after their parents had made oath to the facts, first, that they were not freeholders and, second, that they

were not financially able to maintain their children in select schools. It is said that thoughtless children, and even grown persons, would chide those children with the fact of the poverty of their parents, and in many instances the pride of the parents and the pride of the children would not permit them to bear these insults, and rather than bear them the children grew to manhood and womanhood in ignorance, because their parents were poor. There were, however, some parents and children who were brave enough not to be deterred by their jeers and sneers, and so the few heroic souls had broken to them the bread of knowledge, even though their parents had to make oath to their poverty.

Will this House of Representatives, servants of the people, ay, the servants of the veterans themselves, go back to the barbarous past and enact here in this tribunal of the people a law which will compel a man who was proud enough and brave enough to risk his life in defense of this nation to so humble and debase himself as to make oath that he is a pauper, as a condition precedent to his right to receive the pension which was gratuitously promised him ere he made the tender of his services to his country? God forbid that such a law shall ever disgrace our national statute-books. I will not vote for such a law, because it would be an insult to every comrade of mine who is to-day, by reason of exposures in camp, on the march, and on the field of battle, made sole heir to poverty and want.

Old comrades of mine, One who is mighty to save hath said, "The poor ye always have with you," but, as your Representative, you will excuse me, please, if I decline to vote for a measure which will compel you to make oath to your poverty ere you can receive the relief which was so solemnly pledged you in the long-ago. Some tenderfoot on the subject of pensions and of doing justice to the Union veteran says: "Hold on, you advocates of a service pension; you must wait longer; you are entirely too previous. To enact such a law now would cost too much money, because so many of you veterans are still living." Why wait any longer, Mr. Chairman? More than half of the men who stood in line of battle under that flag have laid aside the burdens of life and are sleeping the sleep of death, and annually whole divisions of their surviving comrades are joining the host beyond the river.

Recently I read the report of a speech upon this subject, made by one of the bravest soldiers of that war, a man who bears with him at all times the evidence of having been in the thickest of the fray and where death held high carnival, a speech which, though brief, was long enough to chill my blood to the heart. In speaking upon service pensions for the common soldiers the paper made him utter these hateful words, "Wait until 1915, and then the Government can grant life pensions." This man would make my comrades wait fifty years from the close of the war, twenty-five years from now, before they shall have the right to ask for that recognition to which they are entitled by precedent and by the most solemn promises of those charged with the high duty of preserving the nation's life from 1861 to 1865.

The man who uttered those words is a Regular Army officer, at this time a major-general, who receives, and is paid, \$7,500 a year as a salary, and, when age shall have dimmed his eye and broken his energies, the Government that educated him has provided that he can retire and live at his ease and continue to draw \$5,625 a year so long as he lives; and yet this man, who rode to the fame and position he now enjoys over the dead and dying men of the line, the musket-carriers, whose patriotism, bravery, and devotion to duty, even at the cost of their own lives, made him what he is, insults the patriotism of the nation by demanding that the men who did all of the fighting and most of the dying shall wait in poverty half a century for recognition. Words so cruel, Mr. Chairman, have rarely ever been uttered. The very incarnation of heartlessness is the cry, "Wait a quarter of a century longer, Union veterans, for the recognition so long promised you."

I desire to be just and conservative in every statement made upon this question of pensions, and I am sure that no one will question the truth of my statement that now is the accepted time to enact a service-pension law if one is ever to be enacted for those who saved the life of the nation. We are now considering a measure to reduce the revenues of the Government, to revise the tariff and internal-revenue schedules, and if we shall reduce the revenues before we enact the service-pension bill, then, in that event, there will be no money with which to pay these pensions, and if we who are now charged with the duty of providing just and proper relief for these heroes shall fail to pension them when the revenues from existing laws will furnish an ample sum of money without the levy of an additional cent of taxes upon the country, how can we expect those who are to succeed us here to do it, when it will be necessary for them to levy additional taxes upon the country?

Mr. Chairman, we ought to meet this issue here and now and settle it. Every consideration demands that it be done. It seems to me that our line of action is plain. This Government, in its hour of peril, through its legally constituted officers, pledged its honor to keep every promise to these veterans. That pledge has not been redeemed. They were promised so many dollars per month as pay. The currency they were paid in was not worth the number of dollars it purported to represent. They have never been paid the difference, although every promise to pay dollars to the men who invested their money in that contest has been paid in dollars worth one hundred cents in gold to the dollar.

Every one of those obligations has been so paid. Then it was said the Government could not fulfill its promises because the revenues were not sufficient to meet the demands. Now they are, and we have the money to pay them.

We of the North, Republicans and Democrats, have pledged ourselves in our county, State, and national platforms to be in favor of doing justice to our Union veterans. A quarter of a century has elapsed since the war closed and these promises have not been fulfilled, and now we are face to face with a golden opportunity to redeem them. Will we do it? I shall have but one policy upon this question, one and only one line of action: standing here in my place as a representative of the people I shall favor the enactment into law of a service-pension bill as an act of justice, a recognition of the patriotism of the men who so loved this Union that they risked life in its defense.

To me this is my first, my highest duty, because it will be the fulfillment of the most solemn promises ever made by a Government to its citizen heroes, and because gratitude, honor, and every other consideration demand it. I shall at the same time oppose every material reduction of the revenues of the Government except upon sugar and every material revision of the tariff schedule until my comrades shall have received the pensions which have been promised them, for the reason that experience teaches me that if we shall reduce the revenues of the Government we shall put the Government in a position where it can not keep these promises, and I repeat, in my opinion, to do that would be an act of basest ingratitude.

I would remind my colleagues upon this side of the Chamber that it has been the boast of the Republican party that it always has been, and now is, *par excellence* the friend of the Union soldier. To-day the Republican party is in possession of every branch of the National Government, the legislative, the executive, the judicial. A great responsibility rests upon it. The Republicans can not escape it. I would not escape it if I could. I am in favor of keeping every pledge, of fulfilling every promise my Government has made.

Mr. KERR, of Iowa. Can the gentleman point to any pledges of the Government to the soldiers that have not been kept?

Mr. CHEADLE. I am trying to point out the pledges which the Government made; and the facts will show what part of those pledges and promises have been kept.

Mr. KERR, of Iowa. Will you point out any specific case in which the Government has failed to redeem its pledge to the soldiers?

Mr. SPRINGER. I wish to ask the gentleman from Indiana [Mr. CHEADLE] one question on this point. I understood him to say that the Government could pass a service-pension bill without increasing taxation. Now I understand that according to the estimates a service-pension bill would involve an expenditure of \$144,000,000 a year. How can we pass such legislation without increasing taxation, instead of taking the tax off sugar or making any other reduction which is proposed?

Mr. CHEADLE. Mr. Chairman, I stated as clearly as I could my estimate of the additional expense which would be incurred should a service-pension law be enacted. I want to say, and I say it in all charity, that any man, I care not where or who he may be, who says that the enactment of a bill giving a service pension for life to every Union veteran who has attained to the age of fifty, would amount to \$150,000,000 a year, is not well posted as to the number of Union veterans now surviving.

Mr. MORSE. In answer to the question where and in what place the Government made pledges and promises to these men who periled their lives in its defense, may I read a quotation from Abraham Lincoln?

Let us strive to finish the work we are in; to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and orphan; to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

In my own State such representative men as John A. Andrew, "war governor," Judge Russell, and Henry Wilson repeatedly stated in war meetings to promote enlistments that the wounded survivors of the war and the widows, orphans, and dependent relatives of those that fell in battle should be cared for by a grateful people. The gentleman from Indiana [Mr. CHEADLE] is asking this great, rich, powerful nation, of boundless resources and with an overflowing Treasury, to redeem that promise here and now. Shall we falter? Shall we refuse?

Mr. CHEADLE. Mr. Chairman, national honor is a priceless jewel. We are charged with the high duty of preserving it, and I want it kept sacredly with every one of its citizens. The fact that it will cost money to maintain national honor has no weight with me. Honor is above all cost. I would maintain the national honor regardless of expense. When I contemplate the magnitude of the victories won in behalf of liberty protected by law by our Union veterans, the manifold blessings they have conferred upon us and those who shall come after us, and then pause and reflect upon the sacrifices they made, the dangers they braved, the privations and suffering they endured, I stand uncovered and amazed that any patriotic citizen of the Republic, that any member of this House, should even think of the cost of doing justice to and keeping the solemn pledges made them by the nation we now represent.

The history of pension legislation began with its first administration, and the soldiers and sailors of every war, from the Revolution of 1776 to the rebellion of 1861-1865, have been the recipients of service-pension recognition. Washington, the patriot soldier and statesman, both before and after he became President, was an earnest and persistent advocate of pensions. It will be well to pause a moment in the midst of the rush and whirl of this money age and revert to the early and patriotic era of our national history and commune for a time with the patriot Washington. Replying to a committee of the Army who visited him in 1778 and made known the sufferings and demands of our soldiers, he replied as follows:

It is not indeed consistent with reason or justice to expect that one set of men should make a sacrifice of property, domestic ease, and happiness, encounter the rigors of the field, the perils and vicissitudes of war, to obtain those blessings which every citizen will enjoy in common with them, without some adequate compensation. It must also be a comfortless reflection to any man that after he may have contributed to securing the rights of his country, at the risk of life and the ruin of his fortune, there would be no provision made to prevent himself and family from sinking into indigence and wretchedness.—*Journal of Congress*, volume 4, page 211.

In March, 1783, in a communication to the President of the Continental Congress, asking for just recognition for the officers and soldiers who had fought under him in the war of the Revolution, he wrote as follows:

If the whole Army have not merited whatever a grateful people can bestow, then I have been beguiled by prejudice and built opinion on the basis of error. If this country should not in the event perform everything which has been requested in the late memorial to Congress, then will my belief become vain and the hope that has been excited void of foundation. And if, as has been suggested for the purpose of influencing their passions, "the officers of the Army are to be the only sufferers in the Revolution;" if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of despondency and owe the miserable remnants of their life to charity, which has hitherto been spent in honor, then shall I have learned what ingratitude is; then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehensions. A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude.—*Spark's Writings of Washington*, volume 8, page 397; 4 *Journal of Congress*, pages 210, 211.

With what marvelous force the closing sentence, "A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude," appeals to the members of the Fifty-first Congress to-day as we stand face to face with the opportunity of paying the debt of gratitude this nation now owes to the Union soldiers, sailors, and marines, who, in the greatest and most stubbornly contested war of any age, not only preserved the life of the Government, but gave it permanent stability among the nations of earth. In 1783 the Republic was an experiment. The Federal Treasury was then almost bankrupt, and yet neither poverty, high rate of taxation, nor any other condition was a sufficient answer to the just demands urged by Washington for the heroes who had under him by force of arms established the Republic.

What wonderful changes have taken place among the nations of earth since then. Empires have perished; thrones and dynasties have crumbled into dust; kingdoms that were ruled by iron hands have disappeared from the maps of the world forever, while this Republic, whose foundations Washington and his compatriots laid, wherein the sovereign right to rule was reserved to the people, has increased its population and wealth, extended its territorial limits, developed its resources, and forced its way to the front, until it is to-day the accepted leading nation of the earth. The patriotic and golden words Washington wrote more than one hundred years ago to the Continental Congress are as true and applicable to us to-day as they were to that Congress when he wrote them, and I repeat them again. Washington, the patriot and statesman, in an address to the Continental Congress in 1783, in presenting the claims of his soldiers for pension recognition said: "A country rescued by their arms from impending ruin will never leave unpaid the debt of gratitude."

Mr. Chairman, can we not well afford at this time to heed his patriotic advice? Every consideration demands that it be done. Then our Government was weak in its resources and its Treasury was well-nigh bankrupt; now it has grown to be a giant in its proportions and its Treasury receipts are amply sufficient to meet any and all demands that may be made upon it. The great mass of the common people want the law enacted. The veterans unanimously demand it. National honor requires it. National gratitude calls for it; and if we, Mr. Chairman, who are sent here to formulate into law the will of those we represent, shall do our duty faithfully and well, we will promptly enact a service-pension bill into law, and thus prove our gratitude and that of the Republic by doing an act of justice, though long deferred, to the brave men to whose heroic efforts upon land and sea we are this day indebted for all the blessings of American citizenship.

Mr. BRECKINRIDGE, of Kentucky. I yield ten minutes of the time allotted to our side of the House to my colleague on the committee, the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Speaker, I have listened with deep interest to the arguments on this bill begun by the gentleman from California [Mr. MORROW] in charge of the measure, and continued subsequently by the gentleman from Kansas [Mr. PETERS], the gentleman from Michigan [Mr. CUTCHON], and to-day by the gentleman from Indiana [Mr. CHEADLE]. After listening to their arguments on this bill, I am

inclined to ask for information why it was that Mr. Tanner was invited to resign the office of Commissioner of Pensions.

The gentleman from Kansas [Mr. PETERS] has justified on this floor the action of Mr. Tanner in putting on the pension-roll those who had not been honorably discharged, upon the idea that they had rendered good service before they left the service without permission, or, in other words, deserted. He has also justified the increase of the two-dollar pensions to higher rates, which was done in the brief period of a few months, according to his statement, in cases to the number of over five thousand, as I understand it. He has put in an argument to justify that, supplemented by a suggestion from the gentleman from Massachusetts [Mr. MORSE].

I read from his remarks appearing in the speech of the gentleman from Kansas [Mr. PETERS] made last Tuesday, as follows:

Mr. MORSE. If the gentleman will permit me, I will remark at this point in justification of Commissioner Tanner. It has been stated here that he ordered all the pensions that were at the rate of \$2 a month to be increased to \$4 a month. If I understood Commissioner Tanner's position correctly it was that a man who was receiving \$2 per month ought either to be taken off the pension-roll altogether, because he was not entitled to any sort of a pension, or else that his pension should be increased.

The gentleman from Kansas also said:

During the year ending June 30, 1887, there were 32,107 pensions increased. During the year 1888 there were 45,716 pensions increased. During the year 1889 there were 71,198 pensions increased. The very fact to which I have called attention will, to some extent, account for the number of increases during the year 1889 over prior years.

He also says, in relation to desertion:

I want to call attention also to the decision which it is claimed was made by the Assistant Secretary of the Interior in regard to soldiers dishonorably discharged. It is a ruling of the Pension Department (and it is right) that a pension is not based upon an honorable discharge, but is based on the service the man has given to his country and upon his disability. I may have fought valiantly for two years and may have lost an arm or a leg during that time in the service, and then for some reason may have left my command and gone home. Yet the mere fact that I fought for two years and lost an arm or a leg entitles me to a pension, though I may have been dishonorably discharged for leaving my command.

As a gentleman suggests to me, the punishment for desertion is one thing and the granting of a pension for a disability received in the line of duty is another; and there should be in law and equity no connection between the two.

The late Commissioner has also been justified by the gentleman in the increase and rerating of pensions of employes of that office. Let me read the language of the gentleman from Kansas [Mr. PETERS] referring to this increase of pensions:

Of course gentlemen can pick out individual and exceptional cases and comment upon them; but I am speaking of the aggregate; and I say that so far as the aggregate of increase is concerned the result is such as to reflect credit upon the Pension Department, rather than discredit.

Now, that is the line of vindication or justification set up here by gentlemen on the other side for rerating and increasing pensions and the new rulings in the Pension Office under the late Commissioner Tanner. I again ask those gentlemen—and I will pause for an answer—why it was that this Administration invited him summarily to resign that office. I am not justifying him; but if, as you seem to insist, he did right, why did he have to resign?

Mr. MORROW. Does the gentleman desire that we shall occupy his time in making the answer?

Mr. CLEMENTS. I only have thirty minutes, and I do not desire that you shall take very much of that time.

Mr. MORROW. I appreciated that fact, and that was the reason I did not respond earlier to the gentleman's invitation. But I do say there is a reply to the gentleman that can be easily and quickly afforded. But we have exhausted our time on this side, and, of course, I have no right to trespass on the gentleman's time.

Mr. CLEMENTS. If you want two or three minutes to give the answer on that point I will yield and be glad to hear it.

Mr. MORROW. I do not think it would be just to our position in this matter to attempt a reply in two or three minutes.

Mr. CLEMENTS. Very well; the gentleman has more time on that side.

Mr. MORROW. No; we have exhausted the time on this side.

Mr. CLEMENTS. Now, Mr. Chairman, I want to talk a little about procure further time, and we will agree to that; but I do not wish to yield now for any considerable length of time.

Mr. MORROW. It would be necessary of course to enter into some details in regard to that matter.

Mr. CLEMENTS. We will consent that this debate be extended long enough to give time for that explanation. I would be glad to hear the answer.

Mr. MORROW. You prefer, I presume, to proceed now.

Mr. CLEMENTS. Now, Mr. Chairman, I want to talk a little about the figures that have been presented and commented on in regard to this bill, and I will ask the Clerk to read in this connection again what was read by the gentleman from California [Mr. MORROW] two or three days ago when this debate was begun, being a portion of the report of the Secretary of the Interior.

The Clerk read as follows:

The estimates for pensions made for the fiscal year beginning July 1, 1889, were not only inadequate, but must have been known to be so when recommended to Congress. The estimate for the previous year was \$80,000,000. But before this estimate for the present year was completed it was apparent that a

deficiency would be incurred, as it was incurred, for the previous year, to the amount of at least \$8,000,000, and that this added to the original eighty millions would not be enough to meet the obligations accruing before the end of even that fiscal year.

It was known also that the pension-list was increasing, and if the payments of 1888-'89 could not be met with \$80,000,000, but a deficiency bill had to be passed for \$8,000,000 more, it must have been anticipated that the former Commissioner's successor would be run into a deficiency. Yet the estimate for pensions was confined to \$80,000,000 for 1889-'90. The result, if the cause were not so easily detected, might produce an unfair comparison between the previous administration and the present as to the amount to be expended in this branch of the service. I do not hesitate, however, to assume the responsibility, as I have done in the estimates for the next fiscal year, of recommending an increase in the appropriation for pensions, so that a liberal and legal payment may be made to all the deserving pensioners of the Republic. This sum will reach \$97,210,252.

Mr. CLEMENTS. Mr. Chairman, it will be seen by the extract just read from the Report of the Secretary of the Interior that he not only assumes, as he says, with some degree of conspicuousness, the responsibility of making the increased estimates for the coming fiscal year for this purpose, but at the same time criticises rather harshly the estimates made by his predecessor in that office under the last Administration for the present fiscal year, saying that it was inadequate and must have been known to be so at the time it was submitted to Congress, thereby implying that the Department at that time did not act in good faith either towards the country or towards Congress in making the estimates as to what was necessary for this year.

It is unnecessary for me to go at any length into the details of this question, in justification of the action of the Commissioner of Pensions under the last Administration on this point, but I want to put before the committee in connection with this statement a fact which was brought out before the subcommittee on appropriations in the consideration of the urgent deficiency bill, in which was embodied an item of twenty-one and a half millions of dollars for the balance of this fiscal year to make up the deficiency which has occurred.

The fact was there developed that the estimate for the next fiscal year, ninety-eight and a half millions of dollars, carried by this bill, was first made by his predecessor, the late Commissioner of Pensions, Mr. Tanner, or under his supervision, and sent up to his superiors for one hundred and fourteen millions instead of ninety-eight and a half millions, as it is now, and that the estimate so made was sent back to the present Commissioner of Pensions to be recast and re-estimated, and in that way it was brought down from one hundred and fourteen millions, as originally made up in that office under this Administration and submitted to the Secretary of the Interior and to the approval of this Administration to send to Congress, to ninety-eight and a half millions of dollars. And I want to say right here—

Mr. MORROW. If the gentleman will permit me, I wish to recall to his attention the fact that the Commissioner of Pensions who made the statement that was presented before the committee and referred to in my remarks, informed us that the present estimate was based upon calculations made in the office, and that these calculations disclosed the fact that the amount would be about \$98,000,000.

Mr. CLEMENTS. That I understand to be the general statement of the present Commissioner, that it is an estimate made in the office. But that does not dispose of the fact that another estimate was made in the office also, which carried a much larger sum, and which made it necessary in the opinion of the then Commissioner to appropriate, not ninety-eight and a half millions, but one hundred and fourteen millions.

Mr. MORROW. But which estimate was not supported by any calculation or method of making the estimate which was deemed sufficiently accurate by the Commissioner.

Mr. CLEMENTS. Well, I can only say in reply that it was made up in the same Pension Office, under the same Administration, by the same experts and accountants, and there is nothing to show that it was not deemed accurate by the Commissioner who made it.

Mr. MORROW. I do not so recollect it.

Mr. CUTCHEON. Will the gentleman permit me to ask—

Mr. CLEMENTS. And, Mr. Chairman, if the estimates of the experts are not reliable in one case, how are we to depend upon them in another?

Mr. CUTCHEON. The question I desired to ask the gentleman has been partly met in his response to the gentleman from California, as to whether the details for this estimate of 114,000,000 were submitted to the committee; that is, the number of claims to be allowed on which the estimate was based. I suppose that Commissioner Tanner estimated for the allowance of a larger number of claims, and therefore a larger amount was necessary for the first payments.

Mr. CLEMENTS. In reply, I will say that the Commissioner of Pensions did not state to us that the former estimate of one hundred and fourteen millions was made upon a detailed estimate showing the number of cases to be adjudicated. The simple statement, so far as I remember it, was to the effect that it was an estimate of the office sent up and then returned to be recast and was brought down, and that the powers that be were gratified exceedingly when it was brought within a hundred millions of dollars.

Mr. MORROW. The estimate of Commissioner Tanner, however, was not supported by any calculation, as I remember.

Mr. CLEMENTS. In response to the gentleman's remark I can only

state that it was prepared by the same experts and indorsed by the same office. I do not know what different method of calculation was adopted to arrive at such a different result. I suspect that somebody was alarmed at the figures, and I would like to ask the gentleman, in this connection, if he really believes that the ninety-eight and a half millions of dollars carried by the bill will be sufficient on his investigation for the next fiscal year?

Mr. MORROW. It will be sufficient to pay all the pensions under the laws existing at this time or at the time the appropriation is made. But, of course, if there are additions to the pension-roll by special acts of Congress or if the pensions are increased by reason of the action of Congress, there will be deficiencies to that extent.

Mr. BRECKINRIDGE, of Kentucky. And in another way there will be also deficiencies: if the force of the Pension Office is increased by the 30 medical examiners and by other means, there will be doubtless more claims considered and allowed.

Mr. MORROW. The gentleman is quite correct in that. For the adjudication of the claims will be more rapid by an increase of the force, and there will be, undoubtedly, many additions to the pension-roll.

Mr. CUTCHEON. And another increase may arise from the fact that by withdrawing the large force of clerks heretofore employed in answering Congressional inquiries and answering them by circulars this force may also be utilized.

Mr. CLEMENTS. I was just going to say, in answer to that suggestion, that without any new laws upon this subject of increasing pensions or of the number of pensioners on the rolls, the Commissioner of Pensions has recently issued a circular in which he says that the time that will be saved by taking the time of the employes of that office from answering Congressional inquiries and others as to the status of claims will be utilized in working up claims for final adjudication; and that there will therefore be a large increase in the cases adjudicated this year under that new system.

Mr. MORROW. And which will require additional appropriations.

Mr. CLEMENTS. It will be so year after year, and will require a greater appropriation.

Mr. MORROW. I agree with the gentleman as to that.

Mr. CLEMENTS. I make this prediction: that without new laws passed by this Congress increasing pensions or the rate of pensions this appropriation of ninety-eight and a half millions will be inadequate to fulfill existing laws; and you will have a large deficiency, which will come up, for the next fiscal year, to the one hundred and fourteen millions estimated by Commissioner Tanner.

Mr. PETERS. The gentleman will remember, if he will allow me, that since this bill was formulated and presented to the House we have passed a bill which will increase the appropriation \$450,000.

Mr. CLEMENTS. That is true; and in addition to that, further legislation has passed giving an increase of thirty medical examiners to hasten the cases forward. And so, under existing laws, under the present mode in the Pension Office, the bill you now offer will appropriate an inadequate amount; and we will have a deficiency which will be as great as the one we have now.

Mr. PETERS. But I do not understand that the gentleman from Georgia is criticising the deficiency that would arise by reason of the expenditures.

Mr. CLEMENTS. What I am talking about is the strictures of the present Secretary of the Interior, in which he seems to question the good faith of the last one in making his estimate, in which he says that, in his opinion, the former Secretary must have known it to be inadequate, while he seems to be doing the same thing, and that, too, in the face of the fact that the estimates made to him were \$114,000,000, which, in my judgment, will be necessary to carry out existing law, but which he seems to have arbitrarily cut down so as to bring it down to about ninety-eight and a half millions.

Mr. MORROW. The point of the Secretary's criticism is that it does not appear that under the former administration, by reason of the acts of President Cleveland on pensions, there was a large increase of the pensions during that time.

Mr. CLEMENTS. But the figures show that there was a large increase of pensioners under the administration of General Black from year to year.

Mr. CUTCHEON. The natural increase.

Mr. FLOWER. Why not make a full charge now?

Mr. CLEMENTS. I am dealing with the bill that the present Secretary of the Interior and Commissioner of Pensions favor and they were charged to look into. And when we have evidence that it does not carry the amount actually required for the next year they submit it in this shape, and come in here with a report criticising the last administration for doing what I say they are now doing themselves. The figures and the facts will show it and time will prove it.

Mr. FLOWER. Why not do it now?

Mr. CLEMENTS. I listened with a great deal of interest to the remarks made by the gentleman from Indiana, a distinguished soldier, in behalf of soldiers and service pension and dependent soldiers.

Now, I want to say that unquestionably there is not a considerable minority of the people in any community of the United States that begrudges to the genuine, true soldiers of the Union adequate pensions

under the policy of this Government to take care of those who are needy and disabled and who served their Government. But there is great discontent at the looseness of the pension laws and their administration, whereby great injustice has been done not only to the taxpayers of the Government but also to the true soldiers themselves. By such legislation and such administration of the laws unworthy ones have been pensioned. The records show that unworthy cases are discovered and dropped from the rolls from time to time; doubtless many are never discovered.

These are the causes of complaint. When the gentleman says that the Government is not dealing fairly with the soldiers I want to call attention to the statement of a distinguished soldier, and certainly a soldiers' friend, Hon. James A. Garfield, when on the Committee on Appropriations of this House in 1876, when he said, in a congratulatory statement to the country, that the maximum of pension expenditures had, in his judgment, then been reached upon a bill which carried \$28,500,000.

Mr. MORROW. That is fourteen years ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes more to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. That has been fourteen years ago. This House has been Democratic from that time to this, except for the two years of the Forty-seventh Congress, and now the pension-roll is \$100,000,000 a year in round numbers, which is more than three times the amount that General Garfield said was the maximum, and the expenditures have been going on increasing and increasing all the time.

Again, reference has been made to the policy of the Government in regard to the other wars.

This Government has never passed a general service-pension bill for the survivors of any war earlier than thirty-five years from the end of that war. It was more than thirty-five years after the end of the Revolutionary war before the men who called this Government into existence and caused its recognition by the nations of the world received a service pension. It was over thirty-five years before the survivors of the Mexican war received a service pension, and over fifty years after the war of 1812 before the survivors of that war received a service pension. Now, it has only been twenty-five years since the close of our last war—

Mr. RAINES. Will the gentleman permit a question?

Mr. CLEMENTS. I have little time, but I will listen to a brief question.

Mr. RAINES. Is not the gentleman aware of the fact that the country is better able now to pay a service pension than it was in the other cases when it did pay it?

Mr. CLEMENTS. I do not know that to be a fact. There were a great many soldiers in the late war, a much larger number than any preceding war, and there are a great many of the people of this country who do not think they are able to pay for extravagant expenditures. For instance, the farmers of Kansas have been talking aloud lately, and, according to the newspapers, the Farmers' Alliance there does not feel that they are able to pay very heavy and unnecessary taxes.

Mr. PETERS. I want to say to the gentleman that that statement of the newspapers is inaccurate. That communication does not come from the Farmers' Alliance, but it is an open letter from the editor of a paper addressed to the Congressional delegation. The Farmers' Alliance has nothing to do with it.

Mr. CLEMENTS. It purports to come from the Farmers' Alliance, but the gentleman from Kansas [Mr. PETERS] is no doubt well informed as to what he states.

But, however that may be, Mr. Chairman, this publication discusses matters that are being agitated not only in Kansas, but elsewhere also. It says:

Many of the questions that are receiving the attention of Congress are far less urgent than those upon which the safety of the home and the welfare of the family depend. The people believe that the white citizens of Kansas have some rights as well as the colored citizens in the South. They believe that fallen heroes, both white and black, in the past struggles for liberty and the perpetuity of our institutions, can afford to wait for one moment until the rights of living heroes in the present struggle for American homes receive some recognition by the men who have been chosen to represent them in Congress. Behind these demands are more than 100,000 ballots in the State of Kansas, and the time is coming and is not far distant when the legislators will heed the voice of their constituents.

Mr. KELLEY. If the gentleman can suggest what those fallen heroes are expected to wait for, I shall be glad to hear it.

Mr. CLEMENTS. I am not objecting to proper pension appropriations, and gentlemen will bear me out that I do not oppose just pensions. I say of this bill that it appropriates less, I believe, than your own Administration knows will be necessary to provide for pensions for the next year under existing law.

In my remarks just before I read this extract I was speaking in reply to the gentleman from Indiana [Mr. CHEADLE], who had arraigned the Government on a charge of illiberality to the soldiers of the late war and compared what has been done for them with what was done for the survivors of former wars, and I was interrupted by a statement that the country was now better able to make these great expenditures than it was in the cases of former wars. Now, it is all right and proper

to take care of the soldiers. Nobody questions that—nobody in any section of this country. But there are some other things we ought to take into account; some other conditions and some other people that ought to be considered occasionally.

I do not know whether or not this newspaper (the Post, of this city) is accurate in its editorial comments on this communication I have read when it says:

Representative FUNSTON inclines to the opinion that more liberal pension laws would put more money in circulation, and hence have a tendency to boom prices and materially assist the farmers. This view is coincided in by Congressmen PETERS and PERKINS.

[Laughter.]

Now, Mr. Chairman, that is a new idea in favor of pension legislation, that it is to "boom" Kansas or to "boom" any other section of the country. My idea was that pensions were granted to the soldiers for their services, sacrifices, and necessities, not that they were to be given to "boom" prices in any particular locality, a thing which can not be done without depressing prices in some other locality. But the "booming" idea is a new one in connection with pensions.

Mr. PETERS. The gentleman from Georgia will understand that the word "boom" was used not by the Representatives named in the article, but by the newspaper.

Mr. CLEMENTS. But the gentleman only disowns the word "boom," and not the idea expressed in the quotation I have read. I do not desire an increase of the amount carried in this bill, nor do I believe it will be wise to enact additional legislation which will make greater appropriations necessary hereafter. It is proper, however, that there should be no concealment of the actual expenditure for the next fiscal year, for that expenditure will be made regardless of any arbitrary scaling of estimates by which this bill is brought within a hundred millions. The deficiency is sure to follow. These facts ought not to be lost sight of at this time when there are so many pending measures looking to still greater increase by new legislation.

I repeat that there are other subjects and interests that demand the patriotic attention of Congress besides this. When the indebted and distressed condition of a portion of this country is such as to cause that condition to enter into the consideration of pension legislation for the purpose of alleviating that condition by the distribution in a particular locality of the revenues of the Government, which have been taken from the hard earnings of the people of the whole country, there is something radically wrong.

It is not the agricultural interests of Kansas alone that are depressed, but the same is true in other sections. There are many widows and orphans and poor men throughout the country who pay a daily tax on the necessities of life, thereby contributing to make up the great sum annually collected and expended by the Government. They have a right to demand that these expenditures shall not be unreasonable or extravagant. They have a right to demand that they shall be taxed only for public purposes.

The agricultural and business interests of the entire country are suffering for want of an adequate circulating medium necessary to prosperity. When shall this question, as well as that of removing unnecessary burdens of taxation, engage the attention of Congress?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I yield ten minutes to the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. Mr. Chairman, I avail myself of this opportunity, not to say anything on the merits of this bill, because I presume if there is any objection that could be urged to its passage it would be that it is too small instead of too large. It would certainly be best to so increase the amount as that the sum appropriated would equal the sum required to pay the pensions now provided for by law for the next fiscal year.

I desire at this time to call the attention of soldiers of the country to the fact that the other side is quite derelict in carrying out the promises they made during the last campaign. During that period Republican candidates and Republican speakers, from the highest to the lowest, made the most liberal promises that if they succeeded to power they would enact the most liberal pension laws. They were not slow to denounce a Democratic House for failing to pass a general service-pension bill, and also a bill to repeal the limitation clause of the arrears act. It is now practically determined by the Republican side of the House and by the soldiers of the country that neither of these bills is to be passed by this Congress.

As late as the 11th day of last February, the gentleman from Ohio [Mr. GROSVENOR], in his speech in favor of the change of the rules, gave as a reason that under the old rules it was impossible for any one on his side of the House to secure recognition to move to pass some one of the general pension bills upon the Calendar. General Alger, commander of the Grand Army, visited this Capital recently, and then started out, it is generally believed, at the instigation of the Administration, to prepare the soldiers for disappointment. Members upon that side have been called upon to fulfill their promises, but instead of doing so they are framing excuses and dodging in every conceivable manner.

I desire to have the Clerk read a letter which has been published

throughout the State of Kansas, a letter emanating from the gentleman from Kansas [Mr. PETERS].

The Clerk read as follows:

The following is a letter from Congressman PETERS in answer to some resolutions of the Grand Army of the Republic men, adopted at Sterling, on the 15th of February, when Captain Powers, of Terre Haute, Ind., addressed them on the service-pension bill:

"HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, February 19, 1890.

"MY DEAR SIR: I have the resolutions adopted at a mass meeting of the old veterans and citizens in Sterling. There is no trouble about the Kansas delegation. If Mr. Powers would spend his time and money in traveling East into the New England States and New York and Pennsylvania, and bring influence to bear upon the Representatives from that section of the country, he would accomplish much more good. Every member of the Kansas delegation is an old soldier.

"I hope the old soldiers of Kansas will not allow themselves to be imposed upon by any interloper from other States, who claims to be a friend of the service-pension bill and endeavors to make use of it for the purpose of bleeding our soldiers. There has been a little too much of that and it should be put a stop to. If these parties wish to work for the cause let them go and travel where the work is needed. The Indiana men had better stay at home and labor with their own Representatives. I think the soldiers of Kansas are able to take care of themselves; and I know the Kansas delegation would think a good deal more of the Indiana fellows if they would stay at home and try to secure at least half of their delegation in Congress that could be relied upon to support pension measures. The State of Indiana has thirteen members in the House of Representatives, and only three of the thirteen can be relied upon to vote for a service pension. Don't you think it is about time for the Indiana fellows to stay at home and look after their own men? It looks very much that way to me, at least.

"Yours, truly,

"S. R. PETERS.

"THOMAS L. POWERS, Secretary, etc."

The gentleman does not state the names of those that can be relied upon to support the measure, but it is evident, as the delegation stands, ten Democrats to three Republicans, that he counts as reliable those upon his own side of the House and as unreliable those upon this side of the House. I am perfectly conscious of the dilemma in which gentlemen upon the other side have placed themselves. I am aware that their professions of a great desire to pass a service-pension bill and to repeal the limitation clause in the arrears act in the last Congress were not sincere, and that their declarations to this effect during the last campaign were not to be carried out, but I did not suppose that any of them would attempt to shirk the fulfillment of their pledges by misrepresenting the attitude of other members upon this floor.

Upon what authority did the gentleman from Kansas assume to speak for the Democratic Representatives from Indiana? Certainly not from their records in this House and in the Departments, because none can be found from any State which gives greater satisfaction to their constituents. I venture to say that the amount of labor performed by the Democratic Representatives from Indiana for the soldiers is not exceeded, if equaled, by any other ten Representatives upon this floor. The records of the Pension Office will bear testimony to this fact. I have prepared a table showing the per cent. of pensioners in Indiana of the number of soldiers enlisted from that State in comparison with Ohio upon one side and Illinois upon the other.

Per cent. of pensions to the number of soldiers in the war of the rebellion.

States.	Soldiers.	Pensioners.	Per cent.
Illinois.....	259,147	36,595	17+
Ohio.....	319,659	50,081	15+
Indiana.....	197,147	42,553	20+

The above showing is certainly proof that there has been no lack of industry upon the part of the friends of the soldiers in Indiana; no other State similarly situated can show such a favorable record. Upon the passage of the dependent pension bill in the Forty-ninth Congress, every Democratic Representative from that State voted for the bill, and, upon the vote to pass the same over the veto of the President, 6 voted for the bill and only 2 against, while 1 was absent.

Now, what is the situation to-day? The rules which gentlemen upon the other side pretended prevented them from accomplishing anything in the last Congress have been changed. No filibustering can be indulged in; even the gentleman from Illinois [Mr. CANNON] failed in the attempt, although his motives were both patriotic and economical. The Committee on Invalid Pensions have been given leave to report at any time, and yet nearly four months of the session have passed and not a single measure promised to the soldier has been brought into the House and placed upon the Calendar. Let us compare for a moment the work of this committee with the labors of other committees of the House.

The Committee on Territories has prepared a measure of great intricacy for the organization of a Territory in Oklahoma and the government of the same, and reported bills for the admission of Wyoming and Idaho as States. The Committee on the Judiciary has canvassed the constitutionality of the direct-tax bill and reported the same favorably, and about completed the difficult task of framing a national bankrupt law, besides accomplishing many minor tasks. The Committee on Public Buildings and Grounds has considered and reported about seventy public-building bills, and had passed more than a dozen of them.

The Committee on Ways and Means prepared, reported, and had con-

sidered and passed a bill for the better or worse administration of the custom laws, and since then a majority of the members of that committee, rumor says, in some dark corner in the subbasement of the Capitol have attended the birth of some kind of a revenue measure, the parentage of which has not as yet been acknowledged, but no doubt the gentleman from Michigan will inform the country in due time that it is of legitimate origin. [Laughter on the Democratic side.]

The Committee on Elections, none of whose members are overly able-bodied and healthy, have considered some ten or a dozen contests, maturely digested something like 20,000 pages of testimony, read several hundred pages of arguments, reported upon more than a half dozen cases, had considered five of them, and turned out four Democrats and seated four Republicans; and yet the Committee on Invalid Pensions has not been able to consider a single measure for a service pension or for the repeal of the limitation of the arrears act, although the measures were submitted to them in perfect form three months ago.

Why did not the gentleman from Kansas [Mr. PETERS], instead of heaping his indignation upon the members upon this side from Indiana, inform his constituent that his colleague [Mr. MORRILL], chairman of the Committee on Invalid Pensions, had failed to report any service-pension bill to the House, and until that was done every member upon the floor was powerless to do anything. The silence of members upon the other side of the House upon the subject of pension legislation, permit me to suggest, has become painful. The mild appeal from my colleague [Mr. CHEADLE] is all that we have heard.

True, we have had an occasional wave of the ensanguined garment, and I have no doubt but what several gentlemen over there are now ready and eager to give it a shake, but the soldiers of Indiana held an encampment in the district I represent, a few days ago, and somewhat forcibly said that that exercise was no longer entertaining.

It is apparent that the decree has gone forth that there must be no service-pension bill, that there must be no attempt to repeal the limitation clause of the arrears act. Columns of figures cooked up for the purpose of startling the country and stampeding the soldier organizations are paraded almost daily; the commander of the Grand Army has been sent out to try to appease the wrath and allay the indignation that are sure to arise when the soldiers realize that they have been duped.

I wish to assure the gentleman from Kansas of one thing, the Democratic Representatives from Indiana are not pledged to the support of any particular measure. They are here, however, as the soldiers' friends, and the confidence reposed in them by their soldier constituencies has not been misplaced. They are here to see that deception is no longer to be practiced, and so far as lies within their power the service-pension bill and the bill repealing the limitation clause of the arrears act shall come before this House and shall be voted up or voted down, as a majority of the Representatives may decide. [Applause on Democratic side.]

There can be no excuse for any further delay by the Committee on Invalid Pensions. The power has been given to the committee to report at any time. Their bills are privileged in the House, and they must redeem their pledges or stand convicted before the soldiers and before the country of obtaining the suffrages of the veterans under false pretenses. [Great applause on the Democratic side.]

Mr. LANE. The gentleman will allow me to interrupt him for a moment. Does he know that the Democratic members of the Committee on Invalid Pensions have voted in favor of an arrearage bill to be reported to the House?

Mr. BYNUM. I do not know it. I am not advised as to what has been done in the committee-room. I only know that a majority of the committee are Republicans, and that no bill has, as yet, been brought into the House.

Mr. LANE. Mr. MARTIN, of Indiana, has called up that bill at every meeting of the committee and pressed every day that it be reported to the House.

Mr. BYNUM. I know of none of my colleagues being opposed to the measure; and while I had no positive knowledge upon the subject I was satisfied that it was not the fault of my colleague [Mr. MARTIN], who as a member has labored assiduously and industriously for the soldiers and the soldiers' widows of Indiana since he became a member, that this bill was not reported.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. BYNUM. Certainly.

Mr. CUTCHEON. I understood my friend from Georgia [Mr. CLEMENTS] to say a moment ago that this House had been in the hands of the Democratic party since 1876, which is strictly true, but for a period of two years in the Forty-seventh Congress, when it was in the hands of the Republican party. And now I wish to know from the gentleman from Indiana whether when you had control of the House you ever reported a service-pension bill. [Applause on the Republican side.]

Mr. BYNUM. The Democratic party never pledged itself to pass a service-pension bill. Democratic Representatives never pledged to the soldiers that if they were elected the legislation demanded by them would be passed. [Laughter and applause on the Democratic side.] They never falsely pretended upon this floor that they favored the measure,

but they now and here serve notice that you of the Republican side of the House, who have made such pledges, shall bring the measures into the House or go home and confess to the soldiers that you deceived them. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. CUTCHEON. I want to know when and where the Republican party pledged itself to a general service pension.

Mr. SPRINGER. Everywhere.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. BRECKINRIDGE, of Kentucky. I will yield for ten minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Chairman, it is to be regretted when a question shall arise affecting the interests of the men who served their country in preserving our Government it is to be injected with politics, but inasmuch as it has been done the men on this side of the House, who claim to be as good friends to the soldier as any one in the country, do not intend any longer to sit here and quietly submit to utterances which have come from the dominant party on the other side for a number of years, and especially during this session of Congress. [Applause on the Democratic side.] For, as the gentleman from Indiana [Mr. BYNUM] has indicated, you have to face the music, and we intend to force you to it. We intend to draw the line of battle on the service-pension bill. [Applause on the Democratic side.] You have got to march up to it, because we no longer intend you shall mask yourselves before the country as the special friends of the veterans when up to this time you have done but little to alleviate their sufferings.

Why, sir, the Democratic party has forced the pension-roll from \$28,000,000 up to about \$100,000,000.

Mr. KERR, of Iowa, rose.

Mr. SPINOLA. Be quiet, my friend, and keep your seat, for I have only ten minutes and have no time to spare.

The Democratic party, I say, Mr. Chairman, forced the pension-roll up from \$28,000,000 in round numbers to \$100,000,000. Yet our friends on the other side go home, and on the stump tell the people what great friends they have been to the men of the Union Army. It will not do any longer, comrades on that side.

Mr. BOUTELLE. Did not the Democrats furnish the opposition to pension legislation on every occasion? [Laughter on the Republican side.]

Mr. SPINOLA. The record does not sustain it. [Applause on the Democratic side.]

Mr. BOUTELLE. It does absolutely.

Mr. SPINOLA. No, sir; and we will not have it any longer; and you have got to face the music. [Laughter and applause on the Democratic side.] At the time the Republican party was appealing to the people for renewal of power, after we had elected Grover Cleveland President of the United States, they spent nearly four years in cultivating the vote of the veterans. The battle was to have been fought in Indiana. That State was to have been the battle-field.

Mr. KERR, of Iowa. And did not your President veto the bill for those veterans? [Applause on the Republican side.]

Mr. SPINOLA. What was done in that campaign? My old friend, Corporal Tanner, the long-roll was beaten for him and he marched out like a veteran. He took off his coat and took off his neck-tie and stripped himself almost to the skin in advocating the doctrines President Harrison put in his mouth; the pledges to the veterans of Indiana were made at the suggestion of President Harrison and the Republican committee in that State. What was the result? Why, after those pledges had been made, after Indiana had been carried by Corporal Tanner visiting every Grand Army post, when he came to carry out his promises, after having made innumerable pledges to veterans and other citizens, when he was called upon to do what in the name of the Republican party he had promised, and he was placed in a responsible position to do it, what was the result? Let us read what he says himself:

I want to say to you, I did not resign until the President and Secretary said to me in the same minute that the completed report of the investigating committee, which lay before them, had not one word which would impeach the honesty of my action in the slightest degree.

But, nevertheless, he had to go.

I haven't the slightest doubt that I would have been removed if I had not resigned.

Here was a gallant soldier, a man who lost both legs on the battle-field, who was rewarded by the Republican party—nay, by the President of the United States—for the gallant services he had rendered to the party in the campaign of 1888, and yet he had to resign or, as he was aware, his head would roll into the basket.

In fact, I knew it—

He says—

Noble had pronounced his ultimatum to be my head or his resignation.

His head for what? Why, because he had done that which he promised the veterans of the North he would do—promises that he had made with the advice and under the suggestion of President Harrison and the Republican party, to carry that State. That is the way you reward the veterans.

Now, sir, I care not what it may cost. Corporal Tanner in his estimate for the expense of the Pension Office for the coming year has made a calculation which is much nearer accurate than the bill now before the House. He says it will require one hundred and fourteen millions, and I believe he is correct. And I believe you will find a deficiency next year, when you come to consider your appropriation bills, greater than, or at least equal to, the difference between the bills and my amendment. Now, what should be done, and done for the veterans who saved the nation? Let us make provision for their care for all time to come. [Cries of "That's it!"] Let us make it in such a way that there can be no quibbling about it in the future. Let us pledge the internal-revenue taxes as they stand to-day to the credit of the pension fund of this country. The internal-revenue taxes of to-day are all that remain of the war taxes of the country. That tax was an absolute necessity as a war tax. The pension-roll as it exists to-day is a result of the war; it grew out of the war, and for myself I do not care if it takes the last dollar in the coffers of the United States. If it is necessary to extract the last dollar from your Treasury, I say take it and meet that obligation. And there is where the American people stand, in my judgment; the overwhelming majority of them, as well as the majority of the men on this side of the House, will be found occupying the same position.

Now, a service-pension bill is for all purposes the correct thing, for the reasons assigned by the gentleman from Indiana [Mr. CHEADLE] this morning. Do not place any man who has forfeited his health, or who lost a limb, or who suffered in many other ways in defense of this Union, under the necessity of taking the oath that he is a pauper, which is repulsive to every veteran as well as their friends.

Now, sir, there were 33,000 men on the pension-roll when Corporal Tanner took the office, that had been accumulating there for 24 years—33,000 who were receiving a less rate of pension than \$4 per month. Corporal Tanner says less than \$4 a month pension for a man who served the country on the field of battle, amid privations and dangers and the other things incident to the life of a soldier, is not adequate, and hence issued an order to put them on the roll at \$4 a month. What did the Republican Administration do with it? How did they serve the veterans? Why they said that order must be revoked, and revoked it was. They did not commence by recalling the sums paid to the rerated men of the Pension Office; not one of them was changed or reduced. They carried off their swag, one of them to the extent of \$6,000, I believe. To be sure, they removed a few, but they did not revoke the order rerating them. But when the order came rerating the poor soldiers from \$1 to \$4 a month, the Republican Administration was alive to the occasion, and then and at once struck the blow and placed them upon the pittance that had been previously accorded to them.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I now yield ten minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, following in the same line of thought with the gentleman from Indiana and the gentleman from New York, who has just taken his seat, I desire to call the attention of the committee to the fact that the commander-in-chief of the Grand Army of the Republic has been reported in the papers of the day as going through the country and making speeches at the Grand Army camp-fires in all directions to the soldiers, in which he states that they must abandon all hope of getting a service pension through this Congress, because of the hostility of Eastern and Southern Representatives to the bill or because the Representatives from those sections are opposed to the measure.

Now, I want to call further attention to the fact that the Republican party has a Committee on Pensions which could report the arrears bill at any time, a committee which could report a service-pension bill at any time, a committee which could report the prison-pension bill any day they saw proper, but, notwithstanding this, they have not yet reported any one of these bills; but its Committee on Elections finds plenty of time to consider the voluminous records in contested-election cases and bring them before the House. And there is no lack on the part of the Republican party of power or time to consider these election cases and to elect a Republican who was defeated at the polls every day that they set for that purpose and to unseat a Democrat who was elected by the people to represent them on this floor.

Mr. KERR, of Iowa. Will you allow a question?

Mr. ENLOE. No, sir; I don't want any of your questions now, as my time is limited and I have other business in hand.

Mr. KERR, of Iowa. I only want to know if you would vote for either of these bills if reported.

Mr. ENLOE. I don't propose to discuss the bill now before the committee as I would like to do if time permitted. I suppose it will pass the House without objection. But I do propose to emphasize the point that an investigation of the Pension Office is needed. I have been working on this line for some time, and I have already called the attention of the House to a state of facts in connection with the administration of the Pension Office which calls for investigation at the hands of Congress.

Now, Mr. Chairman, since I made my speech the other day in refer-

ence to the resolution of inquiry I introduced early in the session, I have received additional evidence that it is necessary that an investigation should be made. I received a letter this morning which I will have read from the Clerk's desk, marked "personal." It is from a man who is credited with having written the many objectionable decisions promulgated by Mr. Bussey.

The Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., March 20, 1890.

DEAR SIR: In your speech in the House the 11th instant, on the Tanner investigation and pensions, you referred to the ruling of Assistant Secretary Bussey in relation of a "dishonorable discharge" to a claim for pension, and your remarks demonstrated your total lack of information on the subject. The Assistant Secretary's ruling is in strict harmony with the precedents set by every Secretary of the Interior since and including Alexander H. H. Stuart—including each of the Democratic Secretaries since that time—and never disputed until General Black issued an order, written by a well known ignoramus in the Pension Office, upsetting an unbroken line of legal precedents. I inclose a copy of Bussey's ruling, which has been pronounced by several of the ablest lawyers in the land an unanswerable statement of the law. General Black set all of Tanner's bad rulings, and his administration, if investigated will make his record exceedingly disreputable.

Secretary Noble displayed the highest courage in bringing the irregularities of Black and Tanner to grief with promptitude and effectually.

Yours truly,

GEORGE BABER.

Hon. B. N. ENLOE,
House of Representatives.

Mr. ENLOE. I maintain, Mr. Chairman, that the author of this letter who volunteers to address me is not entitled to any protection on account of his effort to screen himself from criticism while he indulges in offensive criticism of my utterances on the floor of this House. It relates to a public and not to a personal matter, and if he was smarting under the criticism which fell from his superior and rested on him he should have either submitted in silence or he should have come out like an honorable man and made his offensive criticism in a public manner. He says my remarks demonstrated my "total lack of information on the subject" of Mr. Bussey's decision in relation of a dishonorable discharge to a claim for pension.

Now, if he had read my remarks before he assumed to criticize them he would have seen that I did not question the decision as a naked proposition of law, and so stated, but that I criticized his action in reversing a ruling which was intended to make the pension-roll a roll of honor, and not a record of dishonor. If he had been honest in his criticism he would have chosen some other ground, and if he had been as anxious to keep in harmony with the truth as he is to keep in harmony with this Administration he would have read my speech before he volunteered to criticize it.

I understand that he is or was a Democrat [laughter on the Republican side]—so represented or believed to be when he was serving under Commissioner Black, whose record he now assails. He says:

General Black set all Tanner's bad rulings and his administration, if investigated, will make his record exceedingly disreputable.

His statement, if it can be believed, only confirms what I have said as to the necessity for this investigation.

If an investigation would make General Black's administration appear disreputable, so be it; but if it is ordered, as I contend the facts demand, I hope the scope of it will be broad enough to show what part this bird, which befools its own nest, contributed to make that record disreputable. [Applause on the Democratic side.]

There are evidences all along the line that this investigation ought to be made. Some of the rulings in widows' cases deserve public attention. The widow of a New York colonel who was in the Pension Office drawing a salary of \$1,200 a year applied for an increase under Commissioner Tanner. The facts were that the widow was drawing a small pension and had been since her husband's death, which occurred several years ago—disability, a headache resulting from his army service. One morning he was found floating in the Hudson River, his skull broken, and his pockets rifled, and upon that showing of facts his death or murder was attributed to his headache, and she was rerated and given \$30 a month for life and \$4,000 arrearages. I suppose she is still drawing the salary of \$1,200 a year in the Pension Office.

Then there is the cart-wheel case, where a man was pensioned for a slight trouble of the heart, at \$4 a month. He was found one day in his field with a cart-wheel standing upon his neck, and they called up his case, or rather his widow's case, and decided that the cart-wheel did not kill him, but that what he died of was heart disease, and so his widow was put on the roll.

Now, Mr. Chairman, I want to call attention to some decisions of a medical character down there. In one case it was decided that pneumonia was a pathological sequence of amputation of the arm. In another that a gunshot wound received in the big toe resulted in cerebral congestion fifteen years afterward; and so it was decided that was a pensionable case.

Mr. Chairman, I could go on and cite a number of these cases, but I have not time. I want to call attention to the statement made here by the gentleman from Kansas [Mr. PETERS] the other day about the railroad cases. He said that Commissioner Black set the precedent. I suppose that a full investigation would show that he was mistaken about that; but be that as it may, I asked him then, and ask him now,

if under any former administration there was ever a case where any clerk of the Pension Office was allowed to pass on the medical and legal questions and to make up cases and pass them under the forty-eight-hour rule, as Thomas D. Yeager, of Pennsylvania, did in 110 cases?

Thomas D. Yeager was a \$2,000 clerk in the Pension Office, and I am reliably informed that he took two hundred cases from the files, cases of George E. Lemon and Blocks-of-five Dudley, wrote the legal and medical opinions himself, though he was neither lawyer nor doctor, railroaded one hundred and ten of them through under the forty-eight-hour schedule, and would have passed the other ninety if he had not been detected by Dr. McMillan, who was appointed by Secretary of the Interior to check the robbery. Dr. McMillan wanted to meet the extraordinary doctor who prepared the medical opinions, and he found him in Yeager, the clerk, who to-day wears the belt as the champion railroader of pension cases under all administrations.

I would like to know where Thomas D. Yeager is to-day and whether he is still drawing his pay in the Pension Office.

There is not a farmer in this country who if he found the dogs set to guard the flocks killing his sheep, would have the breed on his place. He would kill the dogs and get a new breed.

No firm or individual or corporation would keep clerks or employes who had been caught increasing their salaries without the consent of their employer.

I maintain, sir, that the Government should apply the same principle, and not retain in its employ persons who took advantage of their positions in the Pension Office to rerate and grant arrears to themselves.

When it is known that chiefs of division, clerks, members of the legal and medical boards, and all those who are appointed to protect the Treasury against unworthy and dishonest claimants have been engaged in rerating themselves and each other, is it not time to order an investigation?

Let it be made. The honest soldiers of the country demand it. Let it be made. The tax-payers of the country demand it. Let it be made. Honesty, justice, and the facts demand it. Let it embrace the administration of the present Commissioner; and, if bad precedents and bad practices prevail, let it be known, so that they may be corrected, and not longer permit private jobbery and corruption to prey upon the Treasury under the protection and guise of generosity to the soldier. Let it embrace the administration of Commissioner Tanner, who was permitted to resign, by request, for trusting in the promises of princes.

Let it embrace Commissioner Black, who was charged by the gentleman from Kansas with being the wicked man who misled the unsophisticated Tanner. Let it embrace the administration of Blocks-of-five Dudley, who was distributing in Indiana the proceeds of contracts for the future delivery of Cabinet places, while Tanner was on the stump promising pensions to everybody, by the authority and at the request, as he alleges, of his Presidential candidate.

The country will demand this investigation into the methods of disbursing these immense appropriations which are growing and will continue to grow larger annually; and if this House refuses to order it a Democratic House will order it in the Fifty-second Congress.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I yield ten minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Chairman, we once had a lawyer in Mississippi by the name of Joe Mullins who usually began his speeches in defending criminal cases by saying: "Gentlemen of the jury, I do not wish to militate against the majesty of the law, nor contravene the due avoirdupois of the testimony." [Laughter.] Now, Mr. Chairman, I wish to say in the outset that it is not my purpose to "militate" against the majesty of the achievements of the men who fought to save the Union, nor to "contravene the due avoirdupois" of the obligation of the Government to them.

No, sir; I am the last man to depreciate the efforts and achievements of the Union soldiery; to do so would belittle my own work, for, sir, involved in the task of putting down the Southern Confederacy was the task of putting me down [laughter], and that was a big contract of itself. [Laughter.] Of course, Mr. Chairman, I am sorry it was necessary to put me down, but I do take some pride in the fact that it required a great effort to do it. [Laughter.]

Sir, when I have listened to the figures that have been brought out in this debate, that there were 2,859,132 enlistments in the late war on the side of the Union (and I hold in my hand the estimate from the War Department that, excluding re-enlistments, there were 2,213,365 individuals who served in the war as enlisted men, and that that war cost \$6,189,929,009); when I see that on the 1st day of January last there were 474,991 pensioners on the rolls growing out of the late war, besides those who have died and been dropped from the roll; and that there has been paid out in pensions \$1,094,253,552.62 from July 1, 1861, to January 1, 1890, and that there are 460,370 more claims pending—when I see all this, and remember the untold resources and advantages this Government had in that war, with open communication with the rest of the world, and the valor and intrepid courage of those 2,213,365 enlisted men that must be conceded by all, and when I remember that the Confederates, cut off from the balance of the world,

without the munitions of war, without a navy, without factories, with only 600,000 enlisted men all told, with no money except such as we could print, and with great difficulty to get printing-presses and paper on which to print it—considering all these things, Mr. Chairman, it occurs to me, as it must occur to you, that if we had had a "fair shake" in a clear field and a good cause we would have been a "mighty on-proper" crowd to "monkey with." [Great laughter and applause.]

Mr. Chairman, I believe it was the present Executive of this great nation who said that "in measuring out pensions to the soldiers of the late war no apothecary's scruples should be used." It is conceded, sir, that more than \$100,000,000 will be paid out in pensions this fiscal year, more than \$53,000,000 having been paid out the first half of the year. I do not think, sir, that any apothecary's scales are being used in this matter; but, sir, we are using the standard Fairbanks railroad-car scales [laughter], and yet we are told that we are not doing half enough; and some of my Democratic friends are vying with our Republican friends in insisting that measures shall be enacted here that shall increase this expenditure hundreds of millions of dollars.

In fact, the schemes now on foot and being urged on this Congress would involve expenditures almost without limit. It makes your head ache to calculate it. I want to say that I have no fault to find with the Republicans for any want of liberality to the soldiers. [Laughter.]

I know, Mr. Chairman, this is a great Government. It would be impossible to compute its worth in dollars and cents. Of course, sir, I feel mighty bad about having tried to destroy it [laughter]; but, sir, when I listen to the demands as made in the name of the soldiers for saving it and see the disposition to comply with those demands on the part of members on this floor, I think sometimes we had best stop and have an accounting, and see if we had best try to pay the thing out or let the Grand Army of the Republic take it. [Laughter.]

I listened with interest to-day to my friend from Indiana [Mr. CHEADLE] in his appeal in behalf of the soldiers. There is a bond of sympathy between brother CHEADLE and me: we were both privates. [Laughter.] I believe he is honest and believes in what he says. I do not doubt that he was a good soldier, and I know something of how close a real soldier feels to his comrades; but I noticed in the morning paper that the Six o'Clock Club met in this city last night and the distinguished personages present were required to confess on what subjects they were cranks. Now, if my friend CHEADLE had been there and had made an honest confession he would have said he was a crank on the subject of pensions. [Laughter.]

I am not going to take issue with him about our obligations to the soldiers. He and I agree perfectly about that; the difference between us is in how the obligations are to be discharged. It probably grows out of a difference in temperament. I am very sentimental, while he seems to be quite practical. I believe in paying off these obligations partly in honor, while he wants it all in cold cash. [Great laughter and applause.] I have taken occasion once before to warn you gentlemen who saved the Union, and I now repeat the warning, that if you do not hold up on this business of paying yourselves for your expenditure of patriotism during the war the first thing you know the country will not owe you anything. [Laughter.] I do not want this done; I want to reserve up some of this debt of gratitude to talk about on Fourth of July occasions. [Laughter.]

The gentleman from California [Mr. MORROW], in charge of this bill, informs us that he thinks we will reach the limit in 1894; that we may expect increases until then, but that by that time the increases will stop. Mr. Chairman, I must confess to being somewhat skeptical about these predictions. To show how unreliable they are, and how wild some of our friends have gone on this subject, I will call your attention again to the speech of the late President, General James A. Garfield, to which the gentleman from Georgia [Mr. CLEMENTS] made reference in his remarks to-day. On this floor, on the 7th day of December, 1876, General Garfield, in discussing the pension appropriation bill for that session, which carried \$28,533,000 said:

My idea is, if gentlemen will allow me, that we have reached and perhaps passed the summit of appropriations for this object; that it took a number of years to develop and get through with regular form of laws to admit to the rolls the persons entitled to pensions, and that the time must necessarily come when we shall pass the climax and begin to go downward. I suppose we have already reached the maximum.

Now, sir, this was the statement of a gallant Union general, high in the councils of his party; a man thoroughly conversant with the performances of the Union soldiers. You can see that at that time it had never entered into the mind of any one that this pension business would ever go to the extent to which it has already gone, and yet the clamor is louder for increases to-day than ever before.

I want to submit one suggestion just here about pensions, and that is that, aside from the hardship it imposes on those who have to pay them, and who do not receive them in return, I do not believe that indiscriminate pensions are a good thing, even for those who receive them. I have been a soldier myself, and I have gone home with my comrades, all of whom were necessarily thrown on their own resources, and I have seen them go to work—men with wounds, one arm or one leg gone—and they have made good citizens, have made a living and reared and educated their families; they are not in the poorhouses, nor have I ever seen or known of one of them begging his bread.

Gentlemen tell us that there are 20,000 Union soldiers of the late war in the poor-houses. I have no criticisms to make and I do not censure them for being poor; it is no disgrace. Nor do I mention the case of the Confederate soldiers as an argument against any pension, but I do believe that the pensioning business can be carried to an excess, and to where it will not be best even for the beneficiaries of the system. We all know that self-reliance is a great thing to develop and sustain human character.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I believe I have thirteen minutes remaining. I yield five minutes more to the gentleman from Mississippi.

Mr. ALLEN, of Mississippi. I thank the gentleman from Kentucky [Mr. BRECKINRIDGE]. The main object I had in addressing the committee to-day was to make some suggestions in reference to the position of my Kansas friends, Messrs. PERKINS, PETERS, and FUNSTON. Mr. CLEMENTS has already read you from the Washington Post what those gentlemen have had to say in reference to the wail of woe that comes up from the oppressed farmers of Kansas. It seems there is great distress among them. I give some extracts from an open letter addressed to the Congressional delegation from that State.

WILL CONGRESS HEARKEN?—KANSAS FARMERS ASK TO BE DELIVERED FROM MORTGAGE SHARKS.

TOPEKA, KANS., March 17.

The Farmers' Alliance has addressed an open letter to the Kansas delegation in Congress demanding legislation for the relief of the agricultural interests of the State. The letter says:

"We call attention to the fact that a single law firm in one city in Southern Kansas now has the contract for the foreclosure of 1,800 mortgages. This means 1,800 homesteads transferred from the hands of so many industrious families to the hands of capitalists, either domestic or foreign. The foreclosure of the mortgages is in accordance with a preconceived purpose to gain possession of these farms and people them with a more servile tenantry imported from foreign lands for this especial purpose. Foreclosure and evictions are taking place in very many parts of the State, and we need not go all the way to Europe to witness scenes of cruelty in matters of this kind. All over the State the homes of our people are imperiled. They are struggling against adverse circumstances, and almost against hope, to sustain themselves until relief shall come.

And again:

"The distress of the people is crying aloud for relief. They believe that very many of the questions that are receiving the attention of Congress are far less urgent than those upon which the safety of their homes and welfare of their families depend. They believe that the white citizens have some rights as well as colored citizens of the South. They believe that the valiant heroes, both white and black, who fought for liberty and perpetuating our institutions, can afford to wait for one moment until the rights of our live heroes in the present struggle for American homes receive some recognition by the men who have been chosen to represent them in Congress."

I wish I could give the whole letter, but this will suffice to show that all is not lovely in Kansas. It is indeed, Mr. Chairman, a distressing condition of affairs with these people who are to-day burning their corn for fuel, and I am sorry to say these alarming conditions do not exist in Kansas alone, but they pertain to a distressing extent to almost every agricultural community in this country, and I want to say a few words for the farmers.

Now, what is the remedy prescribed by these three gentlemen named? They say the remedy is more liberal pensions. Now, sir, who ever heard of such a proposition—that pensions are to be voted to relieve distress among the farmers?

Let me ask the gentlemen what those farmers are going to do who get no pensions, but who have to help to pay them? Take the farmers in my district, where, by no fault of theirs, they had a failure of crops last year. They are taxed to pay pensions, but do not get any. Take many hard-working and deserving people, as are to be found anywhere, who did not last year make enough to pay rent and taxes, and, as I say, by no fault of theirs; what would the gentlemen do for their relief? The gentleman from Kansas should remember that we are a part of this great country, and if other sections ignore us they ought not to do so, for our people are among their best customers for their products. We buy their corn, their meat, hay, and mules.

Mr. Chairman, I took occasion in my great tariff speech [laughter] in the Fiftieth Congress to call attention to the rights of the cotton producers of the South by reason of their contributions to the wealth of this country. I can furnish the statistics to show that, besides the cotton they have furnished our own manufacturers in the United States, they have exported more than 100,000,000 bales since the war that has brought back money enough to pay the whole cost of the war. This has kept the balance of trade in our favor, filled our Treasury with gold, and enabled this Government in a most critical period of its financial history to resume specie payment. I insist that their rights are not to be ignored.

Then, Mr. Chairman, there are many poor people of Kansas and other portions of the North who will get no pensions, but will be taxed to pay them. What relief do gentlemen propose for them? I do want this Congress, if it can take the time from the other schemes before it, to give some attention to relieving agriculture of its burdens, and I warn you that the farming and laboring classes are organizing all over the country, and I do hope they will have the courage and judgment to demand their rights and then to make it warm for those who refuse to heed their demands.

I have here some extracts from the speeches of those three gentlemen

[Messrs. PERKINS, PETERS, and FUNSTON], made during the discussion of the Mills bill in the Fiftieth Congress. We were then demanding relief for the farmer, were insisting on a reduction of taxation. We wanted the money left with the people; but what did these gentlemen then tell us? Mr. PERKINS, in speaking of agricultural depression, charged it to Cleveland's Administration, and of course led us to believe that a change would remedy the evil.

Here is what he said:

We know that from Mr. Cleveland's inauguration until the present time agricultural products have declined until, as the gentleman from Minnesota [Mr. Wilson] said the other day, there is no profit to-day to the farmer in the cultivation of the field, and, in order that this condition of affairs may continue, we now are asked to strike down a system of legislation which in the past gave the country its wonderful prosperity. We believe in contributing to the happiness and prosperity of the people rather than see the industries and trade of the country prostrated and its people made poor and miserable.

Mr. PETERS read with some pardonable pride the following resolution of a county convention in his district to show us the farmers were prosperous and happy. The same was greeted with loud applause on the Republican side:

Sixth. We look with pride upon the tariff laws of our country which have made us the greatest nation on earth; which has furnished us an industrial system which pays better wages to labor than is paid anywhere else; which furnishes a better market for the product of our farms, forests, and mines, and which are to-day the foundation of so much prosperity and happiness, and we demand such just protective laws as shall insure to our whole people a continuance of a staple and settled financial condition, and we indorse the able efforts of the Hon. S. R. PETERS who is laboring so manfully in behalf of the people to prevent the majority in the present Congress from opening the doors of commerce and forcing our laborers to compete with the poorly paid labor of Europe.

[Loud applause on the Republican side.]

Mr. PETERS said:

The idea that has been croaked from the White House and echoed by almost every Democratic throat that we have too much revenue is a false pretense and a fraud.

And these are the remarks of Mr. FUNSTON:

Why all these tears for the farmer?

Again:

I want to say to you, gentlemen, the farmers are asking none of your sympathy.

This is good reading in the light of present conditions. Here it is again:

The farmer is not dead to his interests. He knows better perhaps where they lie than the men who are assuming to champion his cause; but little, if any, complaint comes from him of the high prices alleged to have arisen by reason of the tariff. Of all the petitions that have reached my table in the last four years not one has come from a farmer asking a reduction of the tariff on wool or any other article.

Here it is again:

Thanks, gentlemen. Restrain your sympathy; bestow it where it will be more appropriate and better appreciated.

He ever denies us the privilege of sympathizing with the Kansas farmer.

Hear him again:

The farmers of my district believe that under our system they are getting a good market for their products which fully compensates them for every extra cent they may possibly have to pay for their lumber.

It seems to me this will be at this time very interesting reading for the "Kansas corn-burner" as he sits by his corn fire. I hope he will not refuse us the right to sympathize with him, for I do from the bottom of my heart. But I should think he would wonder where those compensating markets are when he can not sell his corn at 10 cents per bushel. The gentleman can no longer say the farmers are not complaining; they are not prosperous and happy as they deserve to be. They are waking up to a realization of their condition and to the tricks that have been played on them.

I hope their Representatives will wake up also. If they do not, I intend to champion the cause of the Kansas farmers as well as the rest of the farmers in this country. My platform is: Lower taxes for the farmer; more money for his use, both greenback and silver, and cheaper money to pay his debts with; and a graduated income tax, so that the rich of the country who have been the beneficiaries of so much of the legislation of Congress shall bear some of the burdens of the Government. We live under a system of Federal taxation where the rich get the benefits and the poor pay the taxes.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I believe I have eight minutes remaining.

The CHAIRMAN. Seven.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

The CHAIRMAN (after a pause). To whom does the gentleman from Kentucky yield?

Mr. BRECKINRIDGE, of Kentucky. I meant to yield to the gentleman from Indiana; but I understand he prefers to speak in the five-minute debate.

Mr. Chairman, I desire to publish in the RECORD a letter which I received from the present Commissioner of Pensions.

I have nothing to add to the general debate; I did not intend to take part in it. I am in favor, as I had occasion to say on this floor four years ago, of a liberal pension system; but I am opposed to the abuses of that system, and I am opposed to making it a great political ma-

chine. I am in favor of treating the subject of pensions as a business matter, giving to the soldier a fair pension based upon the logical ground that his service to the Republic entitles him to have made up to him or his family a money equivalent which may take the place of that which was lost in the service; that is, if the soldier was killed, his widow and children should have a sum of money which shall be somewhat an equivalent for what he would have earned for them if he had survived; that if he is disabled he shall have a fair money equivalent for the difference between the earning power if he had come out of the Army undischarged and the earning power he has under the casualties of war. All else seems to me, saying it with great respect, to be either sentimentality, which uses other people's money for its gratification, or political legislation for the purpose of buying political power with the public Treasury. And to that I am opposed.

I believe this enormous annual appropriation must increase. I believe my friend from California [Mr. MORROW] is mistaken. I do not see how it is to reach its maximum in 1894. According to my calculation it will not reach it during this century, and at the end of the half century of 1950 we will have a pension-roll of large proportions.

Mr. MORROW. Can I say a word?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. MORROW. The gentleman's statement was quite correct, but he will bear in mind that my reply was as to the effect under existing law.

Mr. BRECKINRIDGE, of Kentucky. Then under existing law, if we do not pass any other law, we would have a pension-roll lasting for sixty years, for it will be remembered the widow takes the place of the pensioner, and it is demonstrated by the fact that on the present pension-roll are widows of the war of the Revolution and survivors and widows of the war of 1812; that the widows' pension-roll lasts much longer than the pensioners' pension-roll.

The letter from General Raum hereto appended shows that there have been granted pensions on account of the late war up to January 1, 1890, 730,474, and that there were then pending applications 258,325, and there had been rejected 146,752, making an aggregate of applications 1,135,751, or about one application for every two soldiers actually enlisted during that war.

We may well expect that at least 600,000 more applications will be filed, and that of those pending (258,325), those rejected (146,752) but entitled to be reopened, and when reopened adjudicated under the principles set out in the fantastic and grotesque decisions of the Assistant Secretary of the Interior (General Bussey), and of those to be filed (600,000), an aggregate of 1,005,272, perhaps 80 per cent. will be granted; that is, 804,221, or more than has been issued up to January 1, 1890. So that, without any new legislation, increased rates, or giving service-pensions, we may reasonably expect the pension-roll to be augmented every year for many years.

The pension-roll is and for a half century will continue to be a mortgage on the industries of the country. We can borrow money at 3 per cent. If we were to fund the principal that at 3 per cent. would realize a hundred millions it would be \$3,300,000,000; this is practically our funded "war debt" for the next quarter of a century. We will need more than one hundred millions every year for that quarter of a century. Let us look it squarely in the face. It must be borne by those who were not of the generation which fought the war and be paid by those who toil for a living.

I have nothing to say about the issue between the Administration and Corporal Tanner. Nor do I intend to say anything unkind of him or harsh of his conduct in the Pension Office. The gallantry of his service and the sad and pathetic evidence of that gallantry render it impossible for one who served on the other side to say an unkind word. Nor is there any evidence that he did not discharge his duty as best he knew how. That he did discharge it extravagantly and unwisely is probably true. It may be that he was a victim to his misplaced confidence in the professions of his own party. But I have no attack to make on him nor any criticism to offer on the management of his successor.

What has been done as to the rating of employes or others, or what favoritism may have been shown to certain pension agents, is not known with sufficient accuracy to justify any statement. And it is due to fairness to say that as to the present Commissioner, I have not heard or seen anything that is not proper. He is evidently a man of unusual administrative ability, and, I shall assume, desires to do his duty.

There ought to be a full and complete annual investigation of all its action. That there have been many fraudulent pensions all know; that there have been scandals is freely charged.

So, too, we ought to eliminate politics from our discussions of pension bills. This day may never come. If not, there will come a day of revolt.

But I do say as a representative of the people that there ought to be a stricter supervision over and more critical reviews of the Pension Office; that the sensitiveness which keeps us from investigating it, which has made it sacred, which has every time it has been under discussion made persons avoid any criticism of it, is unwise, timid, and unpatriotic. Where \$100,000,000 passes under the control of a bureau,

when it has examiners in every part of the country, when it is capable of being used as an immense and powerful political machine, when every dollar that is spent comes out of the labor of the productive classes who do not receive pensions nor adequate reward for their labor and are seeking relief, when every widow who receives a pension is paid out of the earnings of the widows who receive no pension, it is our bounden duty to see that the Pension Office is conducted with a clear regard to the business matters committed to it, that it is frequently examined, and that all its acts be performed in open daylight.

The following is the letter referred to in Mr. BRECKINRIDGE's remarks:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER, BUREAU OF PENSIONS,
Washington, D. C., March 17, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of the 15th instant, asking for certain statistical information from the records of this bureau, and in response I have to state as follows:

Your first question asks for the entire number of pensions on account of the war of 1861 granted up to January 1, 1890, and the number of such pensioners on the rolls on that day. The total number of pensions granted from 1861 to June 30, 1889, growing out of causes which originated in the war of 1861, was 703,482. Between July 1, 1889, and December 31, 1889, 26,985 of such pensions were granted, making a total to January 1, 1890, of 730,474 allowances of all classes of late war pensions.

On the 1st day of January, 1890, there was a total of 474,991 late war pensioners of all classes on the pension-rolls.

Your second question asks for the aggregate sum paid to such (late war) pensioners up to January 1, 1890. Up to a comparatively recent date the amount disbursed for pensions and the cost of such disbursement were not separated in the reports made on this subject, so that it is difficult to determine the exact amount paid to pensioners as distinguished from the total amount expended out of the different pension appropriations. Up to June 30, 1889, it appears that \$1,052,218,418.17 were expended from the pension appropriations from 1861 up to that date. Between July 1, 1889, and January 1, 1890, \$53,063,130.73 were expended in payment of all classes of pensions. Both of these amounts, however, included the disbursements to pensioners of the war of 1812 and the war with Mexico, \$38,459,593.39 having been paid between 1871 and January 1, 1890, to the war of 1812 pensioners, and \$6,217,833.42 to Mexican war pensioners from January, 1887, to January 1, 1890. Eliminating the sum of these two factors, or \$44,677,426.81, from the grand total of expenditures up to January 1, 1890, it will be found that as nearly as can now be determined there has been expended since July 1, 1861, for late war pensions, \$1,000,604,117.09.

Your third question asks for the number of persons now on the pension-roll on account of the war of the Revolution, on account of the war of 1812, and on account of the Mexican war. On the 1st day of January, 1890, there were 27 persons on the pension-roll on account of the war of the Revolution; there were 9,860 pensioners on account of the war of 1812, and 23,568 Mexican war pensioners.

The number (27) of the Revolutionary war pensioners is so small that no separate accounting is kept of them. They are, however, included in the 474,991 late war pensioners reported in this letter because they are paid from the same appropriation. The grand total of pensioners on the rolls January 1, 1890, was 508,419.

Your fourth question asks for the present number of pending applications. I presume you refer to late war applications. By an actual count made December 23, 1889, it appeared that there were on that date pending in this office of late war claims, invalids, 182,955; widows and others, 75,370; total, 258,325. It is also proper to state that on the same date there were upon the rejected files of this bureau the following cases: Invalids, 99,878; widows and others, 47,074; total, 146,952.

RECAPITULATION.

Number of late war pensions granted up to January 1, 1890.....	730,474
Number of late war pensioners on the rolls January 1, 1890.....	474,991
Approximate aggregate amount paid to late war pensioners from 1861 to January 1, 1890.....	\$1,000,604,117.09
Number of persons on the pension-rolls on account of the war of the Revolution.....	27
Number of pensioners of the war of 1812, January 1, 1890.....	9,860
Number of Mexican war pensioners January 1, 1890.....	23,568
Grand total of pensioners, January 1, 1890.....	508,419
Number of applications for late war pensions pending January 1, 1890.....	258,325
Number of late war claims on rejected files January 1, 1890.....	146,952

Very respectfully,

GREEN B. RAUM,
Commissioner of Pensions.

Hon. W. C. P. BRECKINRIDGE,
House of Representatives.

The CHAIRMAN. The gentleman's time has expired.

Mr. BRECKINRIDGE, of Kentucky. By agreement five minutes was to be given to my friend from California [Mr. MORROW] to close the debate.

Mr. MORROW. Mr. Chairman, I will briefly reply to one or more suggestions made on the other side of the House.

In the first place, as to the removal of Corporal Tanner from the position of Commissioner of Pensions. When he went into that office he found a great Government machine in full operation under the law. It was impossible for him to examine into all the details of pension business and ascertain whether or not every case which was passed upon was determined exactly according to law.

He found, if he made an examination—or, whether he did or not, it was a fact—that there had been established the practice of rating employes of the office as well as others. Whether it was correct or not, the fact existed that the rating of the employes of the Pension Office was going on; and we have here a statement or list of ten names for the six months ending March 27, the date when Commissioner Black left the office and Tanner became Commissioner.

Now, how much rating went on during the preceding three and a half years of Commissioner Black's control of the office we do not know. We have not asked to know. We simply ask that there

should be a report that should furnish a comparison between the six months of Mr. Tanner's administration of the office and a like time during the administration of Mr. Black.

This statement shows that during Mr. Black's tenure of office and during the six months to which reference is made there were 1,118 cases of rerating, and of this number ten were employes of the Pension Office. This statement further shows that the value of the pensions so rerated was \$150,288.70, that the value of the reratings after such rerating was \$191,423, and that the total amount of such rerating paid by the office at that time was \$548,140.36. Against that we find that under Commissioner Tanner there were rerated 1,396 cases, of which 46 were employes of the office, a larger number, it is true, than were rerated during the previous six months; but if it was wrong at all it was wrong during General Black's term and the offense in Tanner was a question of degree. We do not say it was right. We do say that the matter was brought to the attention of the Secretary of the Interior, who sent word to Commissioner Tanner that he must call a halt; that the practice of adjudicating such claims must proceed in regular order, and the fault was that he did not obey the direction of his superior, the Secretary of the Interior.

Mr. SAYERS. Will the gentleman from California inform the committee how it was brought to the attention of the Secretary of the Interior and the President?

Mr. MORROW. How what was brought to the attention of the Secretary?

Mr. SAYERS. The rerating. How was this rerating of the men employed in the Pension Bureau brought to the attention of the Secretary of the Interior and the President?

Mr. MORROW. It does not appear and I do not know. I am not sure that I can answer the gentleman's question. But an appeal lies from the Commissioner of Pensions to the Secretary of the Interior, and I suppose that probably in the course of official business it reached his attention.

Mr. SAYERS. Would not the supposition be more probable that it was originally brought to the attention of the President and the Secretary of the Interior by the press of the country?

Mr. MORROW. Oh, I do not know; but I think not.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MORROW. Mr. Chairman, I have had, of course, the five-minute extension by the courtesy of the committee, but trust that I will have an opportunity to extend my remarks on this point in the RECORD.

Mr. McMILLIN. The gentleman can make a *pro forma* amendment if he desires to do so at this time and continue his remarks.

Mr. MORROW. Five minutes additional would scarcely serve my purpose.

The CHAIRMAN. The Clerk will read the first section of the bill. The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1891, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, survivors, and widows of the war of 1812 and with Mexico, \$97,090,761: Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: And provided further, That the amount expended under each of the above items shall be accounted for separately: And provided further, That hereafter a check or checks drawn by a pension agent in payment of pension due, and mailed by him to the address of a pensioner, shall constitute payment within the meaning of section 4765, Revised Statutes, in the event of the death of a pensioner subsequent to the mailing and before the receipt of said check; and the amount which may have accrued on the pension of any pensioner subsequent to the last quarterly payment on account thereof and prior to the death of such pensioner shall in the case of a husband be paid to his widow, or if there be no widow to his surviving minor children or the guardian thereof, and in the case of a widow to her minor children: Provided further, That hereafter whenever a pension certificate shall have been issued and the pensioner mentioned therein dies before payment shall have been made, leaving no widow and no surviving minor children, the accrued pension due on said certificate to the date of the death of said pensioner may, in the discretion of the Secretary of the Interior, be paid to the legal representatives of said pensioner.

Mr. SAYERS. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of line 36 insert:
"And provided further, The Commissioner of Pensions in his report for the fiscal year ending June 30, 1891, shall show separately the total disbursements from July 1, 1861, to June 30, 1891, to pensioners of the war of the Revolution, of the war of 1812 with Great Britain, and of the war with Mexico, and the late civil war and of the Indian wars; and also the number of pensions granted between said dates because of said wars; and also the number of pensioners of said wars respectively whose names have been stricken out from the rolls between and including the said dates because of their having fraudulently and improperly obtained pensions, together with the amounts disbursed to them during the time their names were upon the roll; and also the number of persons to whom arrears will have been paid under the acts of January 25 and March 3, 1879, to the said 30th day of June, 1891, from their dates of passage, together with the sum total of the arrears so paid."

Mr. HOLMAN. I reserve the point of order upon that amendment.

Mr. SAYERS. Mr. Chairman, I desire to state briefly the effect of the amendment, which is that it will tend only to furnish information

to Congress which is desirable in the preparation of these bills. I have purposely required that this report shall only be made for the fiscal year ending June 30, 1891, so as not to impede the current operations of the Pension Office and to give the office ample time to furnish information called for in the amendment. I think it will be beneficial to Congress and to the country.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. BROSIUS. Mr. Chairman, to one untrained in the modes of procedure here this discussion has a strange and somewhat unique appearance. The first purpose of debate is the elucidation of the question. But I have listened in vain for some sign, some hint, however remote, of a connection between this discussion and the bill before us. The link seems to be missing and I am not Darwinian enough to find it. It is an appropriation bill and it carries the flag with it. Now, I do not know anybody that is opposed to the appropriation, and I can not explain the apparent opposition on the other side unless it is to the flag part of it. It seems very like the debate the slave had with his master, of which he said to his friend, "Massa say sunshine good for punkins, and I say so too, an' we 'sputed about it for one hour." We say this bill ought to pass, and our friends on the other side say so too, and we have "'sputed about it" two days. It seems a sort of a field occasion with no enemy in sight, discipline lax, the whole army at rout step, and every man privileged to aim his musket where he pleases. My honorable friend from Texas drew from the strings the true note of the occasion when he said he had an opportunity to make a speech and he was going to embrace it. And he made a good one, an exceedingly good one. On a proper occasion it would have been grandly effective. Had there been an enemy before him and his cartridges not been mostly blank he would have produced enormous havoc. The field would have resembled that described in heroic verse:

With copious slaughter all the field was red,
 Piled with growing mountains of the dead.

Still, I desire to pay my distinguished friend the tribute of my sincere admiration of the extreme pains he has taken to inform our minds upon the secrets (open ones) of the administration of the Pension Department. He has made the House his debtor for the information he has brought, which, but for the fact of its previous publication in various reports and documents, we would not have been able to obtain without his aid. He seems to be charged with the duty of finding some defects in the present administration of the Pension Department and some delinquencies in those connected therewith. He was in a measure successful. Whether the game was worth the powder he must decide, but I submit with great deference that the caliber of the gun was hardly justified by the smallness of the object shot. It is a waste to train a 30-pounder Parrott gun on a woodchuck.

Since he entered the field like a knight-errant in quest of adventures, he ought to have been more successful in finding them. Don Quixote, the valiant knight of La Mancha, greatly excelled him in this interesting and exciting field of employment. I would naturally expect in view of the magnitude of the pension business of this country, the fabulous number of applicants, the colossal piles of papers, and the legion of clerks required to handle them that some serious delinquencies might be discovered by a man with a keen eye looking close enough to the ground, due to the infirmities of human nature, which might have cropped out here and there among so large an aggregation of people, selected without the aid of the "fairy's mirror" to test their moral qualities.

I think my honorable friend from Texas ought to be chastised a little for not finding more subjects of complaint. He will excuse me for being reminded of an incident a friend told me of in military life. A soldier took offense at some act of his captain, and drawing a revolver and pointing it at the face of the officer pulled the trigger. The pistol missed fire, whereupon the superior officer, who was also a superior disciplinarian, ordered the mutinous soldier under arrest for one month for not keeping his arms in better condition. Now, my distinguished friend will pardon me for saying that his pistol missed fire. He ought to have had it in better condition.

But the greatness of his exertions and the smallness of their results make it demonstrably clear that there is not much to complain of in the pension administration. And when the little was discovered we did not cover it up and leave it to be unearthed by a succeeding administration, but we summoned it with commendable promptitude to the test of investigation and administered a prompt and effective corrective. My honorable friend has made us again his debtor for this contribution to the credit of the administration.

But now, directing attention to a portion of the remarks of my friend from Texas, I beg to suggest that no comparison of the cost of the several wars in which we have unhappily been engaged, and the number of soldiers mustered in each, and the length of the pension-rolls consequent upon each, though presented with all the effectiveness which comes with fine address and elaborate and eloquent statement, could help an argument in support of any proposition which subjects our pension system to a test as to its methods, its rectitude, or the integrity of those upon its rolls. The conditions were too dissimilar to ena-

ble a just comparison to be made. We have a large pension-roll because our friends, the Confederates, shot a great many of us. They were better marksmen than we ever thought they were, and we could not keep out of the way of their bullets. Somebody shot a great many of us several times. They were not content with making one hole apiece in us, but they made many in some of us, and we would have to be pensioned many times to keep even.

Of course they did not hit us every time and sometimes they hit us where they missed us before. It cost them a great deal of lead to kill one Yankee. It used to be said that in war it took a man's weight in lead to kill him. Only a few out of the whole number of shots fired in the heat of battle take effect.

Marshal Saxe, says an exchange, first made the assertion which forms the base of the above, when he said it would take 125 pounds of lead and 33 pounds of powder to put each of the enemy in the long trench. Wild and visionary as this may seem, it appears that there was more truth than poetry in the remark. With all the improvements which have been made in the art of war since the days of Saxe, Cassendi, the French savant, proves that the great marshal's philosophical remark still holds good.

At the battle of Solferino, according to Cassendi's carefully deduced calculations, a comparison of the number of shots fired on the Austrian side with the number of killed and wounded on the part of the enemy shows that 700 bullets were expended for each man wounded and 4,200 for each man killed. The average weight of the ball used was 30 grains; therefore it must have taken at least 126 kilograms or 227 pounds of lead for each man killed.

Yet Solferino was a most important and bloody battle. In the Franco-Prussian war the slaughter caused by the needle-gun among the French soldiers shows how much superior that gun is to the Austrian carbine; yet with that deadly weapon 1,300 shots were fired for every soldier destroyed in the enemy's ranks. Verily there was good foundation for Bogert's ungrammatical remark: "War is awful, but the noise of war is awfuller." I may say, parenthetically, that I consent to the use of this interesting data by my honorable friend from Texas in his next speech to show that there can not be so many honest pensioners when it took so much lead to make one.

I may add, I hope without offense, that the noise of the Confederate soldier was exceedingly awful. When we heard that appalling yell it caused such dismay in our ranks that we ran pell-mell onto their lines and routed them.

But our friends the enemy never missed us when they could hit us. The waste of lead was wholly unintentional on their part. They meant to kill; that was their function, and it turned out to be almost their only solace. I have heard somewhere of a Confederate soldier who derived much comfort from that consolation. He said one day to a friend that he admitted that he was whipped, but he had the consolation of knowing that he had killed as many of the Yankees as they had killed of him. Now, they ought not to complain that we are on the pension-rolls, for they put us there. I stoutly maintain that there are two classes of people in this country who ought not to complain of the number of our pensioners: 1. Those who made them. 2. Those in whose service they were made. South and North should give their united assent to a liberal pension system.

There is one thing my honorable friend in his zeal for knightly adventure overlooks. He would have done himself the justice to withhold his comparison of the losses of our earlier wars with those of the last one, had he thought how much more destructive military and naval armaments are now than in former years, and how much larger a per cent. of those engaged are killed or wounded. Our losses in the late war were greater than in any other war of modern times and we have a correspondingly large pension-list.

The greatest loss of killed in battle of any one regiment during the late war fell to the lot of the First Maine Heavy Artillery, in which 423 were killed or died of wounds. In their assault on Petersburg June 18, 1864, they lost 604 in killed and wounded in twenty minutes, out of 900 engaged. The next largest number of killed is found in the Eighth New York Heavy Artillery, which lost 361 killed and died of wounds.

The infantry regiment that sustained the greatest loss in battle was the Fifth New Hampshire, which lost in killed and died of wounds 295.

The second infantry regiment in numerical loss was the Eighty-third Pennsylvania Volunteers. Its loss was 282 killed and died of wounds.

The Fifth Wisconsin Infantry lost 753 killed and wounded.

The One hundred and fortieth Pennsylvania Volunteers lost 732 killed and wounded.

If we consider the losses in certain engagements the per cent. is appalling.

The Sixty-ninth Pennsylvania Volunteers at Gettysburgh lost 55 killed out of 258 present at morning roll-call.

The Fifth New York Duryea Zouaves at Manassas lost 117 killed out of 490 present for duty, and had 221 wounded besides.

The Sixth United States Colored Troops at New Market Heights lost 61 killed and 142 wounded out of 367.

The Twenty-fourth Michigan Volunteers went into the first day's

fight at Gettysburgh with 496 men, and lost 79 killed and 237 wounded. But the most remarkable instance of all is that of the First Minnesota Infantry at Gettysburgh. Two hundred and fifty-two men all told went into action, and when they retired from the encounter only 47 were clustered around their colors, while 205 lay dead or wounded on the field.

These figures will be better appreciated if compared with some of the greatest losses cited in the histories of other wars. The Light Brigade at Balaklava lost 36 per cent. The heaviest loss in the Franco-Prussian war was 49 per cent. The One hundred and forty-first Pennsylvania Volunteers at Gettysburgh lost 76 per cent., while 60 per cent. was quite common both in the Union and Confederate armies.

With the energetic destructiveness of Confederate weapons of war they had that other kind of energy which Motley so finely describes "as never losing its value and which remains the same in every age, the machinery by which stout hearts act directly upon willing hands." And those hands I may add, and I do so with pleasure, were quite willing to put us on the pension-roll, if not above it. Then it must be remembered that in war death and injury sweep upon us with two wings: disease is one, the casualties of the field the other. The Union Army was composed largely of young men, many of them mere boys.

Soft and susceptible to the conditions which invite disease, subjected to every form of exposure and hardship, employed in every kind of work in every possible situation—they were wood-choppers on the southern coast, lumbermen on the St. Mary's, dock-builders at Port Royal, bridge-builders wherever water flowed, sappers on Morris Island, engineers at Hilton Head, miners at Petersburg, and soldiers everywhere—they were the constant prey of "the pestilence that walketh in the darkness," fevers generated in the malarial districts, rheumatism caused by exposure to damp and cold, and a myriad of ailments, all invited by exhaustion and exposure.

In some sections of the South there were times when one-fourth of the entire commands were under treatment. Disease killed twice as many as the bullet and the bayonet. Similarly, it may be said, it wounded a hundred times as many; wounds unseen, perhaps unfelt, for years; insidious, subtle, hiding away in nerve, muscle, brain, heart, tissue, and bone; seeds of decay planted in the constitution weakened by the stress and strain of the service, germs of infirmity sown in the system in the swamps of the Carolinas, the sands of Florida, the mud of Virginia, or in the heat and flame of the deadly encounter, when nerve and brain and heart were subjected to strains from which they never entirely recovered. And these seeds and germs, like grains of wheat preserved in an Egyptian mummy, after many years bloom and fruit in ailments, as varied as the flowers of a garden, which disable and disqualify for any of the bread-winning pursuits of life.

When that stage in the progress of growing infirmity is reached there are but three ways for the soldier to go: One leads to the bosom of private charity, one to the public almshouse or a soldiers' home, the other to a pension-roll. Which way shall he take? Let a saved nation answer.

To show how greatly disease exceeds the bullet in the destructive functions of war and to give a hint at the cost of preserving this Union, I append the following statement.

A part of the cost of preserving the Federal Union.

UNION LOSSES.

Casualties.	Officers.	Men.	Aggregate.
Killed or died of wounds.....	6,365	103,673	110,038
Died of disease.....	2,795	221,791	224,586
Drowned.....	106	4,838	4,944
Other accidental deaths.....	142	3,972	4,114
Killed after capture.....	14	86	100
Committed suicide.....	26	365	391
Executed.....		267	267
Executed by enemy.....	4	60	64
Died from sunstroke.....	6	308	314
Other known causes.....	62	1,972	2,034
Causes not stated.....	28	12,093	12,121
Total.....	9,584	349,912	359,496

This you will agree was an awful cost, yet the outcome was worth it all. It established the nationality of the Union. It made us a nation of freemen, and started us on a career of development and prosperity that enabled us to fling off our war debt, as a bird molts its feathers, without being conscious of a struggle in doing so, and to build up our resources, increase our wealth, and provide the means of extending a liberal hand to those who made it possible for the Republic to win the plaudits of the world for the incomparable splendor of its achievements.

Why do gentlemen despairingly inquire "Where is the money to come from to pay these pensions?" It seems to me like crying fire in the midst of a Noachian flood.

I submit the following picture of the health, wealth, and greatness of this nation for the comfort of the desponding souls whose fears make

cowards of them when they think of the pension-roll. Here are the figures for a quarter of a century:

National debt.

Date.	President.	Principal.	Interest.
August 31, 1865.....		\$2,755,995,275	\$151,832,051
March 4, 1869.....	Johnson.....	2,525,463,250	126,389,550
March 4, 1877.....	Grant.....	2,088,781,142	94,408,645
March 4, 1881.....	Hayes.....	1,879,956,497	76,845,037
March 4, 1885.....	Arthur.....	1,405,923,350	47,013,949
March 4, 1889.....	Cleveland.....	865,106,020	41,000,000
January 1, 1890.....	Harrison.....	765,273,750	36,000,000
Reduction.....		1,990,721,525	125,832,051

We have done this and paid our pensioners besides.

An exchange puts it in strong and graphic terms thus: Europe, with about five times our population, about four times our wealth, and not twice our natural resources, has added to its national debts in the last twenty years \$8,200,000,000, or over three times our total original debt, and their interest charge to-day is thirtyfold our own. In 1865, when our figures began, Europe owed \$15,000,000,000. It owes to-day over \$23,000,000,000; it pays \$1,068,000,000 a year as interest, and it is loaded besides with \$887,000,000 for military, war, and naval expenditures, including pensions, where our own are \$130,000,000.

This is the lesson of liberty! These are the fruits of freedom; and the great Republic, without debt, without an army, without a navy, goes on in the great race of prosperity and industrial supremacy, distancing all competitors. Think on these things, my friends, and then vote cheerfully for the pension appropriation. Another pen has presented the situation so persuasively that I beg to further trespass upon your time by reading it:

In the question of pensions there is a great principle of equity which is not necessarily disturbed by the increase of pension expenses during eleven years. The survivors of the war are rapidly decreasing in numbers, it is true, but they are as rapidly advancing in age and increasing in decrepitude. Ten years ago pension expenses amounted to only \$27,137,019; but since then hundreds of men who would not ask permanent aid as long as they were able to earn their own support have become helpless and dependent, and the laws have been more charitable in the recognition of cases deserving of national assistance. It may seem formidable to many that the annual pension expenses have grown to be \$64,246,552. No harm is done by an intelligent discussion of the causes of this increase, even though it be demonstrated that every dollar paid out is equitably and deservedly disbursed. But harm is done when the attempt is made to cast discredit upon the Government for honoring and succoring the soldiers to whom that Government owes its very existence.

The soldier pensioners are a very slight burden upon this wonderfully rich and resourceful country. The millions that go to them are fewer than the principal countries of Europe pay for the maintenance of their standing armies; and yet these millions are an annual, yes, a constant assurance to the citizens of the United States that the Government will deal justly and liberally by them if in the hour of need they shall fling down the ax, loose the plow, or quit the desk to take up arms in defense of their country. We keep no standing army, but we know not at what hour we may need a million soldiers, and what we pay to invalid and maimed men who served us in a great crisis is cheap as a guaranty of future service from their sons or grandsons or great-grandsons.

The cheapest standing army among the powers is that of Austria-Hungary, which costs \$55,116,245 per year; Italy comes next, with \$62,340,900, while Germany expends \$185,614,665, England \$168,461,640, Russia \$131,649,250, and France \$111,689,400. Against these figures, extent of territory and population considered, the pension-roll of the United States, which is a bonus to the future volunteers, is a small sum to make all this bother about which gives rise to the cry of "pension-grabbers" on the one side, and the retort of "soldier-haters" on the other. The curse of the whole matter is that the pension question has been made a political issue, when in truth it is a patriotic principle, a matter of equity, or at the very worst a matter of wise provision for future safety on the part of a country that does not maintain a standing army.

These considerations present us in the light of a nation able to pay our soldiers liberal pensions, and I am fully assured that sound public policy, supported by every man's sense of justice, ratified by the patriotic instincts of the human race and applauded by the generous sentiments of mankind, requires it to do so. No duty presses with greater urgency upon this Government this hour than that of seeing that those who defended and saved it with fire and sword shall not suffer for the lack of the necessities of life because of disability.

If he is unable to maintain himself he must be maintained. If his inability is partial that part which is lacking must be supplied. The example of the Government in this matter must declare to future generations whose service may be needed in defense of their country that the patriot who volunteers to leap into the deadly breach or mount the blood-crested wave of battle in defense of the flag shall never be permitted by that nation to suffer from inability to earn his bread.

Mirabeau, writing to Frederick of Prussia, said he objected to compulsory service in the army because it seemed like forcing men to go to war like driving cattle to the slaughter-house, when it was so easy to render the public service such an object of emulation and glory to them that they would need no compulsion. What we do for the old soldiers now may largely determine the willingness and cheerfulness with which the new soldiers for the new exigencies of the future will rally to the defense of their country, inspired by the recollection of that country's gratitude to the soldiers of a previous war.

The time has come, in my judgment, when two classes of soldiers should be provided for, the actually disabled and the presumably dis-

abled. For the actually disabled a pension rated according to the degree of their disability should be granted. The presumably disabled should consist of all soldiers over sixty years of age, on the assumption that by that time the infirmities of age have disabled them. In case of the former class, proof that their disability was contracted in the military service should no longer be required. After twenty-five years there are many soldiers who are mere wrecks of their former selves, due, doubtless, to their service, but proof of it can not be obtained. Sick-lists are destroyed, hospital records have gone the way of the hospitals themselves, witnesses are dead, evidence is impossible, unless we summon comrades from the grave or rake memory from its ashes.

These debilitated, infirm old soldiers in their declining years ought not to be suffered to linger, languish, and die in almshouses for lack of means of support. No darker reproach perhaps rests upon the country to-day than that, notwithstanding the soldier organizations are disbursing \$300,000 a year in charity to needy soldiers and their dependent families, there are near 14,000 old soldiers in the charitable institutions of the country, exclusive of the 15,000 who enjoy the beneficial shelter of the soldiers' homes.

More liberal provision must now be made also for the soldier's widow and his helpless orphans. And no humane citizen could object to extending the bounty of the nation to the female nurses who wore out their strength at the bedsides of wounded and dying soldiers. These women are worthy beyond the power of language to describe. From Miss Clara Barton, whose self-sacrificing services have given her a well deserved fame, down to the humblest nurse who touched with moist finger the parched lips of death, all should be remembered now in the day of our strength and glory.

The gentle sway of their womanly scepters, their self-sacrificing devotion and care, followed the battle like the sunshine the storm, alleviating pain, assuaging the distresses of sickness, and smoothing the wrinkles on the brow of war. May some son of genius yet arise whose divinely gifted soul, kindled at the altars of patriotism and poetry, shall inspire the noblest epic of the age, which will carry on wings of immortal song to the hearts of the generations to come the story of the services and sacrifices of our "women of the war."

I am proud and happy to say that this nation has shown a generosity toward the soldier commendable in the highest degree. We have bestowed our bounty with lavish prodigality compared with any other nation on the globe. No exhibition of the nation's benevolence and gratitude, among the many which have shed unfading luster upon our history, will shine down the corridors of time with a more supernal splendor than the supreme liberality with which we have treated our loyal defenders. Let us see to it now that we do not mar the beauty of our record or dim the glory of our past by a future policy of stinted gratitude, crippled generosity, and false economy.

The CHAIRMAN. Debate on this amendment is exhausted.
Mr. HOLMAN. I reserve the point of order on the amendment.
The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The point of order is that it is new legislation; and I wish to say a word in that connection.

Mr. SAYERS. Does the gentleman from Indiana raise the point of order upon that amendment?

Mr. HOLMAN. Yes, sir.

Mr. SAYERS. Let me ask the gentleman one question.

Mr. HOLMAN. Yes, sir.

Mr. SAYERS. Is not the gentleman willing that the House and country shall have the information asked for in that amendment?

Mr. HOLMAN. All the information called for that applies to the pending bill. Whatever information concerns the subject-matter of the bill I will not object to. But the ground upon which I make objection is that it is new legislation, applicable to matters outside of this pending appropriation bill.

Mr. SAYERS. Does the gentleman's objection extend to the entire provision?

Mr. HOLMAN. No, but if any part of it is subject to the point of order that affects the whole.

The CHAIRMAN. The Chair understands that the gentleman's objection is to that portion of the amendment which pertains to obtaining information except as to pensions resulting from the late war.

Mr. HOLMAN. Yes, that portion pertaining to the foreign wars is objected to.

Mr. SAYERS. That is not in this resolution; and I ask that the amendment be again read.

The CHAIRMAN. The Clerk will again report the proposition.

The amendment was again reported.

Mr. HOLMAN. I should have modified my objection somewhat. I have no objection to the proposition so far as it applies to the late war; but I shall make my point of order on getting statistics in relation to former wars.

Mr. SAYERS. Let me call the attention of the gentleman from Indiana to one thing which he has probably overlooked, and it is this: That from 1861 down to the present time we have been steadily paying pensions, not only for the late war, but also for the war of 1812, the war with Mexico, and the Indian wars.

Mr. BRECKINRIDGE, of Kentucky. And the Revolutionary war,

Mr. SAYERS. And the Revolutionary war, and they are carried in this bill. My object, Mr. Chairman, was just simply to segregate these matters, so that the country might know how much was being paid to the pensioners of the different wars. That is all.

Mr. HOLMAN. I have no objection to the information so far as it affects the late war, but I object to the information respecting the old wars. I will say to my friend from Texas that the additional information called for is not with a view to legislation touching the war of 1812 or the war with Mexico. Of course my friend's purpose is to obtain information which may concern legislation touching the late war, and not former wars, and I must insist upon the point of order.

Mr. BRECKINRIDGE, of Kentucky. This bill carries appropriations for the pensions of all these wars.

Mr. HOLMAN. Of course, I understand that. I say that it is obvious that this proposition intends to obtain information to affect the pension system growing out of the late war, and that the other information sought has no important bearing upon that war. Whatever information is sought for that relates to the late war I do not object to.

Mr. SAYERS. Let me relieve the apprehension of the gentleman from Indiana. I had no such intention in offering that amendment; and his construction of the provisions of that amendment is far-fetched.

Mr. HOLMAN. Well, if the gentleman, then, will strike out the Mexican war and the war of 1812 and Indian wars, I will waive the point of order.

Mr. SAYERS. Mr. Chairman, I accept that. Of course I do this under pressure, for I do not believe it is right. I withdraw so much of that amendment as refers to obtaining information in regard to the payment of pensioners of other wars than the late civil war.

The CHAIRMAN. The Chair understands that the point of order is withdrawn, and the amendment will be so modified.

Mr. MORROW. I just want to say a word. The amendment proposed by the gentleman from Texas was submitted to the majority of the committee and they saw no objection to it.

Mr. HOLMAN. Mr. Chairman, I wish to be recognized one moment. I understood that the gentleman from California having charge of this bill does not object to this provision, and I believe that his remark was that the provision of the gentleman from Texas was submitted to the committee.

I objected to it for the reason I have stated, that the country will understand that the information called for by that provision in this bill would be of value only as bearing upon pension legislation touching the late war, and not by reason of the proposition affecting pension legislation concerning preceding wars. In its present form I have no objection to it.

[Mr. HOLMAN withholds his remarks for revision. See Appendix.]

Mr. GROSVENOR. Mr. Chairman, I move to strike out the last word of the first paragraph, the word "pension."

Mr. Chairman, the minority on this floor have suddenly become wonderfully patriotic, and if they could only destroy the unpatriotic record which they have always made upon this floor they would be wonderfully benefited by the result. My distinguished friend from New York [Mr. SPINOLA], with great self-satisfaction, says that the Democratic party in Congress—

Mr. SPINOLA. In the field, during the war.

Mr. GROSVENOR. My distinguished friend says that the Democratic party have run up the pension appropriation bills from something like \$23,000,000 to something like \$100,000,000 per annum.

Mr. SPINOLA. Yes, sir.

Mr. GROSVENOR. Let me tell the gentleman that there is not one dollar of that money that is appropriated and will be paid under any general appropriation bill ever passed by the Democratic party, or by its majority on the floor of either branch of Congress, or ever signed by its President, excepting the bill to extend the amount of the pensions to the widows of dead soldiers.

Otherwise than that, every dollar of that appropriation is due to the Republican party's patriotism and love of the soldier, and nearly all of it has been put there as the result of the hardest-fought battles we have ever experienced here against filibustering and all sorts of opposition by the Democratic party.

Not only is that true, Mr. Chairman, but in the Forty-ninth Congress we passed a bill to increase the pensions of the men who had lost arms and legs in the service of the country, a handful of men, and 63 Democrats in this House and no Republicans voted against it.

Let me tell you another thing, my friend from New York: There never was recorded on the Journal of this House the vote of a single Republican (with but one exception) against any pension bill that was ever passed in this House—a general pension bill; and that was simply the protest of a distinguished gentleman from Indiana against the passage of the Mexican pension bill for a single and special reason.

Let me tell the gentleman another thing. In the Forty-ninth Congress we passed a bill, which was the best we could do. We stood here day after day and week after week appealing to gentlemen on the other side to perfect and improve that legislation, and then we passed what has been called sneeringly by the Democratic press of this country almost unanimously the "pauper pension bill." It went to Mr.

Cleveland, the President of the United States, and he vetoed it with language all redolent of insult against the Union soldier of the country. When it came back here, under the provision of the Constitution, we called it up and demanded the right to rebuke that sort of treatment of the Union soldier; and how many Democrats voted to override the veto of the President? Not many that I recollect. If they did so they are not here to-day to answer to their names on this floor.

Mr. BYNUM. Will you permit a question? You have reference to the dependent pension bill.

Mr. GROSVENOR. I have—the veto of that bill.

Mr. BYNUM. There were six Democrats from Indiana—and I am one of them—who voted to pass that bill over the veto.

Mr. GROSVENOR. Six Democrats out of 170!

Mr. BYNUM. Six Democrats from Indiana alone—from that one State.

Mr. GROSVENOR. Let us see. There were enough of them from the doubtful districts who voted that way to save themselves from destruction at home. But let me tell the gentleman from Indiana that he can not escape the result of that veto. Grover Cleveland hurled that veto into the faces of the Union soldiers of this country. Afterward he was nominated for President, and no man shouted louder in his behalf than the distinguished gentleman from Indiana, who has suddenly become converted to the support of a service-pension bill that he will never vote for in a Democratic House while God allows him to live—never. [Here the hammer fell.]

Mr. MORROW obtained the floor and yielded his time to Mr. GROSVENOR.

Mr. GROSVENOR. Now, will the gentleman stand up and tell me when it was that they passed a law under which, and pursuant to the terms of which, this \$100,000,000 is to be appropriated? When did you do it? Your President vetoed, refused to sign, more than three hundred pension bills, and he is to-day the most popular Democrat in the United States and will drag you at his car-wheels three years hence. [Applause on the Democratic side.] That is right. I shall be glad to see you supporting him, and I shall be glad to see the distinguished Democrat from Indiana standing up in his district and protesting to the Union soldiers that he has always been in favor of every pension bill, and yet proclaiming his loyalty and allegiance to the man who vetoed, directly and indirectly, more than three hundred pension bills.

Mr. HOLMAN rose.

Mr. GROSVENOR. I can not be interrupted in the very short time I have.

Let me tell you, you are not to be credited with any of the pension legislation which we call general pension legislation; but I will tell you what you are to be credited with. You and your Administration ought to be credited with the fact that to-day, by the report of the Grand Army of the Republic, more than 20,000 Union soldiers are in the poor-houses of this country who would have been taken out and made comfortable under the bill that your President vetoed and the veto of which you indorsed. [Applause on the Republican side.] And every night when those men go to bed they understand perfectly well that they lie there smitten by the action of the Democratic party, degraded to pauperism by your policy, placed in their present attitude because you never favor pension legislation except when the Democratic party is out of power.

You talk about having enacted this pension legislation. Gentlemen on the other side say they have increased the pension legislation. Who increased it?

Mr. SPINOLA. The Democrats.

Mr. GROSVENOR. Never. I challenge the gentleman to the proof; and it is time my distinguished friend got one fact into some speech of his and a little less of "glittering generalities." We had in the Forty-ninth Congress a gentleman who could glitter much more enthusiastically and effectively than my friend from New York, but when the pinch came he was never there. I will not refer to the personal record of my friend here upon the question of the veto by the President of the bills of which I am talking.

You will find that all the wrongs which have been done to the Union soldier you have done; and you will find that every right thing that has been done for the Union soldier has been done by the Republican side of this House. Furthermore, when we were in the minority we were able to force this question upon you; in the minority we were able to pick out in the doubtful and close Northern States the men who dare not vote against Republican legislation; but it was the body of the Democrats on the other side who always stood in the way. And now you come and say, "We have reached the 21st of March, and the pension bill has not been reported."

Not very long ago you were complaining because we had not any rules; you were complaining and wanting to know when the rules were going to come. They came at last; and you found it out [applause and laughter on the Republican side]; and among the changes which we incorporated in the rules was a provision permitting pension legislation to be reported at any time. And, my Democratic friends, you will have a chance to make good the blustering promises and protestations you have made to-day.

We have not got to have a two-thirds vote to get up pension bills; a majority can do it. Let me tell you what you are doing in addition to that. Your distinguished statesmen are pointing the country to the terrible appropriations we are going to make for the benefit of the Union soldiers. What does it mean? Your greatest leader on that side points out to the country, in a dispatch which went into the Associated Press everywhere, that we were about to bankrupt the Treasury by passing a service-pension bill; and in the name and on behalf of the Democracy of the United States elevated his potential voice against the extravagance of the Republican party in Congress on that point.

The time has not quite come, but it will come, and the gentleman from Indiana will have an opportunity to vote for a bill, a Republican bill. [Applause.] We will redeem the promises that his party made and violated, and the promises which now, for the first time, this party has had the opportunity to redeem on the floor of Congress with both branches of the national legislature in our hands. [Applause.]

[Here the hammer fell.]

Mr. LAWLER. Give us that bill right away and we are with you. [Applause on the Democratic side.]

Mr. TARSNEY. Mr. Chairman, I have risen for the purpose of asking the gentleman from Ohio a question. Now that the Republican party is in control of the Executive Department and both branches of Congress, do they propose to re-enact that dependent-pension bill and take those twenty thousand out of the pauper-house?

Mr. GROSVENOR. By no means. We will enact a Republican bill, a patriotic bill, that shall not have a dependent-pauper feature in it.

Mr. TARSNEY. Was not that a good reason for vetoing it?

Mr. GROSVENOR. If it was vetoed on that ground, yes. But it was not vetoed on that ground, and no man knows it better than the gentleman from Missouri.

Mr. TARSNEY. If you will leave one minute of my time I will be obliged to you.

Mr. GROSVENOR. I thought the gentleman was putting a question to me. And he did put the question to me, and now he objects to me answering it.

The CHAIRMAN. The gentleman from Missouri is recognized.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. BUCHANAN, of New Jersey, having taken the chair as Speaker *pro tempore* a message was received from the Senate, by Mr. MCCOOK, its Secretary, announcing the passage of the following resolution; in which concurrence was requested:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of State be, and he is hereby, authorized to have the reports of the United States commissioners to the centennial international exhibition at Melbourne, 1888, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office, and that, in addition to the usual number, there shall be 600 extra copies for the use of the Senate, 1,200 for the use of the House of Representatives, and 1,200 for the use of the Department of State.

It further announced the concurrence in the following resolution of the House:

Resolved by the Senate and House of Representatives, etc., That there be printed 25,000 copies of the address of Chief-Justice Fuller, delivered December 11, 1889, on the occasion of the commemoration of the inauguration of George Washington, the first President of the United States; 16,000 for the use of the House; 8,000 for the use of the Senate, and 1,000 for the use of the Chief-Justice.

It further announced the passage of a bill (S. 826) for the relief of Horatio Phillips Van Cleve; in which concurrence was requested.

PENSION APPROPRIATION BILL.

The committee resumed its session, Mr. BURROWS in the chair.

Mr. SPINOLA. I ask that the pending amendment be read.

The Clerk read as follows:

After the word "Mexico," in line 11, strike out "97,000,000" and insert "114,000,000."

Mr. SPINOLA. Mr. Chairman, the purpose of the amendment is to meet the requirements of the Pension Bureau for the next fiscal year, as provided for in the bill now under consideration.

Now, my dear friend from Ohio [General GROSVENOR] has made certain suggestions or attempted to inform Congress to the effect that the Democratic party had done nothing towards providing pensions for the soldiers of this country. Let me ask him if it was not a Democratic Congress which passed the pension arrearages bill? Let me ask him how many millions of dollars that bill put into the pockets of the veteran soldiers of this country? A Democratic Congress increased the pensions of widows from \$8 to \$12 per month. Is that not doing something for the veterans, their widows, and the survivors of the war?

Now, the gentleman must recollect that there is a record of these facts, and that record is presumed to tell the truth, and from that record I speak to-day.

The bill to which the gentleman from Ohio referred as having been vetoed by the President of the United States, President Cleveland, was an insult to the veterans of this country. It was looked at in that light by the Democratic party. It called upon the gallant and brave soldiers of the Union Army to go forth and acknowledge publicly that they were paupers; and I tell you, sir, that a brave, gallant man will suffer death before consenting to so degrading an insult as that. And I tell you

that if you undertake to do that again, during this session of Congress, and bring in a similar bill before us, we will stand here like a wall of iron against you.

A MEMBER. And go down before it.

Mr. SPINOLA. Yes, sir; we will go down, just as the Democratic soldiers went down before the fire of the Confederates.

Why, my friend from Massachusetts over there laughs. The gentleman looks as if he was too young to have known anything that went on during the war or to know much about the Army. But I will tell him that the great bulk of the Union Army was made up of the Democratic legions of the North. [Derisive laughter on the Republican side.] And I am prepared to prove that statement on the floor of the House, and gentlemen on the other side can not laugh it down.

Mr. COLEMAN. May I correct the gentleman? I want to tell him that they are not all Confederates on this side now.

Mr. SPINOLA. Well, God knows they have been trying a long time to get out of their predicament, and I hope they will persevere until they do it.

Mr. WILSON, of Washington. Will the gentleman from New York allow me to correct him in one statement, in reference, as I believe, to myself?

Mr. SPINOLA. Well, I guess not just now. I made no statement in reference to the gentleman.

Mr. WILSON, of Washington. The gentleman said—

Mr. SPINOLA. Well, I will hear you. What did you say? I will hear your question.

Mr. WILSON, of Washington. I do not desire to ask the gentleman any question; but I was smiling when he made a remark a few moments ago, and the gentleman, alluding, as I believe, to myself, said that I was too young to be in the Army.

Mr. SPINOLA. I beg your pardon, my son; I did not refer to you at all. [Great laughter and applause.] It was my friend from Massachusetts to whom I was referring, who has the Shakespearean forehead, who sits just over there. [Laughter.]

Mr. MORSE. Will the gentleman from New York give me a moment?

Mr. SPINOLA. Well, I did not know that my shot was so scattering when I fired it. [Laughter and applause.] What is the matter with my friend?

Mr. MORSE. I want to say in response to what the gentleman has just said—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORSE. I move to strike out the last word.

Mr. FLOWER. Mr. Chairman, I will take the floor and yield to my colleague from New York, if I can be recognized.

Mr. MORSE. The gentleman from New York has seen fit to refer to me in connection with service in the Army.

Mr. FLOWER. Can I not yield to my colleague?

Mr. SPINOLA. My time was all taken up by the young man standing yonder. [Laughter.]

Mr. WILSON, of Washington. I did not desire to take the time of the gentleman from New York, but simply to correct a misstatement.

The CHAIRMAN. The Chair will state that the position is this: The gentleman from New York had exhausted his time. The gentleman from New York yielded, as the Chair supposed, to interruptions, and the time was thus occupied. Afterwards the Chair recognized the gentleman from Massachusetts [Mr. MORSE], who moved a *pro forma* amendment, and after he has concluded his five minutes' time, which is at his disposal under the rules, the Chair will be at liberty to recognize other gentlemen.

Mr. MORSE. The distinguished gentleman from New York referred to me as smiling at his remarks.

Mr. SPINOLA. I beg your pardon; it was not you, sir. [Great laughter.] I did not suppose there were so many members of the House who imagined they resembled Shakespeare in looks. I do not blame him for supposing that I referred to him when I said a few moments ago, "I refer to the gentleman with the Shakespearean forehead."

Mr. FUNSTON. I rise to a question of order. I desire to know who did the "smiling" at the gentleman. [Laughter.]

Mr. MORROW. Mr. Chairman, I desire to say a word in reference to the amendment of the gentleman from New York, if we have disposed of the smiling question.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. MORSE. Mr. Chairman, the distinguished gentleman from New York pointed to me and charged me, "the gentleman from Massachusetts" (and I was the only man from Massachusetts in this part of the House at that time)—I say he charged me with smiling at his remarks, which he avers I never would have done had I been old enough and had I served my country as a soldier. Now, I plead guilty to the charge of the gentleman from New York of smiling at the remarks of my friend on the other side, as we all did, and pray how could we help it when the Democratic party on the other side enacts upon this floor the stupendous, roaring farce of claiming, as the gentleman from New York does, that the Democratic party in Congress have enacted and the soldiers are indebted to them for every favor in the way of pension legis-

lation that they have received at the hands of the Government, when he knows we know and the country knows that the Democratic party in Congress as a party has constantly, persistently, and consistently opposed all pension legislation, which culminated in numerous vetoes by Grover Cleveland, and his final veto of the soldiers' dependent pension bill, a bill that decreed that no Union soldier should die in the poor-house? Away with this nonsense! It will deceive nobody.

In regard to the gentleman's apology for me, that I was too young to be a soldier, I beg to assure him that I am no spring chicken, and that on the 23d of May, 1861, at the age of nineteen, I enlisted in Company A, Fourth Massachusetts Regiment, and served with General Butler in Virginia, and later I re-enlisted in the same regiment, and shoulder to shoulder with ninety-five men from my little town, under the shadow of Blue Hill, in the valley of the Neponset, under the command of Captain Hall, Lieutenants Drake and Morse, I marched away to the burning sands and the tropical sun of Louisiana.

Of those ninety-five men, who were the flower of the town in which I lived, most of them young men, a score died in the swamps of Louisiana, and were buried unknelt, unshrouded, uncoffined, and unknown, and they are sleeping there now. They are sleeping their long, last sleep. They died for the Union; the roar of no cannon, the boom of no siege gun can awaken them; and, Mr. Chairman, the object of the appropriation now under consideration is to make provision for pensioning and to redeem the pledges made to these men in the hour of the nation's deadly peril, and I shall vote for the bill now under consideration as recommended by the committee.

Mr. MORROW. Mr. Chairman, I wish to say a word upon the amendment proposed by the gentleman from New York increasing the appropriations here some fifteen millions of dollars. I desire to say to the committee that the bill was framed upon the requirements of the existing laws.

There was a careful examination made by the Commissioner of Pensions and the experts in his office and they determined that the amount provided in this bill was sufficient to pay the pensions under existing law. Now, of course, we can not anticipate the action of Congress.

Mr. BYNUM. Will the gentleman answer me a question on that point?

Mr. MORROW. Certainly.

Mr. BYNUM. Do not the two quarterly payments already made in this fiscal year amount to \$53,000,000?

Mr. MORROW. Yes.

Mr. BYNUM. Then will it not require \$106,000,000 this year in order to pay these pensions?

Mr. MORROW. By no means. The Democratic Congress, if the gentleman will allow me, in providing for the pensions for 1889 appropriated \$81,758,700. That was the amount carried in the appropriation bill of 1888. That was soon discovered to be too small an appropriation; and thereupon, when Congress convened, there was an appropriation made of \$3,000,000 as a deficiency, making the total \$89,758,700; but that also was found to be too small at the end of the fiscal year.

Mr. BYNUM. The gentleman has not answered my question.

Mr. MORROW. Oh, yes; I will. I am coming to it.

Mr. BYNUM. I am glad you are getting at it.

Mr. MORROW. When we come to the end of the fiscal year 1889 we find a still further deficiency of \$8,000,000; instead, therefore, of the appropriation being an eight-million deficiency it should have been for a deficiency of \$16,000,000. So, when the present administration took hold of the Pension Office it had about \$8,000,000 deficiency, for pensions due and unsettled, that should have been provided for before the 1st of July, 1889. Now, the result of that excessive deficiency was that we have been compelled to appropriate for the present fiscal year the sum of \$103,371,709, eight millions more than necessary for the current pensions by reason of the fact that the Pension Office was compelled to take \$8,000,000 out of the funds for the present fiscal year and appropriate it for the payments due in the fiscal year ending in June, 1889.

Mr. SAYERS. Will the gentleman allow me to ask him a question right there?

Mr. MORROW. Yes, sir.

Mr. SAYERS. Do you believe that the amount appropriated by this bill will be sufficient for the expenditures of 1891?

Mr. MORROW. I have said repeatedly that it will not be.

Mr. SAYERS. Well, that is all right.

Mr. MORROW. I have said that there will be an increase in the adjudication of claims, that there will be bills passed by Congress providing for further pensions. We have in the last few days passed a bill increasing the working force of the Pension Office, and there will be additional pensions allowed. It will be proper for Congress in the coming year to determine how much this increase has been, and then appropriate for a deficiency, as has been done heretofore. Therefore there is no necessity for this amendment.

Mr. SAYERS. You have not answered my question yet. Do you believe that, with the present legislation only, the amount carried by this bill will be sufficient to pay all the pensions growing out of legislation now upon the statute-books during the fiscal year 1891?

Mr. MORROW. No, sir.

Mr. SAYERS. Very well. Then your proposition is to leave it to the Democratic Congress to make up the deficiency? [Laughter.]

Mr. MORROW. Oh, no. The Democratic Congress, if there is to be one, will not come in by next December; it will not be until after the election, any way, and probably not then. All the requirements of the law as it now stands are \$98,427,461 for the year 1891.

Mr. FLOWER. Will the gentleman allow me to ask him a question?

Mr. MORROW. The requirements of the Pension Office in 1890 by this proper classification of appropriations are \$96,371,709.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. TAYLOR, of Illinois. Mr. Chairman, if I can be recognized I will yield my time to the gentleman from California.

Mr. FLOWER. I would like to ask the gentleman a question, and I would like to ask unanimous consent that he may have time to answer it. I have had my attention called to a case of a soldier who had been waiting for eight years in order to get his pension adjudicated by the office. Now, have they not enough help in the Pension Office to adjudicate the claims of the soldiers?

Mr. MORROW. Application has been made for additional help.

Mr. FLOWER. Do they lack help now?

Mr. MORROW. We have provided for the examination of these cases by the appointment of thirty additional medical examiners. As I understand from the report of the Commissioner what they most require is medical examiners. We have provided those thirty additional examiners; and I understand they will expedite the adjudication of these claims.

Mr. FLOWER. This man has been waiting for eight years.

Mr. MORROW. It does not necessarily follow because he has been waiting eight years that it is the fault of the Pension Office; because it may be his own fault in not completing his evidence. When I first came here I had called to my attention a case that had been pending for fifteen years. I went to the Pension Office, overhauled the papers, and found what evidence was necessary and advised the applicant of the fact. It was presented, and his case adjudicated. It is probable in these cases that have been pending so long that the fault is in the pensioner himself not providing the proof.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. FLOWER. I move to strike out the last word.

The CHAIRMAN. The Chair will state the proposition.

Mr. CUTCHEON. I have an amendment to the amendment.

Mr. SPINOLA. Mr. Chairman, I withdraw the amendment and offer another.

The Clerk read as follows:

Strike out "pensioner" in line 30 in the first section of the bill.

Mr. SPINOLA. I desire to say that there is no necessity for any other bill in regard to passing pension claims through the Pension Bureau, for the reason that in this very bill we make provision to increase the clerical aid. We passed a bill a short time ago that makes provision for that particular purpose, and therefore it has nothing to do with clerical hire. It is a separate item.

Now, sir, my friend from Kansas away back yonder wished to have a hand dealt to him during the *milée*. [Laughter.] I did not hear exactly what he said, but as part of my remarks upon the amendment now before the House I will ask the Clerk to read the following letter which I have received within the last twenty minutes. I ask careful attention of the House to it, and especially that of my friend from Kansas.

The CHAIRMAN. The gentleman from New York takes the floor and asks that this letter be read as part of his remarks.

The Clerk read as follows:

HEADQUARTERS REPUBLICAN RESUBMISSION CLUBS,
SOUTHERN DISTRICT, Wichita, Kans., March 17, 1890.

DEAR SIR: We noticed with much pleasure your reply to Representative FURSTON relative to prohibition in Kansas, and if at any future time our delegation make a statement that prohibition in our State is a success you can denounce it in the strongest terms without the least fear of an honest contradiction. With nine long years of trial, backed by courts with juries selected to convict, by legislatures neglecting all the material interests of the State to invent new and questionable methods to enforce it, it is a confessed failure and farce, oppressing our people with burdensome taxes and driving capital and immigration from us, and building a wall around our fair and otherwise magnificent State, with a notice to the world that individual rights can not be tolerated here.

A few months ago the Republican business men of Kansas took hold of the matter and now Republican clubs are being organized all over the state and at present writing not less than 50,000 Republicans are favoring a resubmission of the prohibitory clause of our Constitution, and the work has scarcely commenced. In ninety days the representatives of Kansas, who go about shouting what a great success prohibition is in Kansas, will wake up and find a Western cyclone has struck them.

With resubmission and the Farmers' Alliances spreading like a mighty prairie fire over our State, revolutionizing old political methods of riding into office, it is enough to wake up even INGALLS, who is busy studying the race question of the South, instead of looking after the material interests of his constituents, and who opposes wiping out this accursed law, which is blighting and paralyzing the business interests of the people of the whole State.

Yours, very truly,

THE EXECUTIVE COMMITTEE,
By WM. D. MCCORMICK, Secretary.
General FRANCIS B. SPINOLA,
House of Representatives.

Mr. FUNSTON. Now, will the gentleman allow me to say that that is an old blow-hard who was kicked out of the Republican party four years ago, and he is hunting around now for a new party?

Mr. SPINOLA. But the fifty thousand Republican followers he speaks of can not all be blow-hards. [Laughter.]

Mr. FUNSTON. They would not be if what he said about their existence was true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORROW. Mr. Chairman, I move that debate upon this amendment be closed.

The motion was agreed to.

Mr. CUTCHEON. I move to strike out the last paragraph of the bill.

The CHAIRMAN. That is not in order. That paragraph has not been reached. The Clerk will read the next paragraph.

Mr. MCCARTHY. Mr. Chairman, I desire to offer some amendments to the first paragraph.

Mr. MORROW. Mr. Chairman, we have passed the first paragraph.

The CHAIRMAN. But amendments are in order, although they are not debatable. The Clerk will read the amendment.

The Clerk read as follows:

Page 2, line 29, add the following words after the word "children:": "And in case there be no widow or children, then to the legal representatives of said pensioner."

Mr. MORROW. I make the point of order upon that amendment that it is new legislation.

Mr. HOLMAN. That is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read the next amendment.

The Clerk read as follows:

In line 30 strike out the word "hereafter."

The question was taken on the amendment; and on a division it was rejected—ayes 32, noes 77.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

In line 34, after the word "pensioner," strike out the following: "may, in the discretion of the Secretary of the Interior," and insert in lieu thereof the word "shall," making the provision read as follows:

"The accrued pension due on said certificate to the date of the death of said pensioner shall be paid to the legal representatives of said pensioner."

Mr. CANNON. Mr. Chairman, I understood the gentleman from California to make a point of order upon that amendment.

The CHAIRMAN. This is an amendment to strike out a portion of the paragraph and insert the word "shall."

Mr. CANNON. Precisely; but it involves a change of the existing law.

Mr. MORROW. Mr. Chairman, the provision in the bill is precisely the existing law, copied from the statutes; so that if you strike out one word, or more than one word, or any number of words, you make a change of existing law.

The CHAIRMAN. The Chair did not understand the gentleman from California to make the point of order against this amendment.

Mr. MORROW. I do make it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For fees and expenses of examining surgeons for services rendered within the fiscal year 1891, \$1,000,000. And each member of each examining board shall, as now authorized by law, receive the sum of \$2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and \$1 for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made.

Mr. OUTHWAITE. Mr. Chairman, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

Insert at the end of line 50 the following:

"*Provided further*, That not more than two of the members of each of said examining boards shall belong to the same political party in any county where it is practicable to appoint examining surgeons from different political parties."

Mr. MORROW. Mr. Chairman, I raise the point of order upon that amendment, that it changes existing law.

Mr. OUTHWAITE. I hope the gentleman will reserve the point of order. I shall not discuss it, but I trust that when I have submitted a few remarks upon the merits of the amendment the point of order will be withdrawn.

The chairman of the committee, in alluding to the subject of rerating, stated that Commissioner Tanner found when he came into office a great machine in operation. Five years ago it was rumored and suspected in this country that the Pension Bureau itself was a great political machine. Whether that rumor or suspicion was well or ill founded matters little to the purpose, but it is a fact that at that time all these examining boards, all of the examining surgeons, and ninety-nine-one-hundredths of the officers in the Pension Bureau were of one political party, although the soldiers they had to deal with were or had been nearly evenly divided in politics. When Commissioner Black took possession of the office he immediately made an order that each of these

examining boards before whom the private soldiers came for examination as to their disabilities should contain a representative of both parties. He made that order and maintained that rule throughout the whole of his administration, and wherever it was practicable there was a Republican on the examining board. In my own district, in the three examining boards there, there was retained a Republican wounded soldier, and when one of them died another of like character was put upon the board. Within sixty days after the present Administration came in those boards were all reorganized.

The board in the county that I live in not only suffered the removal of the Democrats, but suffered also the removal of a wounded Republican soldier because it was suspected that possibly he might have voted for me by reason of his being on that board, a suspicion that was not well founded. In another county in the same district the board was reorganized by removing the Democratic soldier and leaving the Democrat who was not a soldier. In another county in the district the board was reorganized by sweeping out all of the incumbents, and in another county a new board was organized consisting entirely of Republicans. Now, these veterans come in there—

Mr. MORROW. Mr. Chairman, I dislike to interrupt the gentleman, but he is not talking to the point of order.

Mr. OUTHWAITE. I trust the gentleman will withdraw his point of order.

Mr. MORROW. I am not at liberty to do that.

Mr. WILSON, of Washington. I will ask the gentleman from Ohio [Mr. OUTHWAITE] if it is not a fact that in the appointments made now to these boards the minority party is represented.

Mr. OUTHWAITE. In the appointments made under the present Commissioner I believe that is the case to some extent.

Mr. WILSON, of Washington. I know that I have made requests of the Commissioner of Pensions for appointments and he has stated that he desired to have these boards consist of two Republicans and one Democrat; so that he appears to be pursuing the very policy which the gentleman advocates.

Mr. OUTHWAITE. Very well. If that be so, it seems to me there can be no objection to a provision of law which will establish that rule. I say it is in the interest of good government and in the interest of fair play. The soldiers that come before these boards come with no political purpose, and they should not be met with any political purpose.

[Here the hammer fell.]

The CHAIRMAN. The Chair would be glad to hear the gentleman from Ohio [Mr. OUTHWAITE] on the point of order.

Mr. OUTHWAITE. I have not heard on what theory the point of order is based. I suppose it is based on the proposition that the amendment is a change of existing law.

Mr. MORROW. Yes, sir.

Mr. OUTHWAITE. There is nothing in the existing law providing whether the members of these boards of surgeons shall be of different political parties or of the same political party. I consider this amendment not so much a change of existing law as a limitation upon the expenditure of this sum of \$1,000,000, just as much a limitation as the proviso already in the bill.

The CHAIRMAN. The Chair would inquire, if the proposed amendment is not a change of existing law, why insert it?

Mr. OUTHWAITE. As I have said, it is no more a change of existing law than the proviso already in the bill, and which is not found in any existing law.

Mr. MORROW. Oh, yes; it is.

Mr. OUTHWAITE. It is only found in the appropriation act of last year.

Mr. MORROW. And that is existing law, is it not?

Mr. OUTHWAITE. I do not agree with the decisions rendered heretofore on that point. I want to call the attention of the Chair to the proviso now embraced in this bill as to this expenditure:

Provided, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made.

That is a limitation on the manner in which this money is to be expended, and the amendment I propose is also a limitation on the expenditure; it is a limitation as to the persons to whom the money shall be paid.

Mr. PETERS. But, Mr. Chairman, the provision in the bill to which the gentleman refers is existing law.

The CHAIRMAN. The Chair thinks the point of order well taken, and sustains it.

Mr. KERR, of Iowa. Mr. Chairman, I move to amend by striking out the last word. I have listened to the gentleman from New York while he has made his extravagant claims as to the number of Democratic soldiers in the Army. I do not think any man who looks into this matter will claim that over one-fourth of the soldiers of the Union Army were members of the Democratic party before they enlisted. I think that is perfectly clear; but I do not care to occupy time in discussing that question now.

The point is made against contemplated pension legislation that we should not throw any odium upon the soldiers by the passage of a "pauper" pension bill.

Mr. SPINOLA. I rise to a point of order, that the discussion which the gentleman is now pursuing is not germane to the bill.

Mr. KERR, of Iowa. I will come to the point in a moment.

Mr. SPINOLA. Never mind that. I object, unless you are willing to give me the same amount of time that you occupy. If so I am perfectly willing you shall go on.

Mr. KERR, of Iowa. The gentleman has had the floor to-day five times as much as I have.

The CHAIRMAN. The Chair hopes that the gentleman from Iowa will confine himself to the amendment.

Mr. SPINOLA. What is the amendment?

Mr. KERR, of Iowa. To strike out the last word.

Now, Mr. Chairman, in regard to this matter of "pauper" pension legislation I think there is a great deal of abuse of language. Will the gentleman from New York claim that it is any disgrace for a man to be poor?

Mr. SPINOLA. I will answer the gentleman—

Mr. KERR, of Iowa. I can not yield except for a categorical answer—yes or no. Will the gentleman say it is any disgrace to a man to be poor?

Mr. SPINOLA. Now, I propose to answer that question, and if my friend—

Mr. KERR, of Iowa. I yield only for a direct answer.

Mr. SPINOLA. I will give you an answer if you will permit me.

Mr. KERR, of Iowa. I will not yield any further time.

Mr. Chairman, if a man has been in the service of his country, and on account of that service has been made poor, has been rendered unable to obtain a livelihood, the fact is to his credit. There is no patriotic man in this country who will not honor him for such service; and that he is poor is not a disgrace, if his poverty is the result of his unselfishness and his patriotic service.

Mr. SPINOLA. That is a good way for the gentleman to get out.

Mr. KERR, of Iowa. Something has been said about the pledges made by the Republican party. I make the statement, Mr. Chairman, that the Republican party has redeemed all of its pledges to the soldier, in so far as it has the power. I want to read from the platform adopted in the last national convention of the Republican party, to show the pledges that it made. They are not to be enlarged by bare assertions. They declare that they are in favor of "the payment of just pensions to our soldiers." Then in another place they say:

The legislation of Congress should conform to the pledge made by a loyal people, and be so enlarged and extended as to provide against the possibility that any man who honorably wore the Federal uniform shall become an inmate of an almshouse or dependent upon private charity. In the presence of an overflowing Treasury it would be a public scandal to do less for those whose valorous services preserved the Government.

This is the extent of the pledge the Republican party has made.

I listened with a great deal of surprise to the speech of the gentleman from Indiana [Mr. CHEADLE]. His speech was, by implication, an attack on the Government with reference to the treatment of Union soldiers. By implication it is a charge of the basest ingratitude on the part of the Government in view of the fact that the bill under consideration appropriates \$98,587,252 for pensions, for payment to soldiers for pensions alone—a larger sum than any other nation in the world has ever paid for the support of its Army, including pensions, in time of peace in a single year.

The charge of the gentleman from Indiana seems to be without justification. He also finds fault with the Government because it paid its soldiers in currency. There was no other money in circulation at the time they were paid. They did not expect their pay in any other money at the time they enlisted. Those of them who were able to retain their pay, or to loan it, or to invest it, had it made as good as gold by the policy of the Government, just the same as other creditors of the Government, and that policy was resisted at every step by the Democratic party. The Government at the close of the war, in addition to the pay they had promised, gave an extra bounty of \$100 to every soldier who had served over two years, and three months' extra pay was also granted above the contract. I feel impelled to make this statement as a soldier who served from 1862 to the close of the war, in justification of the Government against the charge made by the gentleman from Indiana.

The gentleman demands that the promises of the Government to the soldiers should be redeemed. He fails to point out any promises it has failed to redeem. The other gentleman from Indiana [Mr. BYNUM] calls attention to the fact that a larger proportion of the soldiers of Indiana have been granted pensions than in any other State. I am glad to hear the gentleman make that statement. He does not explain what exigencies of the Democratic party in Indiana during the last administration contributed to this result, showing how important to a soldier it is in a Democratic administration to reside in a doubtful State. He asks why we do not redeem our pledges.

It might be answered that if the Democratic President had not vetoed the bill which was passed for the relief of soldiers who were dis-

abled and the widows and orphans of deceased soldiers the Republican party would have no pledges to redeem. They are pledged to pass the dependent-pension bill for the relief of the disabled soldiers and of widows of deceased soldiers, and they will pass it. This is the only pledge they have made, as I have shown by the quotation from their platform. The party is not pledged to any bounties or any gratuities. It is not pledged to make good the losses sustained by the Union soldiers in their heroic devotion to the Union.

These it can never repay. The nation should allow no soldier to become a charge on any community as the result of his service to the Government. It should see that no widow whose husband shortened his life in the service should be left to private or local charity in her old age; further than this the Republican party is not pledged, and, considering the burdens of taxation and the necessity for its reduction, I am of the opinion that further than this it should not go, and certainly not further than following the precedent set by a Democrat in Congress in regard to Mexican soldiers to provide that every soldier who has arrived at the age of sixty-two years shall be placed on the pension-roll and allowed enough to secure him against want in his old age.

Mr. MORROW. I move that debate on this paragraph and all amendments thereto be now closed.

Mr. FLOWER addressed the Chair.

The CHAIRMAN. If the gentleman from California [Mr. MORROW] will withhold that motion for a moment, the Chair will recognize the gentleman from New York [Mr. FLOWER], and will afterward put the motion of the gentleman from California.

Mr. MORROW. Very well.

Mr. FLOWER. Mr. Chairman, the gentleman from Iowa [Mr. KERR] has been reading, I presume, from Mr. Greeley's Almanac when he states that only one-fourth of the men who fought the battles of the Union were Democrats.

A MEMBER. Is not that good authority?

Mr. FLOWER. Yes; and I want to quote from that authority on another point. You will find it stated that Abraham Lincoln in 1860 received 1,853,000 votes—all or nearly all from the Northern States. The next year he went to war; and from that time until 1864 2,800,000 soldiers were enlisted to fight in that battle line of 3,000 miles, 1,000,000 more than there were Republicans all told in 1860. Now, I say to the gentleman from Iowa that the Republican party carried every Northern State, including New Jersey—

Mr. KERR, of Iowa. Does not the gentleman know that 60 per cent. of those who enlisted were under the voting age?

Mr. FLOWER. I say that every Northern State, including New Jersey, went Republican as long as the Democratic soldiers were at the front. [Applause on the Democratic side.]

And never, Mr. Chairman, until those soldiers got back did those Democrats have a chance to carry a Northern State, and then they made a clean sweep. [Laughter and applause.]

I say the majority of the soldiers who fought in the last war were Democrats. The men who wore the epaulets were Republicans. The men who carried knapsacks were Democrats. That is one of the reasons why we on this side favor liberal pensions to the soldiers. [Laughter on the Republican side and applause on the Democratic side.] We believe, with three surgeons in every Congressional district throughout the United States, that these pensions should be honestly awarded to the soldiers. We believe in these pension laws, and are willing to make this bill \$114,000,000, instead of ninety-eight millions. [Applause.]

[Here the hammer fell.]

On motion of Mr. MORROW, all further debate on the pending paragraph was closed.

The next section was read, as follows:

For the salaries of eighteen agents for the payment of pensions, at \$4,000 each, \$72,000. In case of the sickness or unavoidable absence of any pension agent from his office he may, with the approval of the Secretary of the Interior, authorize the chief clerk, or some other clerk employed therein, to act in his place, to sign official checks, and to discharge all the other duties required by law of such pension agent. And, with like approval, any pension agent may designate and authorize a clerk to sign the name of the pension agent to official checks. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the pension agent for whom he acts.

Mr. OUTHWAITE. I make the point of order that this is a change of existing law.

The CHAIRMAN. What portion of the paragraph?

Mr. OUTHWAITE. Commencing in line 58:

And, with like approval, any pension agent may designate and authorize a clerk to sign the name of the pension agent to official checks. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the pension agent for whom he acts.

Of course it is impossible for me to prove to the Chairman by the production of the existing law, unless I would produce the laws on pension subjects; this is not even in the general law. I assume the Chairman is acquainted with the fact it is not in the existing law.

Mr. MORROW. We can shorten this by admitting this is a new provision.

Mr. OUTHWAITE. Then it goes out?

Mr. MORROW. No.

Mr. OUTHWAITE. It is obnoxious to the point I have made.

Mr. MORROW. We found on investigation that in the gentleman's own district in Ohio, where there is a large number of pensioners, the pension agent could not conveniently pay and sign checks.

Mr. OUTHWAITE. I will vote for a law to correct that.

Mr. MORROW. The result was, we put in this provision authorizing the clerk to act as pension agent, and I trust the gentleman will not insist on his point of order.

Mr. McMILLIN. The law does not authorize it now.

Mr. MORROW. No, it is not in the existing law.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. OUTHWAITE. I think the point of order is well taken.

The CHAIRMAN. Does the gentleman insist on it?

Mr. MORROW. I hope the gentleman will not insist on it.

Mr. OUTHWAITE. Allow me then to move my amendment against which the point was insisted upon.

Mr. CANNON. This is to relieve your pension agent in your own town.

Mr. OUTHWAITE. Not at all; not more than the examining physicians; in fact, not so much, for they come immediately in contact with the pensioners themselves. These do not.

Mr. CANNON. I hope the gentleman will not insist upon the point of order.

Mr. OUTHWAITE. The point of order was insisted upon in regard to the amendment I offered and which was equally as important.

Mr. CANNON. This merely delays, if the gentleman gets this provision stricken out on the point of order, the quarterly payment of the pensions of the soldiers. In other words, if this clause remains in the bill, the pension agent may authorize another person to sign his name for him, after giving a bond. So there is no danger of loss of money. It enables the soldier in the large agencies like Columbus, Ohio, to get his pittance from the Government every three months, some days earlier than if this clause was not in the bill.

I am sure my friend from Ohio, with this explanation, will not insist upon the point of order.

Mr. OUTHWAITE. The gentleman is so seductive that it is hard to resist his appeal.

The CHAIRMAN. Does the gentleman from Ohio insist upon the point of order?

Mr. OUTHWAITE. I will withdraw it.

Mr. CUTCHEON. Mr. Chairman, I offer a formal amendment in line No. 52. Strike out "two" and insert "three."

I desire in the first place to reply in a few words, and in a few words only, to the remarks of the gentleman from New York [Mr. FLOWER] when he was on the floor a few moments ago, as to the composition politically of the armies of the Republic in the late war. I do not consider this at all as an essential question. It makes no difference to me whatever whether the men who composed that army during the war of the rebellion were men who voted the Democratic or the Republican ticket. They are alike entitled to the gratitude of the nation, they are alike entitled to our honor, and they are alike entitled to the pensions which the bill now before us is designed to give to them. But in view of the debate that has occurred, and inasmuch as that question can be settled upon authority, and very briefly, I desire to call the attention of the committee to the fact that various Northern States had enacted laws which permitted their soldiers in the field to vote. At the Presidential election of 1864 the soldiers of the following States voted under such State regulations, namely, the soldiers from the States of Maine, New Hampshire, Vermont, Pennsylvania, Maryland, Kentucky, Ohio, Michigan, Iowa, Wisconsin, Kansas, and California.

The soldiers who voted, those who could be found by the commissioners of the several States in the field, cast their votes as follows at that election: For Abraham Lincoln, the Republican candidate, 119,763, and for George B. McClellan, the Democratic candidate, 34,291, or almost 4 to 1. Of course this is a very small proportion of the soldiers that were actually in the field; but it is enough to determine the ratio between the two parties; and what is true of the voters we may also assume to be true of the non-voters.

Now a word in reply to my excellent and venerable friend from New York [Mr. SPINOLA] who occupied the floor a few minutes ago, in regard to the increase of the annual pension bills from 1876 up to the present time. It is true that pension bills have increased since then and that they have been increased by virtue of new legislation adding to the pensionable classes from time to time. All this is true.

Among other things he claims that the repeal of the arrearages act, which the gentleman from Illinois [Mr. SPRINGER] said cost the country nearly \$400,000,000, was a piece of Democratic legislation. I deny it. I desire to call the attention of the committee to the facts. The act repealing the arrears limitation was introduced by a member of Congress from Kansas, Mr. Cummings, a Republican. On the 19th day of June, 1878, under a suspension of the rules, it was put on its passage on motion of Mr. Haskell, a Republican from Kansas, and the vote

was taken. That vote, as shown by the RECORD, is as follows: Democratic votes for the bill 43, Democratic votes against the bill 61; Republican votes for the bill 116, Republicans against the bill, not one.

If that record of the vote for the bill makes it a Democratic measure, a bill which was introduced by a Republican, the passage of which was moved by a Republican, which was carried by the votes of the Republican side, a majority of the Democrats voting against it and every Republican voting for it, then the Democrats are entitled to the credit claimed by the gentleman that it is a Democratic measure, and I am willing that you shall have all that the record entitles you to have. But I confront you with the record in the case.

Again, sir, in regard to the manner in which our pension legislation has risen from year to year. In the Fiftieth Congress I took occasion to submit some remarks on the subject, and called attention to the votes by which the various general pension measures had been passed in the House, and I found in the examination of this question that the Mexican pension bill was passed by the vote of every member of the House, Democrat and Republican, except two, no party line being drawn upon it. Upon the passage of the widows' increase bill in the Forty-ninth Congress, 80 Democrats voted in favor of the bill and 66 against it, while 118 Republicans voted for it and not one against it.

In that case, in the case of the Mexican pension bill only, the majority of the Democrats voted in favor of a general pension measure; and I challenge any man upon this floor or in this country, now and here or at any time hereafter, to show any other general pension measure since the Forty-ninth Congress in which a majority of the Democrats voted in favor of it; and I extend the challenge to show a single instance where the Republican party did not in solid phalanx cast its vote in favor of such measures. Except one case, where Mr. Bisbee, of Florida, voted against the Senate amendment to the Mexican pension bill, I challenge the production of any instance in which the majority of Republicans have not voted in favor of such legislation. When I say general pension legislation I mean legislation affecting large and general classes.

[Here the hammer fell.]

Mr. BYNUM rose.

Mr. ALLEN, of Michigan. If I can be recognized I will yield the time to my colleague.

Mr. CUTCHEON. I trust, Mr. Chairman, I shall not need the whole of the time yielded to me by my colleague.

I wish now to pay my compliments for a moment to my friend from Indiana who just rose and whom I interrupted with a question while he was on the floor a few moments ago in regard to the matter of the service-pension bill. He says that the Republican party stands here committed to the passage of the service-pension bill. I suppose he means by that a general service-pension bill, a universal or uniform service pension. Now, I challenge the gentleman from Indiana to point to a word or line in the record of the Republican party in any national or State convention in which the Republican party pledged itself at this Congress or in any other to the passage of a general service-pension bill.

We have pledged ourselves to more liberal pensions for the soldiers. The gentleman from New York [Mr. SPINOLA] a few moments since rose to move an increase of the amount to be carried by this bill to \$114,000,000. I tried to get the floor then in order that I might say that I believed that the whole amount, \$114,000,000, will be required to pay the pensions for the year 1891, because I believe and trust that before this session ends, through the Republican party of this House, there will be placed upon the statute-book, with the aid of the Republican Senate, liberal pension laws which will take every poor man who is unable to support himself by manual labor out of the almshouses of this country, if any are there, and permit him to make himself respectable among his fellow-men.

Another word, Mr. Chairman. I want here and now to denounce this characterization of the dependent-pension bill as a "pauper bill" as an outrage. These men are poor, and it is no disgrace to be poor. Most of them are poor to-day because of their service to the country; they are poor because they are broken down in health; they are poor because they are unable to help themselves by the labor of their hands; they are poor because bowed down by disease contracted in the line of their duty and in the service of their country.

It is no disgrace to be poor. It is an honor that they were soldiers and wore the uniform of the Republic, and did good service to their country. I denounce the stigmatizing of these honorable men as paupers. They are not paupers. They do not come here as paupers to ask for an alms, but they come to ask that this great, rich, prosperous American Republic will make good to them the strength and the losses which they suffered by their service. I hope we shall be ready to do it. I am in favor of a pension bill that will be broad enough to cover every man who was honorably discharged and who is so disabled that he is not able to support himself honorably.

Now, Mr. Chairman, having said this much, if I have any time remaining I yield it back to the gentleman from California.

Mr. MORROW. I will now yield two minutes to the gentleman from Kansas [Mr. KELLEY].

Mr. STOKSDALE. Mr. Chairman, I addressed the Chair to make a motion before the gentleman was recognized.

Mr. KELLEY. I yield to the gentleman from Mississippi.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana [Mr. BYNUM] to reply.

Mr. BYNUM. I had no doubt when I called attention of the other side to the fact that they were derelict in performing their promises to the soldiers that several gentlemen would at once rise, and, as usual, flaunt the ensanguined garment, as they always do when the question of pensions comes. The gentleman from Ohio [Mr. GROSVENOR] says that the Democratic party was not the author of any general pension legislation. It was a Democratic House that passed the bill granting arrears of pension.

In the Forty-ninth Congress, under the leadership of one of my former colleagues from Indiana [Mr. Matson], there were three or four general pension bills passed. The bill increasing the pension of widows from \$8 to \$12 a month; and no more meritorious bill ever did pass. The only fault I found with it was that it did not increase the pensions enough. The bill increasing the pensions of another meritorious class, that of deaf soldiers, from \$17 to \$30 a month.

Another bill increased the pension of the one-legged and one-armed soldiers; and if my recollection serves me aright there was another general pension bill granting a hundred dollars a month to those who had lost both arms. So that, under Democratic Congresses within the last ten years bills have been passed of a general character increasing pensions of the classes that were entitled to consideration over and above any other. If the Republicans were so anxious to pass bills, why was it they did not pass something in the Forty-seventh Congress? Why was it they did not pass a bill during that Congress when they had the power, when they had control of both branches of Congress and the executive department of the Government?

Now, the gentleman from Michigan [Mr. CUTCHEON] speaks of the number of soldiers—the number of Democratic soldiers—that were in the Army, and he cites them from the votes cast in the field for Lincoln as Republicans. Why, there was no Republican candidate for President in 1864. There was a Union candidate and a Union ticket in the field, but there was no Republican candidate.

Mr. MORROW. On what ticket was General McClellan running?

Mr. BYNUM. On both. [Laughter.]

Now, the State of Indiana, following out the line of argument made by the gentleman from New York [Mr. FLOWER], furnished 197,000 soldiers between 1861 and 1865. While the men were all in the field, in 1864, the Republicans carried the State by 20,000 majority; but in 1868, when they had returned, it became necessary to change the tally-sheets in order to count in a Republican governor by a slender majority. [Applause on the Democratic side.] So you may take other States, as the gentleman well said, that gave extraordinarily large Republican majorities in 1864, but gave Democratic majorities as soon as the soldiers returned home.

Now, I speak with candor; what I have said has been spoken in earnest and in good faith. I want the policy that is to be carried out by the Government and by Congress determined and settled before this House finally adjourns. If we are to grant a service pension, let the soldiers know it now. [Applause on the Democratic side.]

If we are not to pursue that policy, let it be understood now. The soldiers of the country, permit me to say, are getting tired of having "the bloody shirt" waved and pension legislation deferred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN was recognized and yielded to Mr. BYNUM.

Mr. BYNUM. I thank the gentleman, but I shall not trespass much longer upon the time of the committee. In my own district, a few days ago, the Grand Army of the State held their encampment and denounced the Republican party for its failure to keep its promises. Whether those promises were made by the Republican party or not, the soldiers so understood, and it was Republican papers and Republicans that denounced the dependent-pension bill as a "pauper bill," and not Democrats or Democratic papers. When the Grand Army held their encampment a few days ago in the city of Indianapolis they denounced the Republican Administration for failing to redeem its pledges, and served notice that in the future their votes would not be cast for members of that party unless this legislation was carried out.

Now, as I have already said, bills have not only been brought in here appropriating for different purposes all the money that will probably be in the Treasury during the next year, but the Committee on Ways and Means is reputed to have ready a bill to strike off some twenty-five millions of the tax on sugar, which is almost wholly a revenue tax, and to strike off the tax on tobacco, which is wholly a revenue tax. Mr. Chairman, if sixty millions of revenue is to be stricken down, where do you expect to get the money to pension the soldiers, as you have promised? You voted down the proposition which I offered to the rules making it in order to put upon general pension bills a provision to raise the revenue to meet its requirements, which would have enabled us to adopt an income tax so as to take from the wealth of the country the money to pay the soldiers the amounts justly due to them. Now is your opportunity to prove your fidelity to your pretensions.

Under the rules you can bring in a bill at any moment; under the rules you can take it up and pass it any moment; and if you do not do it you are not only failing, but you are refusing to carry out your

promises, and I intend, so far as lies in my power, that you shall either bring in these measures or you shall go home and be branded by the soldiers of the country as unfaithful to your pledges. [Applause on the Democratic side.]

The Clerk read as follows:

For clerk-hire, \$220,000: *Provided*, That the amount of clerk-hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency.

Mr. STOCKDALE. Mr. Chairman, I move to strike out the words "two hundred and" in the sixty-seventh line. I do not propose to enter at all into this political discussion that has sprung up over this appropriation bill. I want to vote for this bill, if I can conscientiously do so, upon its merits, and it is always a sorrowful thing to me to find angry discussion over an appropriation bill for pensions. I believe that the Union soldiers who deserve pensions should have them, and I am willing to vote for a bill of that sort. But, Mr. Chairman, I make this motion in good faith to elicit an opinion from the Chair and from the committee who report this bill upon the legal effect of its provisions, and I get at my point by offering this amendment, because the \$20,000 that will be left is an ample amount for clerk-hire, if I am correct in my legal construction of the bill. In the first section it makes an appropriation, out of any money in the Treasury not otherwise appropriated, "for Army and Navy pensions as follows," and as this bill was drawn by lawyers and is to be passed into a law I say *only* as follows. I read from the bill:

For invalids, widows, minor children, and dependent relatives, survivors and widows of the war of 1812 and with Mexico, \$97,090,764

Mr. MORROW. If the gentleman will permit a suggestion, perhaps I can meet his point. There is defective punctuation there. There should be a semicolon after the word "relatives."

Mr. STOCKDALE. If the punctuation is defective it ought to be amended, because the punctuation is as much a part of a bill as its words. Now I insist that you shall not appropriate \$98,000,000 to the soldiers of the Mexican war and the war of 1812; I insist that you shall include the soldiers of the late war between the States. [Laughter.]

Mr. MORROW. Let them be included then. I move to amend by placing a semicolon after the word "relatives."

Mr. STOCKDALE. You can alter the meaning of a paragraph by a change of punctuation as well as by a change of language, I admit, but that amendment will hardly accomplish the purpose.

A MEMBER. You can not do it so fully, though.

Mr. STOCKDALE. Not so fully.

Mr. CANNON. But my friend [Mr. STOCKDALE] will understand that this bill is in the exact form in which the pension appropriation bill has passed for many years and under which these pensions have been paid, and I suggest that it is perhaps better to follow the usual form.

Mr. STOCKDALE. Why?

Mr. CANNON. For the simple reason that it has always been found sufficient.

Mr. MORGAN. And it has received its construction.

Mr. STOCKDALE. I do not think the question has ever been raised.

Mr. MORGAN. It has received its construction in practice.

Mr. STOCKDALE. I doubt whether the question has ever been considered.

Mr. CANNON. Oh, yes; because all these accounts where money has to be paid out are passed upon by the officers of the Treasury.

Mr. STOCKDALE. Probably it was just taken for granted.

Mr. CANNON. Oh, no; these payments are all passed upon by the accounting officers of the Treasury, and accounts for many hundreds of millions of dollars have been passed upon where the disbursements were made under appropriations worded in just this way.

Mr. PETERS. Let me suggest to the gentleman that any court, in construing a statute, will consider the intention of the legislature, and there can be no doubt about the intention in this case.

Mr. STOCKDALE. It is true that courts construe a statute according to the intention of the legislators; but, that being so, I do not see why this Congress should impose upon the courts the labor of construing a meaning into a law which they could make plain now by the change of a few words.

Mr. MORROW. Inserting a semicolon, instead of a comma, after the word "relatives" on line 9, page 1, will meet the point. I move that amendment.

The amendment was agreed to.

Mr. BOOTHMAN. Mr. Chairman, I wish to answer one or two observations that have fallen from gentlemen upon the other side in the course of this discussion; and, first, I want to say to my friend from Indiana [Mr. BYNUM] that the Republican party have not yet deputed him to construe their policy upon the question of pensions.

Nor is he in a position to criticize the action of the Republican party on this question. He inquires why it was that in the Forty-seventh Congress the Republican party did not pass some general pension bills. The answer is very plain: simply because the soldiers of the nation at that time were not themselves demanding that it should be done. Eight years have gone by since then; and they feel that the time has come

when the American nation should begin to pay attention to their just demands. And I have no doubt that, notwithstanding the action of the gentleman with regard to that question, notwithstanding the guardian care he is going to throw around the Republican party, the Republicans of this House, backed by a Republican Senate and a Republican President, will give the country some adequate legislation on this subject that will furnish proper and needed relief to the soldiers of this nation.

Gentlemen on the other side are not in a position to voice the sentiment of the soldiers; at least the gentleman from Indiana has not been deputed as their spokesman.

Mr. BYNUM. I have been deputed by them as their spokesman.

Mr. BOOTHMAN. Then why did the gentleman sit here silent during the Fiftieth Congress and, when men on this side of the House were clamoring for recognition to consider general pension legislation favorably reported and standing on the Calendar, constitute one of those who were objecting to that consideration?

Mr. BYNUM. I never stood here objecting to the consideration of pension legislation.

Mr. BOOTHMAN. The gentleman's zeal for pension legislation seems to have come into being since the opening of the Fifty-first Congress.

Mr. BYNUM. I never stood here objecting to pension legislation; and the gentleman from Ohio can not show it.

Mr. BOOTHMAN. I can show the gentleman the day and date when he and others objected when we were asking on this side of the House that consideration should be had for pension legislation—

Mr. BYNUM. No, sir.

Mr. BOOTHMAN. And I will do so in a very few minutes.

Mr. BYNUM. I have never objected to pension legislation.

Mr. BOOTHMAN. If I find I have done the gentleman injustice, I will be honest enough to say so; but it does seem to me that this zeal for pensions on the part of the gentleman from Indiana is certainly new born.

Now, a word to my friend from Ohio, who has seen fit to criticize Commissioner Tanner's method of dealing with the board of examining surgeons in his district. Let me state a little personal experience in regard to this matter. When I came here as a member of the Fiftieth Congress there were in the district which I represent two examining boards. I was intrusted with a petition signed by over five hundred soldiers of the county of Fulton, in my district, asking that an examining board should be appointed by Commissioner Black at Wauseon; for in that county, where a large number of Union soldiers resided, many of them were obliged to travel from 40 to 75 miles to be examined. With that petition in my hand, I called on General Black personally, and asked him to give us an examining board at that place.

Mr. OUTHWAITE. I did the same with regard to a county in my district; and I met a similar repulse.

Mr. BOOTHMAN. That request was refused, and refused, as I believe, because I was a Republican representing that district, the district being normally Democratic. As soon as Commissioner Tanner came into office, I made application to him for three boards in that district, one of them at Wauseon, and in each case the application was granted; not only that, but he recommended that a Democrat be appointed with two Republicans on each of those boards, and that was done.

[Here the hammer fell.]

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. OUTHWAITE. I have an amendment which I desire to offer. The Clerk read as follows:

After the word "cases," in line 63, insert "and a new bond shall be required from all pension agents."

The CHAIRMAN. The paragraph to which that amendment relates has been passed.

Mr. OUTHWAITE. I ask unanimous consent that we go back in order to adopt this amendment. I think the gentleman in charge of the bill will see that the amendment is pertinent and valuable.

Mr. MORROW. Let the amendment be read again.

The Clerk again read the amendment.

Mr. OUTHWAITE. Mr. Chairman, I have offered this amendment because I believe it necessary to perfect the bill. Turning to line 58, we find in this bill authority given to any pension agent now in office to place an additional duty upon one of the clerks of his office—a duty of a financial character—the authority to sign official checks. The sureties on the bond heretofore given would not be liable for action taken in pursuance of this new authority; and hence I think it is necessary to require a new bond.

Mr. MORROW. I do not object to the amendment.

There being no objection, the amendment was considered and adopted.

The Clerk read as follows:

For stationery and other necessary expenses, to be approved by the Secretary of the Interior, \$25,000.

Mr. STRUBLE. Mr. Chairman, I move to amend by striking out the last word. My purpose is to reply further than has my friend from Ohio [Mr. BOOTHMAN] to the gentleman from Indiana [Mr. BYNUM], who has to-day assured the committee that he is an honest man. [Laughter.]

There is no doubt in my mind of the proposition that the gentleman is an honest man; and, for that matter, I have no doubt the gentleman is honest in whatever he proposes, whether here or elsewhere. But when he voices before this committee the attitude of the Democratic party in reference to the basis of the payment of pensions to be paid the soldiers of the country, all doubt is eliminated from the case, and I am altogether satisfied of his honesty.

What is that attitude? The Democratic party would base the payment of pensions of soldiers of the country on the liquor and tobacco tax; and, as the gentleman said, they would add to that the income tax in order to make the entire basis of these pensions as odious as possible to the people. When the gentleman talks about an income tax, however, he is simply favoring a proposition as the member of the minority party which, when in power, his party never had the candor and courage to attempt to enact into law, a proposition, in short, never favored by that party when in power.

If the payment of pensions depended on the tobacco, liquor, and income taxes what would be the result? It would arouse a sentiment throughout the country against the whole pension system which the Republican party has established and maintained. I, for one, will never consent while a member of this House to a proposition of this kind. On the contrary I would say that after the payment of the legitimate annual expenses of the Government the payment of pensions should be made with the most sacred money coming into the Treasury from whatever source of revenue, whether from the sale of public lands or customs duties or any other source, and that nothing is too sacred in the way of revenue out of which this country should pay its most binding and exalted obligations to the men who defended and preserved its life.

We should not lower the standard of pensions to tobacco, liquor, and income taxes as has been suggested by the gentleman from Indiana. I have no objection to this class of taxation, and if it is necessary to again resort to an income tax, well and good, but I do for one object with all the emphasis I possess to the Democratic theory of making the payment of these high obligations of Government depend on collections of money from the amount of tobacco chewed and smoked, and the quantity of whisky consumed by the American people. I do object most strenuously to a policy that will tend to dishonor our pension system by yoking it with filth, debauchery, and crime.

I do object to such an association of payment of pensions with disgusting practices among certain of our people as would, in the not remote future, lead to a sentiment among a new and early generation of absolute disgust with the pension system because its maintenance may depend on the taxation of such articles. I do not wish the time ever to come when any man, woman, or child in the American Republic can point the finger at the unfortunate and filthy habits of any of our people and say, "But for such as these your soldiers, their widows and orphans, would go to the poor-house or suffer want." Think of such a thing for a moment!

The noblest services of patriotism, the purest offerings of love and devotion to country, the loss of health, of limb, and of life, to be rewarded primarily and necessarily by proceeds of money from a tax on articles most disgusting to every pure mother, wife, and sister, as well as every man in the land who has not allowed himself to yield to the unfortunate vices of tobacco eating and smoking and that greater and damning evil, the use of intoxicating liquors. And yet this is the Democratic proposition, not alone of heated debate here, but of solemn party declaration made deliberately to the country.

Mr. Chairman, I hope this monstrous attempt, although it is not a new one, to degrade our noblest offerings of gratitude and justice may be fully appreciated by the soldiers of the land, as I believe it will be, and that our soldier voters will not fail to remember that a restoration of the Democratic party to complete power, legislative and executive, would mean the exact disgrace I have foreshadowed.

[Here the hammer fell.]

Mr. ALLEN, of Mississippi. I regret, Mr. Chairman, that the gentleman from Iowa [Mr. STRUBLE] should be of the opinion that the income tax is odious. It may be odious to the gentleman from Iowa [Mr. STRUBLE], but it is not odious to others. It is not odious to me. These pensions are to be paid. My friend from Indiana [Mr. CHEADLE] told us to-day of the enormous interest paid on the public debt since the war, a debt incurred when the soldiers were out fighting. I say, sir, it is time the incomes of those gentlemen who reaped such fortunes in speculation should be used to repay some of the expenses of the war. [Applause.]

The gentleman may say that the income tax is odious. I know it is odious to you and your party. But I say in behalf of those agriculturists whom I stand here to talk for to-day it is not odious to them. They think it is time the wealth of the country was bearing some part of the burden of taxation. [Applause.]

I warn gentlemen on this floor that the people will not pay tribute to the rich always without exacting something in return. I commend to you the great speech of Senator VOORHEES made in the Senate a day or two ago in the interest of the farmer. I may print it, or a part of it, in my remarks [laughter and applause], for he said it almost as well as I could myself. [Laughter.]

No, Mr. Chairman, I do not know but what the whisky and tobacco and income taxes should bear some part of the burdens of this Government and let some relief be afforded to the agricultural and laboring people of the country who are bearing the most of them now.

Gentlemen rise here and denounce the tax on incomes as odious. I am sorry it is odious, but it ought not to be. It is not odious to me; I do not mind it. [Laughter.] It is not odious to the people clamoring for some relief from the burdens imposed upon them. I, for one, sir, would be willing to see the expenditures of this Government drawn from the incomes. The trouble with gentlemen and the trouble with the party they represent is that they represent the incomes and they do not represent the honest toilers of the country. [Applause.]

[Here the hammer fell.]

Mr. BELDEN. Mr. Chairman, the history of this gray old earth of ours is full of epochs, and of these none has been of more startling import or has impressed itself upon the history of the human race and of its civilization more deeply, or with results which will continue with ever-widening circles down the ages yet to come, than that memorable spring morning, April 12, 1861, when the first shot fired by the besieging host of rebels upon the beleaguered Union garrison at Fort Sumter aroused the loyal North and East and West to arms. The echoes of that gun had scarcely died away before the loyal States became transformed, as if by magic, into one vast recruiting ground.

Since the days of 1812 the sentiment of loyalty, although still present in every breast, was, in a measure, slumbering; but as the reverberating thunder from the Stevens rebel battery in Charleston Harbor rolled sullenly away it called to life a living flame of patriotism like the flaming tongues that descended upon the disciples in the olden time. Every city, town, and village, nay, every hamlet and group of houses by the wayside, became a center of intense excitement, a recruiting ground whence issued the hardy son of toil who dropped the handles of the plow, the artisan who left his tools and trade, the clerk who swung outward the counting-house door, never again to re-enter it; and all these, cheered upon their Southern journey toward the dread unknown of pangs and wounds and death by tears and blessings, by garlands and kisses and hand-shakings, went forth by tens and hundreds of thousands, to return no more forever.

As the weary months and years rolled on fathers, mothers, sisters, the principals of schools and colleges, constituted themselves as earnest but unpaid recruiting officers to fill the depleted rosters of the regiments at the front; nay, the very pastors, neglecting for the nonce the spiritual necessities of their flocks, enrolled themselves as members of the church militant, and, making a rostrum of the pulpit, opened wide the church doors for soldiers of their own recruitment, who in darker hours were carried through those doors again to fill the sick bed or the burial vault beneath the sacred roof.

But the footsteps of the trampling hosts who went forth eager for the fray had more substantial cheer than the speech, the blessing, or the farewell kiss of fond, approving kindred, for the farmer was promised, with all the sad solemnity of that awful time, the place once more behind the plow, to the artisan his anvil or his loom, to the clerk his ledger or his counter. To every one of these it was told that they should lose nothing by reason of their patriotism; their places should be kept sacred and inviolable, subject to their occupancy on their return home. Nay; for these young men, who went forth to save our country as true patriots, there was a far grander, and, in fact, an all-powerful sponsor.

For them the great Government which they sought to save stood forward promising many wonderful things in their behalf. Nor was this all; for the separate States which formed integral parts of the loyal portion of this great Union each severally for itself stood committed and pledged, not only by the general law, but in its own behoof, to cherish, care for, and reward its sons who left its boundaries in the sacred cause of truth and right.

In September, 1861, the great war governor of Pennsylvania in addressing the celebrated Pennsylvania Reserve Corps used the following language, which was in substance echoed throughout the loyal States:

All our material wealth and the life of every man in Pennsylvania stand pledged to vindicate the right, to sustain the Government, and to restore the ascendancy of law and order. Should the wrong prevail, should treason and rebellion succeed, we have no government. Progress is stopped, civilization stands still, and christianity in the world, for the time, must cease—cease forever. Liberty, civilization, and christianity hang upon the result of this great contest. God is for the truth and right. Stand by your colors, my friends, and the right will prevail. Thousands of your fellow-citizens at home look to you to vindicate the honor of your great State. If you fail, hearts and homes will be made desolate. If you succeed, on your return you will be hailed as heroes who have gone forth to battle for the right.

As the war progressed and its cruel maw seemed still to demand a larger number of victims, the population of the loyal States began to stagger under the stupendous burden, and the filling up of the depleted regiments in the front and the constant formation of new ones began to drain the human resources of the time, but still the patriotism of the American freeman rose equal to the occasion. As the women of despairing Carthage in the olden time brought their gold, silver, and jewels to fill the empty treasury—nay, even cut off their flowing tresses

to make bow-strings for the legionaries—so the General Government, the State, the county, and the towns contributed without stint and gave many pledges for the future.

It seems to me that it would be well at this time to recall some of the sufferings we propose to recompense by this bill and the nature of the services rendered and the terrible character of the sufferings undergone by the patriots who thus went forth to save from destruction the Government, nay, the very homes which they left.

In a letter published in the New York Tribune, and written by an accomplished and eminent physician of the West, whose opportunities for observation in this country and Europe entitle him to speak with authority, occurs the following concerning the military hospitals of Missouri in January, 1862:

Eighteen thousand men in camp at Otterville and 300 sick scattered in thirteen small, miserable hovels. They were in a most pitiable condition. Everything wanting—food, raiment, beds, medicines.

It would be impossible to describe the wretchedness of that place and of our poor soldiers. The mail train took us to Syracuse; eight houses, among them two hotels, filled with sick. I thought Otterville exhibited an unrivaled picture of misery, but it was greatly surpassed by Syracuse. The houses, the beds, the patients, filthy in the extreme, the stench in the rooms absolutely intolerable. No pig-sty I ever saw looked more disorderly and filthy. No healthy nurse visible, but the hardy convalescent—with difficulty ambulating—invaluable is the only nurse, unacquainted with his duty and wholly unable to perform it when he learns it.

It sickens me as I recall it to my recollection; it will nauseate you as you read this. Is it necessary that our soldiers should suffer thus? A large number of those I saw are men well-to-do in this world, men of means and position, but in camp and in these hospitals merged and lost in a mire of filth.

Another letter in the same paper states that—

One of the medical officers of the Port Royal expedition urged the necessity of suitable hospital accommodations, at least the legal amount of hospital tent room, and was replied to that hospital tents were scarce and must be given out farther north; that in the warm climate of South Carolina hospital accommodations would not be needed.

The letter further stated that "the thermometer at that time would rise to 85° in the day-time and ice would form at night." The editor in commenting on this condition of our sick soldiers said:

Is the nation willing that its volunteer soldiers, its elect, who came forward in this hour of national peril to give their lives for the life of the country, should perish at Hilton Head for want of such shelter from the weather as humanity would give a sick dog; and should be rotting in Missouri hospitals like the jail-birds of Newgate before Howard came to their rescue? Any civil hospital or almshouse or county jail thus murderously mismanaged would be indicted as a nuisance and the managers punished as criminals.

But there is a sterner and darker side to the picture than even the foregoing. In an interesting and graphic volume entitled *Battle-Field and Prison Pen*, the author of which wrote from his own experience, occurs the following:

Comparatively little is known of the terrible sufferings of the inmates of these Southern hell-holes, the Southern prisons; and with all you may glean from those who endured their horrors and relate their sufferings, yet will it be far short of the whole truth, for no human tongue or pen can describe the agony, wretchedness, and misery the poor soldier endured who fell into the hands of the rebels. In Andersonville alone 13,269 Union prisoners, who were in the prime of life, strong, robust, and healthy, perished. In all the Southern prisons, as nearly as could be ascertained, about 63,000 men fell victims to rebel brutality.

Nor must it be forgotten that a far larger number of those imprisoned escaped death only to linger, for the rest of their lives, the miserable victims of loathsome and horrible maladies begotten of their cruel and barbarous treatment in these same Southern prison pens. Of the vast "grand army" of patriots who went forth conquering and to conquer, quite a large percentage sleep "the sleep that knows no breaking" upon Southern battle-fields or in unknown graves, while a larger percentage returned home maimed for life or disabled by wounds or disease. As a fact but very few, if any, who survived returned home in perfect health.

Does it appear to the dispassionate mind that we have wholly kept our promises to these heroes who for their part most nobly fulfilled their pledge to save the Union? Let us see. Upon their return to their homes in city, town, and village, the ablest oratorical talent was employed to welcome them. They were received as heroes, with bands of music and processions. The streets were decorated for the occasion and the civic dignitaries wined, dined, and feted them. They were conveyed in carriages drawn by white horses from the railroad depot to the banquet hall through streets filled with men, women, and children who had come forth to welcome the veterans who had saved their country, their homes, their firesides. We then realized most thoroughly that these self-same patriots had saved the nation for us. But I wonder, as the years grow on, whether our gratitude is still as great and heartfelt, whether the knowledge of their services is still as much before us, or if perchance the lapse of years has left us measurably lukewarm.

The first general pension law which fixed the ratings for disabled survivors of the late war was adopted in 1862 at a time when the Treasury was depleted and when no man was able to tell what would be required of it before peace should once more reign within our borders. The measure in question was necessarily a somewhat meager one, but even at that period a feeling was abroad in the national Legislature that we should still more thoroughly redeem the pledges which we had already made to our gallant soldiers. On the occasion of the discussion of the

measure referred to a prominent Representative who is now a member of this House said:

I want to see the men who have left their homes to fight the battles of their country, whether they be citizen soldiers in the ranks or generals or colonels or majors or captains, placed on the same common level. The discrimination is bad enough in time of war as the result of necessity, but it is intolerable when applied to the bounty of the nation. And when the gentleman tells me that the country can not bear the expense of this bounty toward the brave and gallant defenders of the Union, I reply to him that had they not rallied at the call of their country in the hour of impending danger, and met the deadly perils of war, you would have had no country to-day.

You talk about not being able to remunerate your people for their toils and sufferings and provide for their widows and children. Sir, but for them, I repeat, you would have no country, no Capitol standing here to-day to gladden the hearts of the nation, no ships now moored in your magnificent river; there would be no President of the United States to gladden his eye with the fall of the rebel flag at Norfolk; there would be no great people rejoicing this day at the tidings of victories by which the rebellion is being crushed and rebellion falling before the flag of the Republic, with the just hope that that flag shall soon wave from one extremity of the land to the other. It is to those brave soldiers alone—to our citizen soldiers—that we are indebted for all this.

From time to time this act has been supplemented by additional legislation which has mostly been in the direction of increased and specific ratings for specific conditions. Still, however, the soldier is largely left dependent upon the sweet will and pleasure of the Commissioner of Pensions, who administers the law subject only to the review of his superior officer, the Secretary of the Interior. In fact, the whole system pursued by the Pension Office seems to be one which prevents and hinders the soldier from availing himself of the benefits conferred by the pension laws. It seems as though every obstacle is thrown in his way; he is required, in order to obtain a status in the office, to establish, not only his own honesty and truthfulness, but that also of his witness; he is treated *per se* as a fraud and his agent as *particeps criminis* with him in the perpetration of a fraud.

Over one hundred thousand certificates of disability, the facts in which should, as a mere act of common honesty, be conveyed to the soldiers immediately interested, are carefully guarded in the secret archives of the Pension Bureau. Unlike our English cousins across the water, who advertise for such claimants as have not come forward, we forbid the giving of information which may lead to the filing or prosecution of a claim.

Indeed, I understand that in the Pension Office that common practice prevails which is so aptly illustrated by the old adage that "Whenever the king takes snuff the court sneezes," for if the Secretary makes a decision or the Commissioner a ruling unfavorable to a claimant the whole medical branch, which has charge of the important question of fixing the rates, immediately proceeds to reject or reduce everything that comes along until a decision or ruling in favor of a claimant sets them off just as irrationally in the opposite direction of generous ratings; while, unfortunately for our gallant soldiers, the former condition of affairs most frequently prevails.

While the late Commissioner Tanner's administration of the Pension Bureau may possibly have erred in degree, it was at least in the line of the promises made to the soldiers from 1861 to 1865. As a matter of fact, the widows, orphans, and dependent relatives of the soldier have fared no better than himself. As regards the future of the pension system, it may be broadly and succinctly stated that at no time since April, 1861, should its chances for improvement or for the fullest redemption of all pledges given be better than at present.

When the question of the payment of arrearages was under discussion in 1879 the claim was made here and throughout the country that the measure would bankrupt the United States Treasury. As a matter of fact, the payment of the arrears proved to be a powerful factor in the commercial prosperity of the year 1880 and several successive years. These payments, indeed, averted a threatened financial panic. The money so paid, instead of going abroad, was spent within our own borders; and, widely distributed, after bestowing relief and blessings upon countless thousands, found its way back into the national Treasury, which to-day is gorged to repletion.

The long and wavering line of these maimed and scarred veterans, who wore the blue that we might continue to be a nation, is narrowing fast.

Never has a kind and bounteous Providence so benignly smiled upon any people as He has done upon our own during the past few years. With granaries well filled and with an overflowing Treasury there can surely be no time more suitable, no act more graceful, no policy more wise than to keep to the spirit as well as to the letter those promises which we made to the saviors of the nation whose pay and bounties we gave them in sorely depreciated currency, while the bondholder was allowed to purchase, at a heavy discount, in the same depreciated currency, those national obligations which we subsequently paid, paid both principal and interest, in minted gold.

As for myself I am in favor of redeeming the letter and spirit of our promises, cost what it may.

Mr. MORROW. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. BURROWS reported that the Committee of the Whole House

on the state of the Union had had under consideration the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

The amendments of the Committee of the Whole were 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. MORROW 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.

QUESTION OF PRIVILEGE.

Mr. WISE. I rise to a question of privilege. On yesterday I offered two petitions or memorials of my constituents with my name and reference to the Committee on Claims indorsed on their back. They were handed by myself to the clerk now in front of the Chair. There is no mention of it in the RECORD. I wish to say in addition that after the most diligent search to-day I have been unable to find them. I wish to have them appear in the RECORD. They were offered by me in accordance with the rules of the House.

The petitions, I will say, Mr. Speaker, are from Messrs. A. S. Lee and Yale & Co., of Richmond, Va., and relate to the renting of quarters from these gentlemen subsequent to the war by the Army of the United States.

The SPEAKER. The Chair is informed that the petitions to which the gentleman refers were placed in the petition-box.

Mr. WISE. They were, sir, placed in the box by the gentleman who stands immediately to the left of the Chair. I have no censure whatever to pass upon him or complaint. I saw him put them in the box, where they belong, myself. I only desired to call attention to the fact, so that they may be traced.

ORDER OF BUSINESS.

Mr. SPINOLA. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the unfinished business coming over from the last private-bill day, this day being set apart under the rules for the consideration of business on the Private Calendar. The Clerk will report the first bill reported from the Committee of the Whole.

ALBERT H. EMERY.

The bill (H. R. 3533) for the relief of Albert H. Emery, reported from the Committee of the Whole with an amendment, to strike out "\$200,000" and insert "\$50,000," was considered, the amendment concurred in, and 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.

GENERAL JOHN C. FRÉMONT.

The next business reported from the Committee of the Whole was the bill (H. R. 2949) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRITISH BARK CHANCE.

The next business reported from the Committee of the Whole was the bill (S. 1296) for the relief of the owners, officers, and crew of the British bark Chance.

The bill was ordered to a third reading; and being read the third time, was passed.

DENISON AND WASHITA VALLEY RAILROAD COMPANY.

The SPEAKER. If there be no objection, the Chair will also lay before the House the Senate amendments to the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes."

The amendments of the Senate were read at length.

Mr. PERKINS. I move that the House non-concur in the Senate amendments and ask for a conference on the disagreeing votes thereon.

The motion was agreed to.

TENTS FOR OVERFLOWED DISTRICT, MISSISSIPPI RIVER.

Mr. ROBERTSON. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the following bill (H. R. 8458) authorizing the purchase of tents by the Secretary of War, and for other purposes, and ask unanimous consent for its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to purchase twenty-five hundred tents, or so many thereof as may be necessary, for the use of the people driven from their homes in the States of Arkansas, Mississippi, and Louisiana by the present floods prevailing in said States.

Sec. 2. That said tents shall be loaned to the authorities of said States for the purposes aforesaid, at the discretion of the Secretary of War.

Sec. 3. That \$25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appro-

printed, to pay for the said tents herein authorized to be purchased; and this appropriation shall be available upon the passage of this act.

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

There was no objection.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. CANNON. Mr. Speaker, I think some explanation ought to be made about this bill.

Mr. BOATNER. Mr. Speaker, I will state for the information of the gentleman from Illinois and for the House that this bill has been introduced at the urgent request of and on consultation with a large number of planters and persons affected by the present floods of the Mississippi River at or near Vicksburg, Miss.

This bill has been submitted to the Secretary of War and is approved by him. On application to him several days ago for the loan of certain tents to protect the people who had been driven from their homes in that region by the floods, he informed us that they could not be furnished because there were not enough tents in the War Department or any tents whatever at their disposal; and therefore it would be necessary, before the tents could be furnished by the Department, for Congress to pass an appropriation bill authorizing their purchase.

The people to be protected are poor colored people generally, who have recently gone into that portion of the country from North Carolina and the other Atlantic States. They have been driven from their humble homes—the homes they have occupied—by the high waters, and large numbers of them are at present in the open air, with neither protection nor shelter. It is impossible to find house room for the large number of people who have thus been driven from their homes by the high water, and as a measure of humanity I hope there will be no objection to the passage of this bill. It is in the interest of very poor people who are unable to provide for themselves.

Mr. CUTCHEON. I would like to ask the gentleman from Louisiana what information has he—I mean what official information—as to the number of persons who are thus destitute?

Mr. BOATNER. I have no official information, except a dispatch received from the sheriff of Madison Parish on the day before yesterday, who stated that at that time five hundred of these people were needing protection.

The bill has been drawn for a much larger number of tents than is required to provide for this particular case, because we anticipated that there might be needs of the same kind at other points on the Mississippi, in the State of Arkansas, and at other places. It was not expected, however, that the Secretary of War would purchase more tents with the appropriation proposed than would be actually necessary to meet the difficulties of the present situation, but that he should have enough funds to meet any demand that might be made upon him to supply these homeless people.

Mr. CANNON. If the gentleman will allow me, I would like to ask him if there is a report from the Committee on Military Affairs accompanying this bill?

Mr. BOATNER. Yes, sir.

Mr. CANNON. The gentleman says that the Secretary of War recommends the enactment of this legislation?

Mr. BOATNER. Yes, sir.

Mr. CANNON. Does he make that recommendation in a communication?

Mr. BOATNER. Yes, sir.

Mr. ROBERTSON. Yes, it is here.

Mr. CANNON. I think the House should be placed in possession of all the facts.

Mr. BOATNER. I will send it to the Clerk's desk and have it read. The Clerk read as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 20, 1890.

SIR: I have the honor to state that should the inclosed bill become a law it is believed that in ten days or two weeks' time the number of tents named therein, or tents of equal accommodating power, can be purchased for delivery where needed.

These tents, when no longer required, if preserved and returned to the Department, would be useful in similar future emergencies. Not having any tents on hand available in the Quartermaster's Department, the appropriation is recommended.

Very respectfully,

S. B. HOLABIRD,

Quartermaster-General, United States Army.

The Hon. SECRETARY OF WAR,
Washington, D. C.

WAR DEPARTMENT, Washington City, March 20, 1890.

SIR: At the request of Hon. Mr. BOATNER, I transmit herewith a draught of a bill "authorizing the purchase of tents for certain purposes and making appropriations therefor," left with me by him, and inclose a report of the Quartermaster-General of this date upon the subject. I concur in his recommendation.

Very respectfully,

REDFIELD PROCTOR, Secretary of War.

Hon. THOMAS B. REED,
Speaker of the House of Representatives.

Mr. BOATNER. I will state for the information of the House that it is not intended that these tents should be donated or given to the

authorities of these States or to these people, but only a temporary loan, only for this emergency.

Mr. CUTCHEON. I would like to say that I was not present when this bill was considered, and from the reading of it I do not understand whether any bond or other requirement is to be given for the return of the tents.

Mr. MORGAN. The colored people could not give bond.

Mr. CANNON. I will state to my friend that I do not object to the consideration of the bill, nor do I want to object to its passage, provided the House be in possession of information that this flood or misfortune is so great in the localities mentioned that it is not practicable for the local authorities of the township, county, or State to afford the necessary relief; in other words, that the misfortune of the flood is so great that unless the General Government intervenes there is to be suffering among the people there.

If that is the case, following the precedents, not so frequent, maybe, in late years as in former years, but following the precedents, and from a standpoint of humanity, I think that it might be, and indeed would be, in such a case proper that the relief be afforded.

Mr. BOATNER. I will state, in reply to the remarks of the gentleman and for the information of the House and the gentleman, that during the last four or five years a very large area of country has been opened up to cultivation in the back portion of the river parishes—those portions of Madison and East Carroll which ever since the war have been abandoned as being so subject to overflow as to be unfit for cultivation until the construction of levees of the Mississippi.

Within the last few years a large number of plantations have been opened and the people there employed are where the country is overflowed and the water up to the eaves of the houses. Of course the people who have been living in those houses had to get out. They have had to come out to the front plantations.

There is an immense mass of people crowded on the front plantations. The planters have no house room for them and the authorities have been strained to the last point in protecting the overflowed country.

Mr. CANNON. Does the gentleman also state that the States of Arkansas, Mississippi, and Louisiana are, under existing conditions, unable to relieve that distress? If they are, it ought to be relieved.

Mr. BOATNER. I am satisfied, Mr. Speaker, so far as the State of Louisiana is concerned, they can not be relieved by the State authorities, because the governor of the State has sent telegrams here asking for this legislation. I have telegrams from the local authorities asking us to obtain this relief, and a telegram from the planters that they are willing and able to feed these people, but that it is impossible for them to shelter them.

Mr. CUTCHEON. What is the probable duration of the overflow, judging from past experience?

Mr. BOATNER. Probably from one month to six weeks; but anywhere from one to two months.

Mr. CUTCHEON. I suppose it would be at least two weeks or fifteen days before the tents could get down there.

Mr. BOATNER. We think they should get down there in ten days.

Mr. COLEMAN. I hope that this bill will pass. I hold in my hand a telegram from my people, which reads as follows:

CONVENT, LA., March 21, 1890.

H. D. COLEMAN, Representative, Washington, D. C.:
Crevasse in our parish 500 feet wide. People in distress. Could you not get a part of the \$100,000 appropriation for us? Act at once.

F. WAGNESPACK,
President Police Jury, St. James Parish, Louisiana.

Now, gentlemen, you do not know what that means until you see part of the Mississippi River rolling through a gap 500 feet wide and about 8 feet deep.

A letter from J. L. Gaudet, dated Convent Post-Office, March 18, contains the following information:

This community has lately been visited by a terrible calamity, which you have no doubt seen by the New Orleans papers. The Nita crevasse, which occurred on the property of Mr. Amant Bourgeois, has already spread ruin and desolation throughout a large portion of this parish, the people of which will soon be in great distress. The water has already invaded the Grand Point, a settlement of Perique-tobacco growers, situated in the interior about 4 miles from the river, and the inhabitants have to abandon house and home to seek a place of safety from the floods. The first, second, and third wards of this parish and portions of Ascension and St. John the Baptist will also suffer.

Now, Mr. Speaker, when people are living on the roofs of their houses they have not much time to stand upon the order of how they are to get protection from the elements. This bill provides for \$25,000 to be paid for tents if they are called for by the authorities of the States. If they are not needed they will not call for them; and as my colleague has stated, it is simply to be a loan, and not a donation. They will be loaned on such conditions as will secure their return. I hope the bill will pass and pass quickly.

Mr. ROGERS. Mr. Speaker, very briefly I wish to say that so far as Arkansas is concerned I am not a representative of that portion of the State which is subject to overflow, and I am not therefore in a position to give any advice with reference to this matter. But I do know that during the past six or eight months it is represented that 8,000 colored people have gone into the eastern portion of the State, along the Mississippi River front, from the two Carolinas, Georgia, and perhaps other States.

I know also from representations in the public press that many of these people were induced to go there perhaps on misrepresentations, and when they reached their destination they were without bread, without food, without shelter, and without clothes. What condition they are in in case of an overflow no one can estimate or form any idea of unless we get some explanation from that quarter. The gentleman who represents the great Mississippi River front is the gentleman recently seated by the House in the place from which we think the gentleman from Arkansas [Mr. Cate] was improperly removed. What information he may have I do not know; but it seems to me that if there is any distress there he ought to know it, as he is recently from the State and perhaps in possession of information on that subject.

Mr. BOATNER. I will state for the information of the gentleman, Arkansas was included only in anticipation that demands might be made from there and in order to obviate the necessity of another bill. 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. COLEMAN 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.

REPORT OF COAST AND GEODETIC SURVEY.

Mr. RUSSELL, from the Committee on Printing, reported back the following resolution with the recommendation that it be adopted:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,000 extra copies of the report of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1889, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the United States Coast and Geodetic Survey.

The resolution was adopted.

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

The latter motion was agreed to.

WYOMING.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to have printed and referred to the Committee of the Whole House on the state of the Union, together with the report heretofore made on that subject by the Committee on Territories, the views of the minority of the committee with reference to the admission of Wyoming into the Union. I will state that at the time the report of the committee was made I did not know it was to be submitted and had no opportunity to present the views of the minority.

The SPEAKER. Has the gentleman permission from the committee?

Mr. SPRINGER. Yes, sir; it was stated in the committee that the views of the minority would be submitted.

There was no objection, and it was so ordered.

ADMINISTRATION OF THE PENSION OFFICE.

Mr. MORRILL. Mr. Speaker, the Committee on Invalid Pensions instruct me to report back the resolution which I send to the desk (Miscellaneous Document No. 51) and to recommend the adoption of the accompanying substitute.

The resolution and substitute as reported from the committee were read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the House of Representatives the evidence taken and the report submitted to him by the committee which he appointed to investigate the management of the Pension Office under the late Commissioner Tanner. That he also be requested to inform the House of Representatives what steps, if any, have been taken to recover the money paid to persons who were illegally and improperly rerated; that he also be requested to furnish a list of the names of the employees of the Pension Office who were engaged in rerating themselves and each other, and to inform the House of Representatives who of those on said list are still in the Government employ, and who have been discharged, if any, on account of their participation in such frauds on the Government.

The committee report the following as a substitute:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish to the House of Representatives the evidence taken and the report submitted by him to the committee which he appointed to investigate the management of the Pension Office under the late Commissioner Tanner; and that he also be requested to inform the House what cases have been rerated in the Pension Office during the past two years, and what, if any, have been illegally or improperly so rerated; and, if any cases have been rerated illegally, whether action has been taken to recover the money wrongfully paid; that he also be requested to inform the House of Representatives whether any employees of the Pension Office were directly or indirectly engaged in rerating themselves, and, if so, to give the names of such persons, and also to inform the House who of those thus engaged are still continued in Government employ, and the reasons why, and who, if any, have been discharged on account of their participation in said rerating.

The substitute was agreed to.

The resolution as amended was adopted.

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

The latter motion was agreed to.

DENISON AND WASHITA VALLEY.

The SPEAKER announced the appointment of Mr. PERKINS, Mr. McCORD, and Mr. HARE as conferees on the part of the House upon the bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1889.

BRIDGE OVER BAYOU BERNARD, MISSISSIPPI.

Mr. STOCKDALE. Mr. Speaker, I ask unanimous consent for the consideration of the joint resolution which I send to the Clerk's desk, being the joint resolution (H. Res. 105) "to continue in force an act authorizing the construction of a bridge over Bayou Bernard, in the State of Mississippi."

The joint resolution was read, as follows:

Resolved, etc., That the act entitled "An act to authorize the construction of a bridge over Bayou Bernard, in the State of Mississippi," approved February 23, 1887, be, and the same is hereby, revived and continued in force and effect; and that the time for the completion of the bridge therein provided for be extended three years from February 23, 1890, and that said act be so revived and extended with all its provisions in full force the same as though the time in the original bill for the completion of said bridge had been six years instead of three years.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was 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. STOCKDALE 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.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. HENDERSON, of North Carolina, indefinitely, from and after the 22d instant, on account of sickness in his family.

To Mr. COWLES, for ten days from and after Saturday the 22d, on account of important business.

To Mr. BROSIUS, indefinitely, on account of important business.

To Mr. CANDLER, of Georgia, for ten days, on account of important business.

ORDER OF BUSINESS.

The hour of 5 o'clock having arrived, the House, under the rule, took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session, and was called to order by Mr. MORROW, as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, Washington, March 21, 1890.

Mr. MORROW, of California, is hereby appointed Speaker *pro tempore* for this evening.

T. B. REED, Speaker.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special order for Friday evening.

Mr. STONE, of Missouri. I rise to a parliamentary inquiry. There were two bills reported from the Committee of the Whole last Friday evening and pending at the adjournment. I wish to ask whether those bills ought not to be disposed of now.

The SPEAKER *pro tempore*. They can be disposed of now or after the Committee of the Whole rises this evening.

Mr. STONE, of Missouri. It is immaterial to me.

The question being taken on the motion of Mr. MORRILL, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. ALLEN, of Michigan, in the chair.

EDWARD HAYNES.

The first business on the Private Calendar was the bill (H. R. 4694) for the relief of Edward Haynes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Haynes, late a private of Company K, One hundred and forty-first Regiment New York Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4694) granting a pension to Edward Haynes, submit the following report:

This claim was rejected by the Department on the ground that there was no record in the War Department showing origin of rheumatism or resulting disability from measles and exposure, and from claimant's inability to furnish such evidence.

The records of the War Department show that claimant enlisted August 22, 1862, and served until June, 1865, showing a service of two years nine months and seventeen days as a member of Company K, One hundred and forty-first New York Infantry, and that while on duty with his regiment near Kingston, Ga., contracted measles and rheumatism, and on account of exposure in field and camp hospitals, from which he has never recovered. The records also show that he was sent to hospital at Chattanooga; from there to Nashville, Tenn., and later to Jeffersonville, Ind.

The evidence of several witnesses shows that he was a sound man when he enlisted. It is also shown that claimant participated in several battles. Also that he was present and treated in the hospitals above noted for measles and rheumatism, and that he was returned to his regiment August 30, 1864.

It is also shown that he was first made sick with the measles while on picket duty, and was carried in the morning from said picket line sick and thoroughly wet by a heavy rain that had fallen during the night, and was moved to Chattanooga while so sick in a common box-car.

The claimant makes the following statement: After release from hospital started for the front to join regiment at Chattanooga; was placed on detached duty at Chattanooga; later was sent with other troops to Nashville, where he was engaged in the battle with Hood and in the pursuit of his defeated army, where many streams had to be forded and where all the forces were very much exposed, and again he was troubled with rheumatism. It seems that much of this sickness was while he was absent from his company and with strangers, who could not be found after his discharge. Claim was filed for pension in 1883, not until he was so completely disabled that he could no longer earn a living for himself and wife, and since that time he has been in an almost dependent position, and is now utterly destitute and an object of charity.

There is plenty of evidence to show him a good and faithful soldier; to show that he was in several hospitals for treatment and that he has been treated for these troubles since 1867. The report of medical board at Grand Rapids, Mich., February 3, 1886, gives a three-fourths rating of total disability. The testimony of Dr. O. A. Jakway, of Breesport, N. Y., who treated claimant from January, 1867, to November, 1879, is conclusive and very full as to claimant's condition during that period. The only missing links in the testimony is between the periods June, 1865, and January, 1867, and between 1879 and 1883. The death of physicians and others knowing to these periods of his life seems to be the main reason for insufficient proof.

The claimant is now in a very destitute condition and totally disabled, and I therefore recommend that his name be placed on the pension-rolls, subject to the rules and regulations of the Department.

Mr. STONE, of Missouri. Mr. Chairman, I have looked over the papers in this case, and will state some facts as I have gathered them from the investigation I have made.

In 1887 C. J. Darling, a special examiner, examined this case at Howard City, Mich., where the claimant resides. He took depositions, among others that of the claimant himself. From the claimant's affidavit it appears that he was employed in what he designated as a "temperate restaurant," receiving an irregular and uncertain compensation. The testimony of the claimant shows that he is in bad health and unable to do much work. The cause of his ill health he attributes to rheumatism contracted in the service; and the question before the Department was whether that claim was well founded. I quote from the claimant's affidavit:

I claim a pension for rheumatism and its results. I make no claim for anything else. I never contracted any other disease in the Army that I know of. The results of rheumatism in my case are pain in my breast, difficulty of breathing, disease of heart, disease of the spine, disease of kidneys, and disease of stomach.

Again:

Of course I had pains; but the first I ever had what I call rheumatism was the summer when I was discharged, after I got home.

Again:

I do not think I ever had any medical treatment in the service for rheumatism.

This is the testimony of the claimant himself at an examination before an officer of the Pension Department.

In his report the special examiner says:

He (claimant) was present in person and represented by an attorney throughout my examination of the case. It is quite clear that what he terms the results of rheumatism are diseases of recent origin and in no way due to rheumatism nor to his military service.

That is what the examiner says.

Much is said in the report made by the Committee on Invalid Pensions about claimant having had measles during his service; but it is clear from evidence in the case that he entirely recovered from that disease after it had run the usual course. Special Examiner Darling, in his report, from which I have already quoted, says:

Nor can any connection between measles and his present disability be traced. To my mind the fact that he had entirely recovered from measles before resuming his duties as a soldier and undergoing the exposures incident thereto, effectually disposes of that disease.

Besides, Mr. Chairman, the claimant himself states that he does not predicate his claim upon the results of measles or any other disease than that of rheumatism itself.

The conclusion of the Department is thus expressed:

Rejected on the ground that there is no record at the War Department of rheumatism, and the inability of claimant to furnish evidence to show the origin of same in service, although afforded the facilities of a special examination.

He does not claim any disability from measles.

E. BURTWELL, Legal Reviewer.
CURTIS, Re-reviewer.

Now, Mr. Darling is not the only special examiner who has had this case in charge and reported on it. It was also specially examined by two or three others, and its rejection was recommended in each instance.

There was exposure in the Army, no doubt, but that was incident to the service of all soldiers. The point I make in this case is that there is an absence of proof to show that the disease from which the soldier is suffering was the result of his military service. He is poor and he is diseased. If we are purposing to allow him a pension for these reasons, why, let it be done, but let us not do it under the pretense that it is allowed for disability incurred while in the service of the United States.

Now, sir, I am through. I wish to say only this, that I have no dis-

position to consume the time—I have not consumed more than four or five minutes on this—but simply desire to put upon the record what I regard as some of the facts of the case, and then leave it to the committee.

Mr. CHIPMAN. Let me ask the gentleman on what grounds was the claim rejected at the Pension Office; what ground was officially set forth on the wrapper?

Mr. STONE, of Missouri. I have already stated that fully, but I can repeat it if desired.

Mr. CHIPMAN. I did not know that the gentleman was reading it. I thought he was reading the conclusion of the examiner.

Mr. STONE, of Missouri. I quote from the report:

Rejected on the ground that there is no record at the War Department of rheumatism, and the inability of claimant to furnish evidence to show the origin of the same in the service, although afforded facilities by special examinations. He does not claim any disability from measles.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with favorable recommendation.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

MARY WELCH.

The next business on the Private Calendar was the bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, at the rate of \$12 per month, the name of Mary Welch, widow of Andrew E. Welch, late of Company F, Eleventh Michigan Infantry Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll, submit the following report:

Mary Welch is the widow of Andrew J. Welch, who served as private and corporal in Company F, Eleventh Regiment Michigan Volunteers, from September 11, 1861, to September 30, 1864, and died of disease of the heart March 24, 1883. The soldier applied for pension on account of injury of head from concussion of a shell, causing impaired vision and nearly total deafness of left ear. This application was allowed after soldier's death, and pension from discharge paid to the widow. Her claim for pension has been rejected because the evidence is not deemed sufficient to connect the fatal disease with the service.

Claimant states that soldier suffered from disease of heart at time of her marriage to him in February, 1865; that he had frequent fainting spells, and as early as May, 1866, came under treatment of Dr. Ayers, now dead.

O. S. Barrett, late lieutenant of Company B, Fourth Michigan Volunteers, testifies that he saw the soldier at time of his return from the Army in 1864, and was intimately acquainted with him until his death. When he first saw the soldier he was badly broken down physically from disease of heart and impaired vision and hearing. From that time until death he was gradually failing, and much of the time under treatment of Dr. Ayers. Remembers that soldier on many occasions had to quit work on account of fainting spells.

During the last few years of his life he was almost entirely disabled by reason of the head and heart troubles. Others also testify to soldier's fainting spells from discharge to death. Dr. D. Todd, late president board of examining surgeons, Adrian, Mich., who had considerable knowledge of soldier's condition and who was the attending physician during last illness, gives it as his opinion that the concussion from shell in service may have been the exciting cause of the fatal disease.

Soldier was sound at enlistment, as it is clearly shown by the evidence on file. He served faithfully three years, during some of the most arduous campaigns of the war, and came home with a broken-down constitution, and suffered from disease of heart and an affection of the head until he died of the former.

By the certificate of the adjutant of the Woodbury Post, Grand Army of the Republic, of Adrian, Mich., it is shown that the widow is in destitute circumstances.

Your committee are of opinion that the evidence clearly establishes a connection between the soldier's death cause and his service, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRIETTA JUDD.

The next business on the Private Calendar was the bill (H. R. 4868) granting a pension to Henrietta Judd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be placed on the pension-roll of the United States the name of Henrietta Judd, foster-mother of Willard B. Judd, late adjutant Company F, Ninety-seventh New York Volunteers, at the rate prescribed by existing provisions of law.

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

The application in this claim was rejected by the Pension Bureau on the ground that she was not the mother of the soldier. The evidence shows that the soldier died from the effects of wounds on the 20th of February, 1865. He served as a lieutenant in the Ninety-seventh New York Volunteers. The mother of the soldier died May 27, 1843, and the claimant married the father June 6, 1844; she raised the boy and cared for him through childhood, and was a mother to the child. The evidence shows that the boy aided in the support of the family before the war. Letters are on file from the soldier addressed to the claimant, inclosing money for her support, these letters being written from the Army. The father died March 17, 1874. The soldier never married and the soldier left no widow.

In view of these facts, well established, the passage of the bill is recommended.

Mr. STONE, of Missouri. Mr. Chairman, I simply desire to say in reference to this case that I have not been able to examine the papers in connection with it. They are not at the Pension Office. I learned on inquiry there that they had been sent over to the Committee on Invalid Pensions and not returned. I have made inquiry and some effort to get them from that committee, but have not been able to do so.

This bill proposes to grant a pension to a stepmother. I would have been very glad if I could have had the opportunity to examine the facts as they appear on the record, but I have not been able.

Mr. LANE. This is the case of a foster-mother, I think, and there are no papers.

Mr. BELKNAP. Mr. Chairman, this bill was introduced by the gentleman from Michigan [Mr. O'DONNELL]. On yesterday the gentleman from Missouri [Mr. STONE] called at my desk and said he wanted to see the papers. I supposed at that time they had been returned to the Department, but he assured me that they had not. I told him he would then find them in the room of the Committee on Invalid Pensions this morning. I went to the secretary of the committee, who told me the papers would be there and at Mr. STONE'S disposal.

Since the report was written by Mr. O'DONNELL I called for the papers, knowing that Mr. STONE intended to look into them. I have examined them carefully myself. I find that the claimant married the soldier's father in 1844, when this soldier was four years of age, the soldier's mother having died in 1841, I believe. The soldier died in 1865, while in the service, from wounds in action.

The evidence shows that the soldier contributed to and did support his mother before his enlistment. Two letters written by the soldier in 1862 and 1863, respectively, and addressed "Dear Mother," show that he remitted to her the sums of \$10 and \$25 on these occasions. The husband died in 1874. As shown, his property did not exceed \$100 in value.

The CHAIRMAN. The Chair does not understand that there is objection to the bill.

The bill was laid aside to be reported to the House with the recommendation that it be passed.

ALLEN COONS.

The next business on the Private Calendar was the bill (H. R. 5328) granting a pension to Allen Coons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Allen Coons, late private Company F, Fifty-seventh Regiment New York Volunteer Infantry.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5328) granting a pension to Allen Coons, submit the following report: This claim was rejected by the Pension Office for the reason that claimant was unable to prove origin of disability.

According to claimant's affidavit he was run over by a wagon or ambulance on the night of July 2, 1862, on the retreat from Malvern Hill. He was captured the next day, and never saw his regiment again, being paroled and sent to hospital at Lookout, Md., and discharged March 1, 1863, for rheumatism in hip-joints and injury to back.

The records of the War Department show the fact of capture and surgeon's certificate of discharge. From the nature of the case, claimant was unable to secure evidence or origin of disability. Evidence of friends and neighbors and attending physicians is filed to show that the soldier was a strong, healthy man prior to enlistment, but unable to do full duty since discharge from the Army.

The case appears to be meritorious, and your committee recommend that the bill pass, subject to the rate prescribed for such cases.

Mr. STONE, of Missouri. Mr. Chairman, I desire to be heard briefly on this bill. I have examined the papers in this case and am satisfied this is a bill which ought not to be passed. I find this claimant has a long hospital record, unusually long. From the examination of the papers this hospital record is discovered as coming from the Surgeon-General. The claimant had been in and out of the hospital at different times running through a period of months; but that record shows that in every instance but one he was in there for a disgusting disease, which I can not name in the presence of the galleries; that one exception was diarrhea. This man has been several times examined by medical boards. On July 11, 1863, the board at Saginaw, Mich., reported:

Claimant is a healthy looking man; muscles firm and well developed. Hands show hard labor. He claims pain on pressure of sacroiliac junction, most marked on left side. There are at this point no signs of injury or disease. He stoops easily and recovers quickly. The heart, lungs, and abdominal viscera are all healthy. After careful examination, we fail to find any physical signs of injury or disease.

On October 20, 1886, the medical board at Bay City, Mich., examined the claimant and reported that the skin on his back had the appearance of having been blistered; that the muscles were sensitive to pressure, and they concluded there was some trouble with his back.

Now, here is testimony I desire to call attention to—that of a comrade of the claimant by the name of Charles Reed, whose good character is vouched for by Special Examiner Hanback, who took his deposition. I have Mr. Reed's statement—

Mr. BELKNAP. The report presented to the committee by myself was prepared by a gentleman who stated that he had not fully examined it. That case was fully examined by myself. It was made by Colonel BLISS, who is not present, and I ask now that the case may be referred back to the Committee on Invalid Pensions for further investigation. I ask unanimous consent that that order be made.

Mr. STONE, of Missouri. If the case is to go back that is all I ask for, and I have no desire to oppose it, for I should have blushed to read the affidavits before the House.

The bill was laid aside with the recommendation that it be referred back to the Committee on Invalid Pensions for further investigation.

ASHER POST.

The next business on the Private Calendar was the bill (H. R. 6350) for the relief of Asher Post.

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 the name of Asher Post, late a private in Company G, Fifteenth Regiment Ohio Infantry Volunteers, upon the pension-roll, subject to the provisions and limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6350) granting a pension to Asher Post, submit the following report:

Claimant was a member of Company G, Fifteenth Ohio Infantry, in which company he served three years, and bases claim for a pension on the ground of dislocation of knee, which has caused a disability. The facts are amply proven; there is ample evidence that such disability was incurred, but claim was rejected on the ground that claimant was injured while on furlough, and therefore not in line of duty.

The evidence on file in this claim shows that the claimant's regiment, the Fifteenth Ohio Infantry, when near the end of their first three years' service, re-enlisted and received a veteran's furlough; claimant did not re-enlist, but in view of his long service was given a furlough, and went home to his State with his regiment. While on his way to the railway station, returning to the front from his home, his horse became frightened and ran away, he was thrown from the carriage, and his knee dislocated, an injury from which he has never recovered.

Your committee are of the opinion that claimant was in line of duty while returning to his regiment for duty, that he was acting under orders of the proper authorities, and therefore recommend the claimant be placed on the pension-rolls, subject to the provisions and limitations of the law.

Mr. STONE, of Missouri. Mr. Chairman, I feel that inasmuch as I have opposed some of these bills I ought to say in justification of what I have done that I have examined the papers in this case carefully, and I fully agree with the gentleman who makes this report that this man has not only a good case here, but in my judgment a case which ought to have been allowed by the Pension Office.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH MEADER.

The next business on the Private Calendar was the bill (H. R. 1871) granting a pension to Sarah Meader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Meader, widow of Gilderoy Meader, late of Company M, Fourth Regiment of Illinois Cavalry.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1871) granting a pension to Sarah Meader, widow of Gilderoy Meader, late of Company M, Fourth Regiment Illinois Cavalry, having examined and considered the same, report it back to the House with a recommendation that it do pass.

In this case there has been quite considerable testimony taken by two different examiners, and in shape of affidavits; and while the claim was rejected because it was not shown that death resulted from disabilities incurred in the Army in the line of service, it is reported by these examiners that this is the only question standing in the way of the granting of the pension. The claim is that he died in 1866, at Memphis, Tenn., from lung trouble contracted in army service, and the testimony shows that the examiners were able to find but very little testimony in regard to the actual cause of his death, and it is further shown that upon behalf of his widow very thorough examinations were made as to evidence in this regard, but, from deaths and other reasons which are fully explained, it was, and is, impossible to obtain any such testimony.

It is shown very conclusively that this soldier was a strong, healthy man up to the time of his enlistment, and that while in the Army he contracted lung troubles, and that he was in the hospital suffering therewith at Benton Barracks, St. Louis, for twenty-seven days in April, 1863, and there is also a certificate of disability for discharge dated April 27, 1863, showing that he had not been fit for service since February 10, 1863, and that he had been troubled with heart and back ailments, and that his lungs were also affected, and that this was caused by exposure at Fort Donaldson, Tenn.

It is also shown by various witnesses, and very conclusively, that when he returned from the Army after his discharge he was in a very bad physical condition, looking like a consumptive, coughing and spitting blood, and was in this condition when he went South, and was not seen again by his friends before his death, the time elapsing being some two years.

He was found by the keeper of a boarding-house at Memphis, who took him to his house, finding him sick upon the street, and where he died within a few days.

Meader himself had at the time of his death an application for pension pending, in which he alleged that he had disease of the lungs, contracted at Fort Donelson, Tennessee, in 1862, and that one lung was almost entirely destroyed, and the records of the Surgeon-General's Office show that following this he had pleuro-pneumonia at Benton Barracks, as above stated.

As before stated, the report of the special examiners shows that the only question in the case is cause of death, and when his previous robustness and good health are considered and taken in connection with the fact, which is clearly established, that he did acquire lung trouble in the Army, which was followed by pneumonia, spitting of blood, and consumptive appearance, and that it was so stated by one witness that he looked like a walking skeleton, and that he was taken in from the street by his boarding-house-keeper in such a condition that he died within a few days, would seem to justify the reasonable conclusion that his death was the direct result of this lung trouble, so contracted as aforesaid.

The committee therefore conclude that there is no evidence adduced in this case contradicting the reasonable and logical conclusion that death resulted to said soldier from lung trouble contracted in his country's service and in line of duty, and therefore recommend that this bill do pass.

Mr. STONE, of Missouri. The papers in this case are in the hands of the gentleman who reported the bill, and I have not been able to get them. I have no objection to it, but I know nothing about it.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH K. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Regiment Pennsylvania Volunteers.

Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Regiment Pennsylvania Volunteers, the pension granted to said John E. Hamilton by certificate No. 201299.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, Company D, One hundred and third Pennsylvania Volunteers, submit the following report:

The records of the War Department and evidence before your committee show that Joseph K. Hamilton, the father, was captain of Company D, One hundred and third Pennsylvania Volunteers, in which company he had two sons; that the father served until, broken down in health, he was compelled to resign; that his son, Samuel S. Hamilton, died in the service, June 1, 1862. The father took him home and buried him.

About June 23, 1862, John E. Hamilton contracted disease in the service; was discharged from Mount Pleasant Hospital a physical wreck. His father had to procure medical care and treatment for his son before he was able to travel; that he took him, after some several weeks, when he recovered somewhat, to Philadelphia for medical treatment, where he remained for a year; that he was removed to his home in Putneyville, Armstrong County, Pennsylvania, where he lingered on until August 17, 1881, when he died; that a pension was granted this son, John E. Hamilton, January 23, 1882, by certificate No. 201299, at \$6 per month from June 24, 1862, amounting to \$1,378.80, which reverted to the Government; that said John E. Hamilton never was married, leaving no widow or minor child; that the father, Joseph K. Hamilton, expended in caring for his sons in their sickness and burial over \$1,500, the greater part of his means; that he is seventy-three years old, not able to perform any manual labor, and is in very needy circumstances.

Your committee under the circumstances think it best to recommend the passage of this bill, amended by striking out the second section.

Mr. STONE, of Missouri. Mr. Chairman, I desire simply to say about this bill that there is no theory in accord with our system of pension laws upon which this bill can be passed. The father was not dependent upon the son. If it is passed at all, as I suppose it will be, it will be out of deference to the sentiment expressed in the last clause of the report, that he is seventy-three years of age, not able to perform any manual labor, and is in very needy circumstances.

Now, Mr. Chairman, if that is a good cause for granting pensions I imagine that a vast number of people in this country would be entitled to receive them. It seems to me that it is bad policy to allow pensions in special instances by special legislation or which are not covered by the general pension laws, and which do not come within the scope and purview of our pension system. It is an enlargement in a special case of the general policy which is unjust to those who do not receive the benefits of it and creates a demand from those who do not receive the benefits of it for larger legislation in this behalf.

Mr. LANE. Will the gentleman permit me to ask him a question?

Mr. STONE, of Missouri. Yes, sir.

Mr. LANE. We passed a general law on this question in the House about three weeks ago, but it has not yet gone through the Senate, that everybody in similar circumstances should be entitled to a pension.

Mr. STONE, of Missouri. That may be, but it is not the general law to-day.

Mr. LANE. But it will be in a few days.

Mr. STONE, of Missouri. If that is going to be the law in a few days there is no necessity for passing this bill if this man will come under its provisions. I am simply opposing allowing special legislation for the benefit of particular individuals no more deserving than thousands and tens of thousands of others situated in like circumstances. I am opposed to the bill.

Mr. CHIPMAN. I wish to say a word about this bill.

Mr. MORRILL. In reply to what the gentleman from Missouri has said—

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. CHIPMAN. I hardly like to sit here and vote upon these cases and have our action criticised and have the RECORD show what I believe is erroneous; for if any class of cases is meritorious it is the class to which this special case belongs. It is true that we have no general law upon the subject, but it is equally true that we ought to have a general law.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I understand that the decision in the Pension Office applicable to such cases will cover this case entirely on the question of dependency.

Mr. CHIPMAN. You are mistaken.

Mr. WILLIAMS, of Ohio. I read the decision a few days ago.

Mr. CHIPMAN. Yes; I think I am familiar with it. These cases are not novel here at all, and this is the first time during my experience in the House—and I was formerly a member of the Committee on Pensions, and therefore had my attention attracted to this class of cases—this, I say, is the first time that I have ever heard a case of this character objected to.

The case is founded upon a principle which is recognized in the law everywhere else, or at least is recognized by the statutes of most of the States, the principle that a parent has an interest in the life of his child; that the presumption is that that life is of value to him, and that the child will be a comfort and support to him in his old age and in his poverty. There can be no reason why a rule of this kind should be applied to a railroad accident, or to other accidents, as it is applied by the laws of those States with which I am familiar—there can be, I say, no reason why it should be applied in those cases and why it should not be applied by a general law to the pension system.

It is true that the parent in this case—and here is where the Pension Department makes a distinction—the parent in this case was not dependent upon the child while the child was living. If he had been so dependent for support there would have been no difficulty about allowing the claim in the Pension Office. But his poverty has fallen upon him, as his old age has fallen upon him, since the death of the child. He is now without that child to appeal to, as he reasonably might have expected to do in the course of nature, and although he does not come within the strict rule of the Pension Office of having been dependent upon the child while the child was living he is in exactly the same position practically he would have been in if the child had supported him while living and had died and left him without support.

Now, it seems to me that there ought to be no difficulty whatever about a case of this kind. The fact that such cases are not provided for in the general law appeals to us to pass every case of the kind which comes before us. Instead of being a reason why we should not pass this bill, it is a reason why we should pass it. It is true that the other day, in answer to a demand from all parts of the country and to the recognition by the common conscience of all men of the propriety of such legislation, we attempted to pass a law of this kind and the bill went to the Senate some time ago. Why it lingers there so long I do not know. What its fate will be there I do not know. It may never become a law, but it ought to become one. This House has declared that it ought to be placed on the statute-book, but it may never be so fortunate.

At any rate, it is not the law now and this man comes to us with his claim in his old age and his poverty, stripped of the natural support of his declining years and of his hours of trouble and affliction, asking us to grant him a pension. I can not for the life of me see what is the objection to it. I can not see what there is special in providing in such case for a man, nearly eighty years of age, in his poverty and childlessness, and I can see no danger to this great Republic and no danger to any proper principle, in any precedent which will be set by doing a kindly thing, and what I think is a just thing, for this poor old man who is tottering into the grave. [Applause.]

Mr. MORRILL. Mr. Chairman, I feel very unwilling to take up the time of the House, because I realize that every five minutes expended in talking is depriving some poor widow or some poor soldier of a pension; but I want to say in regard to this matter that three years ago both Houses of Congress by a large majority passed a bill providing for cases of this kind. It was the first section of what is known as the dependent pension bill. Mr. Cleveland vetoed that bill, not on account of that section, because he declared plainly his hearty approval of it, but on account of the other provisions of the bill.

For six years this House has made it a rule to grant pensions in cases of this kind. In the committee no question is ever made when these facts are shown: First, death in the Army and, second, present dependence. In all such cases the bill is passed by the committee and by the House. That has been the rule for six years.

Mr. TRACEY. If the gentleman will permit me to interrupt him, I will say that in the Fiftieth Congress I introduced a bill covering a case almost identical with this and the bill was passed and Mr. Cleveland signed it without hesitation.

Mr. MORRILL. I think that he signed ninety-seven such bills in the Fiftieth Congress.

Now, Mr. Chairman, while I have the floor I want to say a word in defense of the Committee on Invalid Pensions, as it has apparently been attacked in the remarks that have been made by the gentleman from Missouri [Mr. STONE]. As gentlemen all know, we have nearly three thousand private bills before us which have been referred to that committee since the opening of this session of Congress.

It is utterly impossible for the whole committee to examine all of those cases, so we have continued the arrangement which began in the Forty-eighth Congress, of having each member of the committee act as a subcommittee to examine cases, and all bills introduced by Members or Senators from certain States are referred to certain members of the committee for examination. The members of the committee are expected to examine the cases and make reports upon them, which are submitted to the full committee, and the full committee pass upon them without examining the papers. Of course weak cases will sometimes go through. The committee is crowded with work. Members are pressing us all the time to make reports in their particular cases, and, to aid the committee, members of the House sometimes offer them reports ready made. It is inevitable, therefore, as I have said, that some weak cases shall go through, but I am confident that the committee at this session have been as careful and as thorough in their investigations as any committee that has ever sat in this House.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I desire to say that, while my friend from Michigan [Mr. CHIPMAN] undoubtedly states the law correctly, I know from personal experience in the Pension Office that they are now construing the law quite liberally, and in fact within the last twelve months I have obtained a pension for an old man in my district under circumstances almost identical with those of the beneficiary of the bill under consideration.

In fact, Mr. Chairman, it does seem to me that when an old man has taken his boy home from the camp a physical wreck and has spent what little money he had in attempting to restore his boy's health, and that boy dies from disease incurred in the Army—it seems to me it is straining at a gnat when a gentleman attempts to criticize the Pension Committee for reporting favorably a bill under those circumstances.

I venture to say, in defense of the committee, that this bill would be approved, as has been stated by a Democratic colleague of the gentleman from Missouri, by President Cleveland, and what he would approve it seems to me the gentleman from Missouri ought not to question. I hope, Mr. Chairman, this bill will be reported favorably to the House.

Mr. LAWLER. Mr. Chairman, I do not understand that in regard to these bills the gentleman from Missouri is doing anything further than presenting the facts of the cases as they come to his notice. A week ago to-night we took up the whole evening in general discussion. I suggest to our friends here to-night that they allow the gentleman from Missouri to exercise what is the right of any gentleman in presenting opposition to the passage of these bills; but let us pass some of them. We can not do it by talking the bills to death every night. [Laughter.] Let us put through some of these bills.

Mr. WILLIAMS, of Ohio. The gentleman from Illinois is right in his suggestions; but the gentleman from Michigan [Mr. CHIPMAN] was correct in the position he took in defense of the committee.

Mr. LAWLER. The committee is all right.

Mr. STONE, of Missouri. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri has already addressed the committee once on this bill.

Mr. STONE, of Missouri. Under the rule I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri desires unanimous consent to address the committee again. The Chair hears no objection.

Mr. STONE, of Missouri. I supposed, Mr. Chairman, that I had the right to address the committee; and I propose to make an amendment, at any rate.

The CHAIRMAN. The amendment of the gentleman will be in order at the proper time; we have not yet reached that stage.

Mr. STONE, of Missouri. I am not disposed to quibble about a matter of that kind. I make no pretension to a familiarity with parliamentary law.

Mr. Chairman, the gentleman from Ohio [Mr. WILLIAMS] says that under the law as it now exists and as it is construed at the Pension Office this application would be allowed there. If that be true there is absolutely no reason for bringing it here. I supposed it was brought here either because it had been rejected by the Commissioner of Pensions or because it presented a case which was not authorized in the first instance by the general law.

The gentleman from Michigan [Mr. CHIPMAN], the gentleman from Ohio [Mr. WILLIAMS], and the gentleman from Kansas [Mr. MORRELL] have talked about this case after the fashion that is always adopted when pension legislation of a private character is before the House. They address themselves exclusively to the tender and sympathetic side of our natures. Here is a man who is old, seventy-three years of age, who is poor, whose son, it is claimed, contracted disease in the service and died from its effects; and now, years afterward, the father comes and asks to be pensioned, not because he was dependent upon that son for a living, not because the son had contributed during his lifetime to his support, but because possibly if that boy had not entered the Army he might be alive to-day and stand between his father and want.

It is upon suppositions of this kind that we are asked to pension men who are not entitled to receive these public bounties under the provisions of existing law. The laws as they stand to-day are ample. We have the most generous system of pension laws ever known to the history of the world. Yet thousands and tens of thousands of private pension bills are brought here in the course of every year. My friend from Kansas—and there is no man in this House or outside of it for whom I feel a higher regard—has stated that the committee over which he presides are so burdened with this work that they have not time to give attention to the business brought before them; that their labors, onerous and exhaustive as they are, are not sufficient to compass more than a small fraction of the vast work imposed upon them.

The cause of all this, Mr. Chairman, in my judgment, is that we are carrying this system of special legislation to an unnecessary extreme. If the general laws are insufficient, amend them, make them what they ought to be. But special legislation has become an odious thing in this House, not only as it refers to pensions, but with regard to claims of almost every character. Their number and their nature are simply indescribable. The Calendars are burdened with business of that character, and the committees as well.

As to what President Cleveland did or might do or did not do or would not do, it is neither here nor there. I take it that gentlemen on the floor of the American House of Representatives are not expected to gauge their judgments or their conduct by that of any other man living, however high or exalted.

I believe that this system is wrong. I am as open to appeals of a sympathetic character as any other gentleman on this floor, but I ask my friend from Kansas and others, when they are appealing to the House and to the country in behalf of old men and poor men, old women and poor women—such cases as I called attention to in the remarks I had the honor to make here on last Friday night, in illustrating the character of the legislation passed here night after night at these Friday evening sessions—while my friend from Kansas and others appeal to the House and the country in behalf of these old men and old women I ask them to remember that there are other poor people in this country. Out in the great State of Kansas, from which the gentleman hails, there are to-day many thousands of men, old and poor and wretched, men with mortgages piled mountain high upon their homes, men who are burning their corn for lack of a market and for want of the means with which to purchase other fuel.

I think, sir, it is time for the American Congress to take into consideration somewhat the great industrial classes of the country who bear the enormous burdens imposed upon them by our legislation.

Mr. Chairman, I have nothing more to urge touching this bill. I have no doubt it will pass. I have no doubt that every bill brought before this committee will pass. I am only astonished that the gentleman from New York withdrew one bill when the case was about to be confronted with the evidence. I have no doubt that bill would have passed notwithstanding the character of the testimony I had in my hand ready to present. You may pass any of them; nevertheless I feel it to be my duty to enter my humble protest.

Mr. TRACEY. The gentleman referred to by my friend from Missouri was not from New York, but from Michigan.

The question being taken on the amendment proposed by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARGARET STEWART.

The next business on the Private Calendar was the bill (H. R. 4134) granting a pension to Margaret Stewart.

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-roll the name of Margaret Stewart, dependent daughter of William Stewart, deceased, late a private in Company E, One hundred and nineteenth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of \$18 per month.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4134) granting a pension to Margaret Stewart, submit the following report:

The beneficiary named in the bill is the daughter of William Stewart, who died of wounds received in the battle of Rappahannock Station, November 7, 1863, while serving as private in Company E, One hundred and nineteenth Regiment Pennsylvania Volunteers. His widow drew a pension until her remarriage, and finally died November 7, 1877, since which time no pension has been paid to any one on account of the death of said soldier.

Margaret Stewart was born August 1, 1848, and has been a confirmed cripple since early childhood, having incurred paralysis of the left side of the body, rendering her left arm totally useless. At the age of six years she was placed in the Foster Home at Philadelphia, Pa., where she has been ever since, as testified by the attending physicians. The soldier, although always poor, contributed regularly to her support at said institution, and after his death his widow aided the child to the best of her ability. Since the death of her parents she has been entirely dependent upon the charity of the Home, as she is unable to earn anything by labor and has no one living who is legally bound in her support.

Congress having at all times liberally responded to the calls of the helpless and dependent children of those who lost their lives in the defense of the country, your committee, being fully impressed with the merits of the case under consideration, return the accompanying bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HELEN A. MOORE.

The next business on the Private Calendar was the bill (H. R. 5081) to pension Helen A. Moore and minor children of John S. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen A. Moore, widow of John S. Moore, formerly lieutenant of Company E, Second Regiment Michigan Volunteer Infantry, war of 1861.

Sec. 2. That the minor children of the said John S. Moore shall also be placed on the pension-roll by the Secretary of the Interior, subject to the provisions and limitations of the pension laws.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5081) granting a pension to Helen A. Moore and minor children of John S. Moore, submit the following report:

Helen A. Moore is the widow of John S. Moore, who served as corporal, second lieutenant, first lieutenant, and captain, respectively, of Company E, Second Regiment Michigan Volunteers, from May 25, 1861, to September 30, 1864. He was allowed pension for gunshot wound of left shoulder and right thigh, and died December 9, 1885. The widow's claim has been rejected by the Pension Office on the ground that in the opinion of the medical referee the soldier's fatal disease of liver and kidneys was not a result of the wounds for which he was

pensioned, nor is the same otherwise shown to have been due to his military service.

In addition to the wounds heretofore mentioned, it is shown by the records of the War Department that the soldier received a wound of breast in action at Petersburg July 30, 1864. It is claimed that this wound was the principal factor in the fatal disease. In support of this allegation the affidavits of the attending physicians have been filed, as follows:

Dr. William W. Ives testifies that he knew Moore during the last five years of his life and in conjunction with his partner, Dr. Leet, attending him professionally. When first called to render treatment an examination revealed a well marked cicatrix in the right breast, to which he referred a great part of his trouble.

There was a decidedly yellow tinge to the countenance and conjunctive, attended with depression of the circulation and high-colored urine. The history of the case showed that he had been wounded in the breast while in the military service, and that the bullet was lodged in the liver. About three months before death the kidneys became involved and the icterus became more decided. In affiant's opinion the immediate cause of death was liver and kidney disease caused by the long-continued presence and irritation of a bullet in the substance of the liver.

Dr. Leet testifies in corroboration of the above.

The several medical examinations show that soldier suffered much from neuralgia caused by his wounds.

The above-named physicians are gentlemen of the highest character and eminent in their profession.

Their opinions are of value in the consideration of this claim, in particular when it is based upon facts shown by the records of the War Department, and should govern in determining the merits of the case.

There being children of the soldier by a former marriage not in the care and custody of the widow, the same are provided for by the second section of the bill.

Your committee report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "lieutenant" in line 7 and inserting therein instead the word "captain."

Mr. STONE, of Missouri. Mr. Chairman, I have examined the papers in this case. The report of the Adjutant-General on file in the Pension Office shows that this soldier was wounded in the right leg at the battle of Bethesda Church on June 3, 1864, and that he was wounded in the left shoulder at an engagement in front of Petersburg on the 30th of July, 1864, the second wound having been received something like two months after the receipt of the first.

The report of the Surgeon-General shows that the soldier received a flesh wound in the left breast or shoulder at Petersburg, July 30, 1864. The Surgeon-General says in the report that the name of this soldier does not appear on the lists in his office of those wounded before Bethesda Church at any time between June 1 and June 10, 1864.

The original application made by the soldier in 1870 was predicated alone on the ground that he was disabled from a wound in the left shoulder. That was the basis of his application—a gunshot wound in the left shoulder. That claim was allowed in 1871, I believe, at \$15 per month. In 1877 this was reduced to \$10 per month on the usual biennial examination made before the medical board.

In January, 1885, he filed an application for an increase of pension, first, on account of the wound in the shoulder, and, second, because of an additional disability resulting from a gunshot wound in his right leg. No increase was allowed on account of the shoulder wounds. He died December 9, 1885, the same year during which he had filed this application for increase for a new disability. The claim for the wound in the leg was allowed and paid to the widow after the decease of the soldier.

When the original claim made by the soldier was pending the examining surgeons in 1871 reported:

That the soldier was disabled by a ball entering near the sternal extremity of the left clavicle—

I understand that is somewhere in front—

passing underneath the skin outwardly and through the shoulder-joint. The coracoid process of the scapula appears to have been fractured and the deltoid muscles seriously deranged. The consequences are a stiffening of the joint and a great functional derangement of the left arm.

In 1877 a similar report was made by the medical examining board. The board in that report state that the ball did not enter the thorax or cavity, but passed out at the shoulder; and on this report the pension was reduced from \$15 to \$10 per month. The medical board of Saranton, Pa., reported as follows in 1875; and perhaps my friend from Ohio, Mr. YODER, can interpret the medical terms used, if he is disposed to do so:

The ball entered near the articulation of sternum with clavicle, right side, passed to the left, and came out in front of the left shoulder joint—

And the point I wish to impress upon the House and call your attention to is the fact that the ball came out.

Fracture and loss of portion of the sternum, sloughing of soft parts, and loss of power in left arm; pain in rotating the left limb and in moving head from side to side.

In 1879 he was again examined, and the report shows that the soldier—

was wounded by a ball which entered just left of the sternum and below the clavicle, passing in a lateral direction, made its exit at the shoulder 4 inches from the point of entrance. The wound is well healed, with but trifling loss of soft parts and no tenderness. He is a large and muscular man, the muscles of the left being about as well developed as of the right arm. He claims that he has not much strength in the arm, especially to raise anything directly up, and that using the arm gives him constant pain. He had a wound of the thigh and ankle, from which he claims no disability. He is rated equal to one-half, entitling him to \$10 per month.

It seems from the last report, from which I have just quoted, that the soldier had been three times wounded, once in the shoulder, once

in the thigh, and once in the ankle. Only one wound was considered serious, that in the shoulder. There is no hospital record of the wounds in the thigh and ankle. I find a letter of the soldier on file, of date July 18, 1879, in which he says that he was wounded three times during the war, but that he claimed pension only for the wound in his shoulder. He was complaining that his pension had been reduced from \$15 to \$10 per month.

He did not state upon what part of his body the other two wounds were, but they are evidently the thigh and ankle referred to in the medical report made in 1879. He claims nothing on account of the thigh wound until 1885, and has never claimed anything on account of the ankle wound. Now, after the application for pension was made on the ground of this thigh wound, he was examined by a medical board at Saranton, Pa., on the 22d of April, 1885, and the report then made describes the shoulder wound about as in the previous reports to which I have referred. As to the thigh wound it is stated that—

The ball struck the upper third right thigh directly in front, was embedded in the muscles of the leg, and was removed from the point of entrance.

The report concludes with this language:

There is no atrophy of muscle of thigh or leg, no injury of bone, disability from this cause may be one-fourth degree.

As stated, the pension for this thigh wound was allowed after the soldier's death, and paid to his widow. Now, this is how the case stood at the death of the soldier. He had been allowed a pension for the shoulder wound at the rate of \$15 per month, which was reduced in 1877 to \$10 per month.

The application for an increase of pension made in 1885 on this account was denied the same year. In 1885 he made his first claim for a thigh wound, which was pending at his death. He never claimed any disability on account of the ankle wound; and it was evidently very slight. These are the only wounds shown anywhere or by any one during the life-time of the soldier so far as I can find in the record as made out in the Pension Office.

Now, afterwards, on April 15, 1887, a year and a half after the soldier's death, the widow files her claim, alleging that the soldier's death was caused by a long-continued pressure or irritation of a bullet received while in the service in the substance of the liver. Mrs. Moore married her husband February 22, 1885, about ten months before his death.

The claim was rejected on the ground that the disease of the liver and kidneys of which the soldier died was not the result of his wounds or connected with his service. After it was denied by the Commissioner of Pensions it was appealed to the Secretary of the Interior, and the finding and judgment of the Pension Office was there approved after full consideration. There was no *post mortem* examination of the soldier. The theory of the widow depended upon the statement of Drs. Ives and Leet, as set forth in the report of this committee, who attended the soldier in his last sickness.

These doctors expressed an opinion that he died of liver and kidney disease superinduced by a foreign substance—they supposed a bullet—lodged in the liver. It was an opinion of these doctors who did not profess to know the facts about the case; a mere opinion, expressed without a physical examination after the death of the soldier, that there was a bullet or some foreign substance lodged in his liver, which had brought about diseases resulting in his death.

Now, Mr. Chairman and gentlemen, this soldier was repeatedly examined, while his own claim was pending and after it had been allowed, by half a dozen medical boards. Not one of them ever heard a word of any wound he had received except the one in the ankle, that in the thigh, and that in the shoulder, but this claim, presented by the widow, was predicated upon the theory that the soldier had been shot in the right breast, that the bullet had entered the cavity and lodged in his liver. This would be a fourth wound, another and different one. The soldier himself made no such claim during his life. He predicated his claim for pension in 1871 upon the wound he had received in his left shoulder, entering somewhere near the front and making its exit at the shoulder.

In 1885 he filed an application alleging an entirely new disability, namely, a wound in his right thigh; but never once did he refer to the fact that he had received a wound in his right breast; that the bullet had entered his cavity and lodged in his liver, and that he was suffering on account of it. The only question before the Department was (as it ought to be here) whether in fact the death of this man was due to his military service. He lived for more than twenty years after the war had closed, and never through all these years had he been heard or had it been alleged in the Department as the basis of any claim for other wounds or been urged that a bullet had been received in his right breast in battle and was still in his body.

It seems to me indisputable that if that were the fact the soldier would have known it, and, knowing it, would have included that and made it the basis for a pension claim when he was alleging other wounds, that in the shoulder or that in the thigh, as the reason for granting him a pension on two different occasions. There is no proof that the soldier was wounded as claimed upon the theory of the widow's application. It is a vague opinion of men who had known him for a short time, had attended him during his last sickness, that he had been

wounded in the right breast, that the bullet making that wound was still lodged in his body, and his death was traceable to it. It is contradicted by a judgment on the facts. No proof of it was made during both of his applications; and it is contradicted by the fact that he never urged it himself, and contradicted by the logic of necessity.

Mr. OWENS, of Ohio. Mr. Chairman, I sincerely sympathize with my Brother STONE's anxiety to protect the national Treasury, but I do not understand exactly by what "apothecary's scales" he measures the number of bullets which a man can hold without their interfering with his natural existence. [Laughter.] I am like him; I am no doctor, but I noticed awhile ago that he said something about this man having his deltoid muscle, or something of that kind, seriously damaged. [Laughter.] Now, I fear that my friend from Missouri [Mr. STONE] has some muscle, the deltoid or some other, seriously damaged and extra-sensitive about this whole matter, and I would like to find out from Brother STONE about how many bullets he thinks a man ought to hold before he is entitled to die by reason of them. [Laughter.]

I see that he was too young to be in the last war, but I hope he will get into the next one, as some of us were in the last, and will find out how many bullets he can hold before his widow or his children will be entitled to have a pension. [Laughter.] I do not know, Mr. Chairman, but it seems to me that there is too much of the apothecary's scale business about this. I do not think myself that a man ought to hold more than five or six or seven bullets, no matter what part of him they went into, without raising a reasonable supposition that he died on account of them, and it seems to me that this method of reasoning on the subject which my friend adopts is drawing it a little too fine. [Laughter.]

Mr. STONE, of Missouri. I will state to the gentleman that this man did not have a bullet at all in him.

Mr. OWENS, of Ohio. Why, you admitted three or four yourself. [Laughter.]

Mr. STONE, of Missouri. I did not, sir.

Mr. OWENS, of Ohio. You admitted all except the one in the liver. [Renewed laughter.]

Mr. STONE, of Missouri. With all due respect to the gentleman, I never admitted that this man had a bullet in him at all at the time of his death.

Mr. OWENS, of Ohio. Well, they went through him, and that will do just as well.

Mr. STONE, of Missouri. On the contrary, I stated that two bullets evidently had wounded him: one in the shoulder, which had made its exit at the time, while the other one struck him in the right side and was taken out at the time by the surgeon.

Mr. OWENS, of Ohio. Well, how many more do you want to go through one man? [Laughter.]

Mr. STONE, of Missouri. Of course this levity means nothing. How many bullets do I want in a man! I do not want any in a man.

Mr. OWENS, of Ohio. I just wanted to find out how many you thought was the proper allowance.

Mr. STONE, of Missouri. I hope my friend from Ohio will never have occasion to have one in his valuable anatomy.

Mr. OWENS, of Ohio. I have been where I have had a chance to get them, and I hope you will get there if we have another war. [Laughter.]

Mr. STONE, of Missouri. I hope not; of course I am frank to admit that. [Laughter.]

Mr. OWENS, of Ohio. When you get three or four in you, you will want your widow to have a pension. [Renewed laughter.]

Mr. STONE, of Missouri. But, Mr. Chairman, this is not a question as to how many bullets this man had in him or did not have in him, how many struck him or did not strike him. The Pension Department, organized by this Government to consider these claims and to pass upon them, liberally construing the laws, as has been admitted, denied this claim, after full investigation, upon the ground that the fact alleged as the basis of the application, namely, that this man had a bullet in him, was not sustained by the evidence, and upon an appeal to the Secretary of the Interior that finding was approved.

Mr. OWENS, of Ohio. Will the gentleman permit me to ask him a question?

Mr. STONE, of Missouri. Yes, sir.

Mr. COOPER, of Indiana. I make the point of order that one member can not make more than one speech under the rule of general debate.

Mr. STONE, of Missouri. Well, sir, I have made my speech. I am through.

Mr. OWENS, of Ohio. I would like to ask the gentleman whether any claim can come here until it has been rejected by the Department?

Mr. STONE, of Missouri. Claims do come here that have not been rejected by the Department.

Mr. OWENS, of Ohio. I think not.

Mr. STONE, of Missouri. And I am simply seeking in a proper case to sustain the finding of the Department.

Mr. YODER. Mr. Chairman, it is evident that our time this evening is to be consumed in discussion, and if nobody else talks it will be all on one side. Now, we have heard a splendid lecture on the anatomy

of the thorax, and the shoulder joint, and the ankle joint, and the thigh, and the gentleman from Missouri [Mr. STONE] says that the bullet did not penetrate the thorax, and consequently did not penetrate the liver, as though the liver was in the thorax! [Laughter.] Why, sir, the liver is away below the thorax. I want to call attention to another statement which the gentleman makes, that the sternum was sloughed from a bullet wound.

The doctor said the bullet went this way [illustrating]; but there is no evidence that it did not go down that way [illustrating]. Now, the sternum and the liver are not 3 inches apart, and who knows that that bullet did not go into the liver? President Garfield was shot, and the doctors thought the bullet had gone down, and while he lived no one made any claim to the contrary; but afterward it was found away back in the spinal column.

Mr. STONE, of Missouri. Will the gentleman permit a question?

Mr. YODER. Certainly.

Mr. STONE, of Missouri. As a physician, if you saw a wound, saw where the bullet had entered and saw where it had gone out, if it had struck at one place here upon the breast [indicating] and had gone out at the shoulder, would you still suppose that that bullet was in the liver?

Mr. YODER. That would depend upon whether I knew, and it depends in this case upon whether the doctors knew which course the bullet had taken. The bullet was gone.

They supposed it went in one direction, but it might easily have gone in another. Why, sir, if a man were on trial in the police court for shooting another we could not have had the evidence described with more minuteness than has been done in the dissertation we have heard on these wounds. This man was shot in the thigh; he was shot in the ankle; he was shot in the shoulder; the sternum was sloughed off; the muscles were torn. Why, great God, it would be an honor to be the widow of such a hero as that! Any woman might be proud to be the widow of such a man.

Mr. O'DONNELL. Mr. Chairman, let us pass this bill giving the widow and children a pension; let it not be said, they "asked for bread" and we "gave them a Stone."

Mr. KILGORE. I would like to hear read again the section of the bill which provides for pensioning the minor children.

The Clerk read the second section of the bill.

Mr. KILGORE. Now, Mr. Chairman, I do not know what the rule is on this subject or what practice has been followed heretofore; but I know what common sense dictates in this connection, that the names of these minor children and their ages ought to be inserted in the bill.

A MEMBER. That is a matter of proof.

Mr. KILGORE. I know it is a matter of proof; but they might prove that half the children in the neighborhood were the children of this soldier.

Mr. BOOTHMAN. May I ask the gentleman a question?

Mr. KILGORE. I have no objection if it relates to this argument.

Mr. BOOTHMAN. Does not the gentleman really think that according to the proof this soldier underwent enough to warrant this House in giving to his widow and his children (no matter how many) under the age of sixteen years the ordinary pension?

Mr. KILGORE. I am not raising any question about the facts. I am not going to undertake to enter into the history of these wounds; for perhaps I would locate the thorax and the liver as far apart as my friend from Missouri did. I do not want any doctor to get at me.

But assuming that I answer the gentleman's question in the affirmative, I say that the names and ages of the minor children ought to be given in the bill.

Mr. YODER. That is a matter the evidence of which is on file in the Pension Office, sworn to, a matter of record, absolute, positive, and definite, so that there can be no question about it.

Mr. KILGORE. Could they not supplement that with another statement putting in other children?

Several MEMBERS. Oh, no.

Mr. KILGORE. Well, I say it is common sense that a bill of this character should at least recite the names of the minor children.

Mr. SHIVELY. Mr. Chairman, I want to interrupt the gentleman [Mr. KILGORE] to observe that his argument might with some reason be made before the Bureau of Pensions on an application, were there no law requiring express proof of identity. But this bill provides a pension for minor children, subject to the provisions and limitations of the pension laws. These laws require proof of identity, and under this bill these parties are put upon proof.

Mr. KILGORE. That may be true; but it is so easy to prevent fraud or irregularity by giving the names of the children and their ages. I shall be inclined to prevent the passage of this bill unless that is done or unless the section be struck out.

Mr. BOOTHMAN. The gentleman will allow me to suggest that it might require some search among the papers to ascertain those names, and that possibly we might not be able to do it to-night.

Mr. KILGORE. Then let the bill go over; let it be amended and come up another evening.

Mr. BOOTHMAN. The question as to minor children is a matter of proof, just as in any other case.

Mr. STONE, of Missouri. Let me say to my friend from Texas on

this point that there is a minor child; according to my recollection her name is Helen—at any rate, a girl, born, if I remember correctly, shortly after the death of the father. There is but one minor child, and, according to my remembrance, the name is either Henrietta or Helen.

A MEMBER. That is a matter of proof at the Department.

Mr. KILGORE. I know it is a matter of proof, but it is so easy to make the matter specific now by inserting the name in the bill and saving any trouble or irregularity that might otherwise arise.

Mr. LANE. The effect would be the same if that section were not in the bill at all.

Mr. KILGORE. Would the children be entitled in that case to a pension?

Mr. LANE. Certainly they would.

Mr. KILGORE. Then why not strike out the section?

Mr. LANE. We might just as well do so.

Mr. MORRILL. I understand—perhaps the gentleman from Missouri [Mr. STONE] can tell us whether it is a fact—that this child was the child of Helen A. Moore.

Mr. STONE, of Missouri. Yes, sir; the child of Helen A. Moore; and that child has a guardian, and the application of the child through the guardian is on file among these papers.

Mr. MORRILL. The gentleman from Illinois [Mr. LANE] is correct. It is entirely unnecessary to name the children in the bill, because the pension is paid to the mother. There is no pension paid to the minor children; the pension is paid to the mother for the support of the children.

Mr. KILGORE. If the minor children will be provided for under the law, without any special provision in the bill, then I insist that the section ought to be stricken out.

Mr. SWENEY. I can hardly realize that the children will be placed on the pension-roll under a special act unless they are named or in some other way specially provided for.

Mr. MORRILL. If the bill provides for the widow, all the children who are under sixteen years of age are provided for without any express language in the bill.

Mr. PERKINS. That is the effect of the clause "subject to the provisions and limitations of the pension laws."

Mr. KILGORE. Let that section be stricken out.

Mr. STONE, of Missouri. I move to amend by striking out the second section.

Mr. BLISS. I hope that motion will not prevail. As my friend from Missouri [Mr. STONE] has stated that this child was born after the soldier died, the child must be less than four years old; and there is so much the more need why the widow should receive the extra \$2 to assist her in taking care of her child.

The CHAIRMAN. The question is on the motion to strike out the second section.

Mr. STONE, of Missouri. She will get it, anyway.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STONE, of Missouri. On that motion, Mr. Chairman, I wish to be heard for a few moments.

My friend from Ohio [Mr. YODER] has taken me a little to task on my knowledge of anatomy being very limited. I did not undertake on my own judgment to determine the distance between the liver and the thorax.

Mr. COOPER, of Indiana. I rise to a point of order.

Mr. STONE, of Missouri. I am speaking to a motion I have made.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STONE, of Missouri. I propose to take but a moment or two, Mr. Chairman.

I say I did not undertake to measure the distance from the throat to the liver. I simply read the reports made by this medical board, which show that the wound, the only one received by this soldier which could possibly have resulted in injury to the liver, was from the bullet which struck him in the breast, making the wound in his shoulder.

Now, I ask my friend from Ohio, who is a surgeon, if he does not think he would be a poor surgeon indeed who could not tell upon examining a wound inflicted by a musket ball what was the point of entrance and the point of exit, particularly when the soldier had stated the point of entrance and exit himself.

But, sir, I desired simply that it should be made known to the House that this man was shot with one ball and that that passed out through the shoulder. Hence the claim that he was wounded at another time—and he must have been if there was a ball in his liver—was not well founded. There is a discrepancy in the testimony to that extent. I desired simply that these facts should go on record, in order that they may be known when this bill is passed.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri to strike out the second section.

The question was taken; and the Chairman decided that the motion was rejected.

Mr. KILGORE. I demand a division. I will say to the gentleman that it will facilitate the passage of this bill to accept the amendment.

Mr. MORRILL. I see no objection to the section going out.

Mr. STONE, of Missouri. I am asked to withdraw the motion. I made it on the statement that it made no difference in the bill. I will withdraw it.

Mr. KILGORE. I renew the motion. If it does not make any difference to the bill it ought not to go in at all.

The motion of Mr. KILGORE was agreed to.

The amendment of the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

POLLY ROBINSON.

The next business on the Private Calendar was the bill (H. R. 5082) to pension Polly Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Polly Robinson, mother of Hamilton W. Robinson, late a sergeant in Company B, Fifty-second Regiment of Pennsylvania Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5082) to pension Polly Robinson, submit the following report:

Polly Robinson is the mother of Hamilton W. Robinson, who served in Company B, Fifty-second Regiment Pennsylvania Volunteers, from September 25, 1861, to July 12, 1865, and died October 22, 1873, of disease of lungs contracted in the service.

These facts are established by the evidence in the case. The claim of the mother has been rejected, however, on the ground that soldier left surviving him a widow. The widow died in August, 1878, and there is no one now drawing pension on account of said soldier's services and death.

It further appears in evidence that claimant was a widow at time of the son's enlistment and has so remained ever since. She is not possessed of any property, never owned any from which she could derive an income, and is now supported by a married daughter. Letters on file written by the soldier during his army service show contributions towards claimant's support.

Although not admissible under the general law, the claim is meritorious and of a class in which Congress has often afforded relief. Your committee, therefore, report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SOPHIA SCHIMMELFENNIG.

The next business on the Private Calendar was the bill (H. R. 5739) increasing pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet.

The bill was read, as follows:

Be it enacted, etc., That the pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, deceased, late brigadier-general of the Army of the United States and major-general by brevet, be, and the same is hereby, increased to \$50 a month.

The Clerk proceeded to read the report (by Mr. CRAIG).

The CHAIRMAN. The Chair would inquire if the gentleman from Texas proposes to make the same objection to this bill that he has made to other bills carrying the same amount? If so, it would seem hardly necessary to take up the time of the committee in reading the report to-night.

Mr. KILGORE. I think it would be a proper course for the bill to take to be reported for consideration in a full House, although I have no objection to the report being read.

The CHAIRMAN. The Chair thought, if the bill went to the House on the objection of the gentleman from Texas, that the report would have to be read there, and that it would be a saving of time to dispense with the reading now.

Mr. KILGORE. I have no objection to that. Let the bill go over to a full House.

The CHAIRMAN. What day would the gentleman suggest? Monday?

Mr. MORROW. There is an objection to laying bills aside and having them called up any day except the following morning or the Friday following.

The CHAIRMAN. If the gentleman from Texas desires to do so, this bill can come up to-morrow morning, at 1 o'clock, the previous question to be considered as ordered, with fifteen minutes' debate on each side.

Mr. KILGORE. And the right of amendment.

Mr. O'DONNELL. There is a special order at 2 o'clock to-morrow.

The CHAIRMAN. The order proposed here is for 1 o'clock.

Mr. MORROW. If the bill is laid aside with the previous question ordered upon it, it will come up immediately after the reading of the Journal to-morrow. That will be the effect of the previous question.

The CHAIRMAN. Then, without objection, the order will be made that this bill shall be reported to the House with the recommendation that the previous question be ordered upon its passage; that it go over until to-morrow morning immediately after the reading of the Journal, with the right of fifteen minutes' debate on each side and the right of amendment. Is there objection?

There was no objection, and it was so ordered.

NAPOLEON B. MCKAY.

The next business on the Private Calendar was the bill (H. R. 6871) for the relief of Napoleon B. McKay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. McKay, formerly a member of unassigned company, Thirteenth Regiment Kansas State Infantry Volunteers.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6871) granting a pension to Napoleon B. McKay, submit the following report:

Dr. McKay claims a pension for sunstroke received in line of duty as second lieutenant in the Thirteenth Kansas Infantry.

The claim was rejected at the Pension Office on the ground that claimant had not been mustered into the service at the time he alleges the disability occurred.

The claimant alleges that he was mustered into the United States service at Leavenworth, Kans., as second lieutenant in the Thirteenth Infantry of that State, and on or about the 16th of August, 1862, he started to Nemaha County with Lieut. Levi Hensel and John N. Cline, who were both officers of the same regiment, for the purpose of enlisting men for said regiment, and while en route at or near a place called Grasshopper Falls, now called Valley Falls, on or about August 16, 1862, he was overcome with heat and received a sunstroke and has suffered therefrom ever since, and that prior to that time he was a sound and able-bodied man.

That he was confined to his bed for about one month after incurring said sunstroke. His occupation prior to enlisting was that of a physician, and he treated himself for said disability. That during the summer months he is afflicted so severely as to be unable to attend to his profession. That he can not furnish the testimony of regimental surgeon because he was not with the regiment and was never treated by regimental doctors.

J. W. Cline, second lieutenant of Thirteenth Kansas Infantry, and a recruiting officer for the regiment, testifies that he was well acquainted with claimant. He went with him and with Lieutenant Hensel at the urgent request of Judge A. H. Horton and James H. Lane, and when they reached Grasshopper Falls the claimant received a sunstroke, became overheated, and was prostrated by the heat. They took him home and left him in care of his family. That he was very much prostrated when they left him, and did not again join the regiment. That claimant sent seven recruits to and turned them over to Lieutenant Hensel and himself at Seneca, Nemaha County, Kansas.

Claimant can not furnish evidence of treatment since his discharge, because he was never treated. That he has counseled with Dr. Hidden, and as soon as he was able to leave the house Dr. Hidden knew of his condition, while he lived in the neighborhood.

Dr. Isaac S. Hidden testifies to having known claimant in October, 1838; that he was a strong and healthy man prior to engaging in the service of the United States in the summer of 1862; that claimant came to him and said he had received a sunstroke; that his diagnosis of the case indicated that such was the case. I agreed with him in his statement of the treatment he had given himself.

That he has seen him on an average of once a month, except about six years, from 1872 to 1878; that he was and has been unfitted for labor, and he (Dr. H.) thinks his disability is chronic and incurable.

Joseph Harman, a neighbor of claimant, says under oath that he has been personally acquainted with him ever since 1860, and lived near neighbor to him, except from 1872 to 1878; that prior to about August 15, 1862, when he enlisted, he was a stout, able-bodied man; that about August 20, 1862, he called to see claimant on business, and found him sick in bed and prostrated. Claimant was confined to his house several months, and has suffered ever since.

This witness is corroborated by Sally and Luella Chapin, who say that they are personally acquainted with claimant.

Your committee believe that he was in the service of the United States as second lieutenant Kansas Infantry, and that he received his injury in the line of duty, and ought to receive a pension.

That the regimental records, though they do not show that claimant was mustered into the service, the muster-out is shown by the testimony of D. R. Anthony, who swears to the publication of a notice of the muster-out of one M. B. McKay in a paper published in Leavenworth, and your committee believe that the claimant was the person intended, although the name was M. B. McKay instead of N. B. McKay, and therefore recommend the passage of the bill.

Mr. STONE, of Missouri. Mr. Chairman, this report is made by my friend from Kansas [Mr. MORRILL], the chairman of the Committee on Invalid Pensions, generally a very safe, conservative, and prudent legislator. I have not been able to understand how a man of his caliber and general conservatism could have reported this bill. To start in with I find this letter among the files of the Pension Office:

AMERICAN CITY, KANS., June 20, 1884.

SIR: By direction of Hon. W. W. Dudley, I hereby apply for certificate of discharge as second lieutenant, appointed at Fort Leavenworth, Kans., in July or August, 1862, to assist in recruiting for the Thirteenth Regiment, Kansas Volunteers, but was soon after prevented by sunstroke from joining the regiment or going farther in the service. I never received a certificate, but had notice by publication in a Leavenworth paper the following autumn of an honorable discharge.

Respectfully,

ADJUTANT-GENERAL, Washington, D. C.

N. B. MCKAY.

There he states in this letter to the Adjutant-General that he was enlisted as a recruiting officer for the Thirteenth Kansas Volunteers. The reply of the Adjutant-General is as follows:

Respectfully returned. The name of N. B. McKay is not borne as a commissioned officer of the Thirteenth Kansas Infantry during the late war.

Now, as I understand the testimony in this case, and there is not much of it, this man claims to have been mustered in as second lieutenant of the Thirteenth Kansas Infantry, on the 16th day of August, 1862, at Fort Leavenworth, and on the same day while returning to his home he had sunstroke, which twenty-five years afterwards he makes the basis for this pension claim. Lieutenant Cline, the most important witness, testifies:

Claimant, Lieutenant Hensel, and myself had been to Fort Leavenworth at the urgent request of Judge Horton and James H. Lane, and were returning, and when we reached a place called Grasshopper Falls the claimant received a sunstroke, or became overheated, or became prostrated by the heat.

Now, here is a man who does not appear on the rolls of the company, who was enlisted simply as a recruiting officer, as appears from his own letter to the Adjutant-General. He had been to Fort Leavenworth at the urgent request of Judge Horton and James H. Lane, on what business does not appear, and while returning home on the very day of his enlistment was overcome by excessive heat, and thereafter did no serv-

ice. He was enlisted as a recruiting officer while at Fort Leavenworth, having gone there on a visit, and while returning to his home, before he had rendered an hour's service, even as a recruiting officer, he was overcome by the intense heat shining down upon him as he rode across the prairies of Kansas—was prostrated and taken home, and says that he has been suffering from year to year since that time. Now, that is the whole case. I shall oppose the passage of this bill.

Mr. SWENEY. Mr. Chairman, I am not one disposed to object to the passage of any legitimate pension bill; but it appears to me from the record in this case that it is not a legitimate one. I must say that, differing from the statement that my friend from Missouri [Mr. STONE] makes, I understand that there never was such a case as enlistment as a recruiting officer—that there never was such a thing as enlistment as a recruiting officer, as this gentleman has stated in his letter. There never was such a thing as a recruiting officer enlisted.

Mr. STONE, of Missouri. That is what he stated in his letter.

Mr. MORRILL. If the gentleman will allow me a moment I will explain the whole thing. President Lincoln authorized General James H. Lane to raise a brigade. He went to Kansas and appointed these recruiting officers and they went to Fort Leavenworth and were mustered in. Judge Horton, who is now the chief-justice of our State, was very active in the matter, and that is why his name appears. Under the authority of President Lincoln General James H. Lane, then a brigadier-general in the service, appointed these men to recruit, and they went to Fort Leavenworth and mustered in and then they were discharged by a general order afterwards.

The whole thing was abandoned and a general order was issued discharging them from service. I do not imagine that it makes any difference whether the injury was received or disease contracted in twelve months after a man was in the service or on the first day. There is no question whatever about the incurrence of the disability. There is no question about the high character of the man. No man in Missouri or Kansas either stands any higher than Dr. N. B. McKay.

The witnesses Cline and Hensel I am both acquainted with, and I know they are of a very intelligent character. The reason why it does not appear of record in the office that these men were mustered is because the regiment was abandoned; the efforts to get up a brigade were abandoned; but they were mustered into the service.

Mr. SWENEY. Was he mustered in?

Mr. MORRILL. He was mustered in at Fort Leavenworth in the United States service by the United States mustering officer.

Mr. STONE, of Missouri. Where does the gentleman get evidence for that statement?

Mr. MORRILL. The evidence is on file there in Kansas. The report states it, and I was familiar with all the men and the facts; so that I know the facts are as stated.

Mr. SWENEY. I do not understand that from the report.

Mr. HILL. I would ask the gentleman from Kansas whether or not an application has been made in the Pension Office.

Mr. MORRILL. There was, and it was rejected.

Mr. TARSNEY. What rank did he hold?

Mr. MORRILL. Lieutenant.

Mr. TARSNEY. Would not the War Office records show that fact?

Mr. MORRILL. For the reason I have explained they do not show it.

Mr. TARSNEY. Let me ask the chairman of the Committee on Invalid Pensions if this was not the case: in those days commissions were often promised to men provided they would enlist so many men; and was it not the fact that he was appointed without any commission until afterwards?

Mr. MORRILL. He was appointed by General Lane, under the authority of President Lincoln. A full appointment was given to him, and he was discharged by a general order afterwards.

Mr. TARSNEY. Was he mustered in?

Mr. MORRILL. He was mustered in.

Mr. KILGORE. But he did no service, I understand.

Mr. MORRILL. He did no service, because on his way back to recruit he was prostrated by sunstroke.

Mr. KILGORE. Was he discharged at the time, on the same day?

Mr. MORRILL. No; some time afterwards.

Mr. STONE, of Kentucky. He was on his way back home?

Mr. MORRILL. He was on his way going up to recruit.

Mr. KERR, of Iowa. And this case was before the Pension Office and rejected, I understand?

Mr. MORRILL. Yes; it was rejected on the ground that the records of the War Office did not show that the regiment was ever organized.

The CHAIRMAN. The question is upon laying this bill aside to be reported to the House with a recommendation that it do pass.

The question was taken; and the Chairman declared that the ayes seemed to have it.

Mr. STONE, of Missouri. I ask for a division.

The CHAIRMAN. The Chair will state that if the committee finds itself without a quorum it will be the duty of the Chair to order a call of the roll.

Mr. STONE, of Missouri. Not unless the point of no quorum is made,

The question was taken; and there were—ayes 30, noes 7.
The bill was laid aside to be reported to the House with the recommendation that it do pass.

HELEN E. DEWEY.

The next business on the Private Calendar was the bill (H. R. 2861) for the relief of Helen E. Dewey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen E. Dewey, formerly Helen E. Converse, and the widow of Maj. Joseph H. Converse, late of the Eleventh Connecticut Volunteers, who was killed in action at Cold Harbor, Virginia, June 3, 1861.

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

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2861) for the relief of Helen E. Dewey, submit the following report:

A bill for the relief of this claimant was favorably reported by the Committee on Invalid Pensions, House of Representatives, Fiftieth Congress, but was not reached for action in the House.

The grounds upon which the claim is based are set forth in the following report of said committee:

"Helen E. Converse was the widow of Maj. Joseph Converse, of the Eleventh Regiment Connecticut Volunteers, who was killed in battle of Cold Harbor, Virginia, in June, 1864. She drew a pension until September 16, 1884, when she married one Charles B. Dewey. This marriage was not a happy one, and at the January (1886) term of the superior court in and for Hartford County, Conn., she obtained a divorce from said Dewey on the ground of adultery.

"Since the granting of the divorce information has reached the proposed beneficiary tending to show that Dewey at the time of his marriage with her had a wife living from whom he had not been divorced. The claimant has no means to make a thorough investigation of the matter, and even should this information prove correct it would not aid her in obtaining relief at the Pension Office, because of the divorce already obtained. Had the same not been granted, and the nullity of the marriage with Dewey fully established, her name could be restored to the pension-roll without the interference of Congress. But as it is she is compelled to seek legislative aid.

"This as well as former Congresses has liberally responded to the call for relief of widows whose husbands were killed in battle and who after having forfeited their pension by reason of remarriage have again become widows and dependent.

"The case under consideration comes clearly within established precedents, and therefore your committee recommend the passage of the accompanying bill."

Your committee fully concur in the conclusions reached in said report, and likewise recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Chairman, I move that the committee now rise.
The motion was agreed to.

The committee accordingly rose; and Mr. MORROW having resumed the chair as Speaker *pro tempore*, Mr. ALLEN, of Michigan, from the Committee of the Whole, reported that they had had under consideration business upon the Private Calendar, and had directed him to report back sundry bills with the recommendation that they do pass; also that they had had under consideration a bill (H. R. 5278) and had directed him to report it back with the recommendation that it be recommitted to the Committee on Invalid Pensions; also that they had had under consideration a bill (H. R. 5739) and had directed him to report the same back with the recommendation that it be made a special order for to-morrow immediately after the reading of the Journal, the previous question being considered as ordered, with debate limited to fifteen minutes on each side and with the right of amendment.

HOUSE BILLS PASSED.

The SPEAKER *pro tempore*. The Clerk will report first the bills that were pending at the time of the adjournment of the House on last Friday evening.

The Clerk read as follows:

A bill (H. R. 562) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The Clerk read as follows:

A bill (H. R. 5617) granting a pension to Henry Bloomfield.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 4694) for the relief of Edward Haynes;

A bill (H. R. 5309) to place the name of Mary Welch upon the pension-roll;

A bill (H. R. 4868) granting a pension to Henrietta Judd;

A bill (H. R. 6350) for the relief of Asher Post;

A bill (H. R. 1871) for the relief of Sarah Meader;

A bill (H. R. 4134) granting a pension to Margaret Stewart;

A bill (H. R. 5082) to pension Polly Robinson;

A bill (H. R. 6871) for the relief of Napoleon B. McKay; and

A bill (H. R. 2861) for the relief of Helen E. Dewey.

The bill (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers, reported from the Com-

mittee of the Whole with an amendment, was taken up, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HELEN A. MOORE.

The next bill reported from the Committee of the Whole House was the bill (H. R. 5081) to pension Helen A. Moore and the minor children of John S. Moore.

The question was on agreeing to the amendment to strike out the second section, as follows:

SEC. 2. That the minor children of the said John S. Moore shall also be placed on the pension-roll by the Secretary of the Interior, subject to the provisions and limitations of the pension laws.

Mr. KILGORE. I think there should be an amendment of the title so as to conform to the change made in the bill by this amendment.

The SPEAKER *pro tempore*. The title may be amended after the bill has passed.

Mr. ALLEN, of Michigan. I understand that there are children of this soldier by another wife. Will not the effect of this amendment be to cut them out entirely? If so, I think the amendment ought not to be adopted.

Mr. OWENS, of Ohio. I think that under the terms of the bill all minor children will be provided for.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. KILGORE. I move to amend the title by striking out the words "and minor children of John S. Moore."

The motion was agreed to.

ALLEN COONS.

The next business was the bill (H. R. 5238) granting a pension to Allen Coons, reported from the Committee of the Whole House with the recommendation that it be recommitted to the Committee on Invalid Pensions.

The bill was recommitted.

SOPHIA SCHIMMELFENNING.

The next bill reported from the Committee of the Whole House was the bill (H. R. 5739) increasing pension of Sophia Schimmelfenning, widow of Alexander Schimmelfenning, late brigadier-general and major-general by brevet.

The SPEAKER *pro tempore*. This bill has been reported from the Committee of the Whole House with the recommendation that the previous question be considered as ordered, by force of which action it will come up to-morrow morning after the reading of the Journal. If there be no objection, that order will be made.

Mr. PETERS. I object to that order. All bills going over in this manner should be fixed to come up on the next private-bill day. Objection is made by a number of members to the making of these orders so as to take effect on other days than private-bill day. I ask that the order reported from the Committee of the Whole be modified so that this bill go over until next Friday.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. PETERS] asks unanimous consent that this bill go over until Friday next, after the reading of the Journal, the previous question to be considered as ordered. If there be no objection, that order will be made. The Chair hears no objection.

SAMUEL STERLING.

Mr. BOOTHMAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 3983) granting a pension to Samuel Sterling, and that the same be considered now.

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 the name of Samuel Sterling, son of David Sterling, late private in Company F, Thirty-first Regiment Ohio Volunteer Infantry, now deceased, upon the pension-roll of the United States, and to pay to said Samuel Sterling a pension from and after the approval of this act, at the rate of \$18 per month.

The report (by Mr. YODER) is as follows:

This claimant, and the beneficiary of this bill (H. R. 3983), is the physically helpless son of David Sterling, who was a private in Company F, Thirty-first Regiment Ohio Volunteers, war of 1861-1865. Claimant was born December 8, 1868. His father died in 1874, leaving a widow and four young children (of which claimant is the eldest), and no estate of any consequence for their support. The soldier's death, it is believed, was occasioned by disability contracted in the service.

The records of the War Department show that he served from September 20, 1861, to July 20, 1865. That during his service he was treated for phthisis pulmonalis in hospital at Nashville, Tenn., from May 25, 1863, to June 25, 1863, and at Chattanooga, Tenn., for chronic rheumatism from May 13, 1864, to May 25, 1864. It appears that he applied for pension, but died before it was granted. After his death his widow, the mother of claimant, also applied for pension, but before the completion of the claim she remarried, and the claim, as to the children or widow has not been completed. However, in the affidavits filed in the widow's claim the following evidence as to the cause of the soldier's death appears, viz:

The widow swears that—
"David Sterling (the father) was discharged July 20, 1865, and died on account of heart disease and blind staggers on the 8th day of October, 1874."

C. P. Clark, a neighbor, swears that—
 "He was acquainted with David Sterling from 1855 up to the time he died, and that he was afflicted with heart disease from 1855; that said disease caused blind staggers, which nearly disabled said David Sterling from any manual labor whatever."

Harrison Sargeant swears that—
 "I worked for David Sterling * * * about the year 1868 or 1869. I drove his team, and knew him to be afflicted at that time with heart disease and blind staggers, and have seen him frequently when he was at work have attacks of heart trouble, and he would have to sit down, and would almost smother; that he told me at the time that he contracted his disease in the service."

In the soldier's claim for pension appears the following evidence:
 John Turner, a comrade, swears that—
 "I was a comrade in the same regiment and company with claimant, David Sterling, and recollect that in the spring or summer of 1864 that said claimant was troubled with dizziness and blindness, which I understood at the time from the regimental surgeon to be heart disease; knew claimant a short time after discharge from Army, and knew him to be an unsound man."

Again, in the widow's claim for pension appears the following evidence:
 John J. Darling swears:
 "I was a private of Company E, Thirty-first Regiment. * * * Said David Sterling was a member also. On the march from Ringgold to Resaca, Ga., we stopped a few moments to rest; he was complaining of blind spells, and he was so bad at times that he had to be helped to bear his burden. He very often attended sick-call, and on one occasion he asked me to put my hand on his breast, and I think I never felt anything beat so in my life."

The evidence of the widow in her claim for pension is also to the effect that medical evidence of cause of death is not to be had, because of the death of the attending physician. This is corroborated by the affidavit of the family doctor's administrator. The beneficiary of this bill is shown to be permanently helpless. His limbs from the hips down are perfectly paralyzed and the size of those of a child of eight or ten years, while the rest of his person is of normal size. He has lived on charity ever since his father's death, a portion of the time in the county poor-house.

His mother's remarriage was to a man too poor to support the children, and they were placed with such charitably disposed persons as would take them. But Samuel being so helpless, his only means of locomotion being on his outstretched palms, such a place was hard to find for him, and he had to go to the poor-house until some of the comrades of the father made up a small fund for him and placed him in school. He is of a bright, intelligent mind, and of good character.

Your committee deem this a case which appeals most strongly to a sense of right and of duty on the part of the nation toward the helpless orphan of a worthy deceased Union soldier. We therefore report the bill favorably.

Mr. BOOTHMAN. Mr. Speaker, the report in this case is somewhat long; I think I can state the circumstances briefly so that they may be understood by the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to the consideration of the bill.

Mr. BOOTHMAN. Mr. Speaker, the beneficiary in this case is the son of a deceased soldier. The testimony filed in the case of the father shows that he died from disease contracted in the service. This son is helpless. I have seen him myself. His lower limbs are the size of those of a child six or seven years old, while the rest of his person is that of a man. The only way in which he can walk is by swinging his body along by the aid of his outstretched hands placed upon the ground. For a number of years after his father's death he was an inmate of the poorhouse.

This bill proposes to place him on the pension-roll at the rate of \$18 a month. He is entirely helpless. Some soldiers in his neighborhood who knew him, men of poor circumstances themselves, contributed for a number of months to the support of the child and sent him to school; and any one meeting him could not help being impressed with the intelligence of this youth, showing the fact that he has a brain in healthy condition, although his body is deformed. And in time I believe and hope that he will be an ornament to society on account of his intelligence and learning.

In his present condition, however, he is absolutely helpless. He has no means, and it is utterly impossible that he can receive an education unless he depends upon charity, and charitable contributions of men who are themselves unable to aid him very much, and upon whom he has no legal claim for support.

Mr. KILGORE. How old is he?
 Mr. BOOTHMAN. He is now about twenty-one years of age. He has been going to school on the charity of his father's comrades. This is a case that appeals to everybody here.

Mr. STONE, of Missouri. I want to say just this much, Mr. Speaker, that in a town in my district there is a duplicate of the young man referred to by my friend from Ohio in so far as his physical deformity is concerned. This is another instance where we are about to pension a man who is deformed and crippled purely out of sentiment.

I shall vote against it.
 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. PETERS. I ask leave to have the report printed in the RECORD.
 The SPEAKER *pro tempore*. That will be done.
 The report is printed above.

AGNES VETTER.

Mr. CARUTH. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 4028) granting a pension to Agnes Vetter, and put it upon its passage.

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-roll, subject to the provisions and limitations of the pension laws, the name of Agnes Vetter, dependent mother of John M. Vetter, captain of Company F, Ninth Kentucky Infantry.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KILGORE. I insist upon the reading of the report.

The report (by Mr. WILSON, of Kentucky) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4028) granting a pension to Agnes Vetter, submit the following report:

The records of the War Department show that John M. Vetter served as first lieutenant and also as captain of Company F, Ninth Kentucky Volunteers, from November 25, 1861, to June 1, 1862, when his resignation was accepted, tendered by reason of his inability to discharge his duties ever since the battle of Shiloh and the fatigues and exposures incident thereto.

His mother, Agnes Vetter, filed a claim in the Pension Office on August 30, 1886, based upon her dependence upon the soldier, who was her only son and sole support, her husband having died in 1844, and, in support of her claim, filed testimony showing that while in the service the soldier was attacked with typhoid fever and chronic diarrhea, upon which pulmonary consumption supervened, causing the soldier's death on September 11, 1870. Her dependence upon the soldier is fully shown, and her own patriotic feeling was exhibited by going with the Louisville, Ky., sanitary boat, as a volunteer nurse, to the battle-field of Shiloh.

Her claim would have to be admitted by the Pension Office were it not for the fact that the soldier left a widow surviving him, who, however, it is shown, remarried a year subsequent to the soldier's death.

As here indicated, her claim was rejected by the Pension Office in November, 1887, on the ground that the soldier left a widow surviving him.

Mrs. Vetter is now seventy-eight years of age. Her case is one which certainly deserves relief at the hands of Congress, and there being no one now drawing pension on account of the death of said soldier your committee return the bill with the recommendation that it pass.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH 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.

ORDER OF BUSINESS.

Mr. STONE, of Missouri. I move that the House do now adjourn.
 Mr. BAKER. I ask my friend from Missouri to withhold that motion a moment and allow me to pass a pension bill here.

Mr. LANE. I demand the regular order. I am getting tired of this thing. Let us go on regularly if we are to go any further to-night.

Mr. BAKER. Let me get this bill through.
 Mr. LANE. The Committee on Pensions have agreed that this should not be done. I shall insist upon the regular order in future.

Mr. STONE, of Missouri. I made a motion to adjourn, but the Speaker did not put it.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman as pressing the motion, but thought it was withdrawn.

Pending that motion, the Chair thinks it would be well for a motion to be entered to reconsider the various bills passed to-night.

Mr. O'DONNELL. I move to reconsider the votes by which the several bills were passed to-night, and also move to lay that motion on the table.

The latter motion was agreed to.
 The question being taken on the motion of Mr. STONE, of Missouri, it was rejected.

So the House refused to adjourn.
 Mr. LANE. I demand the regular order.
 Mr. BAKER. Let me call up this bill now.

Mr. LANE. You can not take up a bill in the House without unanimous consent.
 Mr. BAKER. Will you object?

Mr. LANE. I will. The Committee on Invalid Pensions have again and again agreed that the Calendar shall be regularly called. I ask the regular order.

Mr. YODER. We have violated it to-night.
 Mr. LANE. You did this evening, and I was loath to object. I thought it likely that some objection would be made, and I did not like to seem to obstruct pension matters; but I feel under obligations to carry out the agreement of the committee.

Mr. BAKER. I ask that this bill be stated, and then if the gentleman objects—

Mr. LANE. I do object.
 Mr. PETERS. Then I move that the House now adjourn.
 Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.
 Mr. ALLEN, of Michigan. Did the two bills which passed the committee last week pass to-night?

The SPEAKER *pro tempore*. They did.
 The question being taken on the motion of Mr. PETERS, the House divided; and there were—ayes 10, noes 11.

So the House refused to adjourn.
 And then (the hour of 10.30 p. m. having arrived) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

PURCHASE OF TENTS.

Letter from the Secretary of War, transmitting the draught of a bill "authorizing the purchase of tents for certain purposes and making appropriations therefor," with report of the Quartermaster-General of the Army in relation thereto—to the Committee on Military Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. RICHARDSON:

Resolved, That the third paragraph of clause 1 of Rule XIII be amended by adding thereto the following proviso:

"Provided, That reports from the Court of Claims, transmitted to Congress by the Court of Claims under the acts of March 3, 1883, and March 3, 1887, shall have precedence on the Private Calendar when reported by a committee of the House;"

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees on bills of the following titles were delivered to the Clerk, ordered to be printed, and referred as follows:

Mr. MANSUR, from the Committee on Claims, reported favorably the bill (H. R. 2978) granting jurisdiction and authority to the Court of Claims in the case of scow Rowena—to the Committee of the Whole House.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6905) granting a pension to Byron R. McIntyre;

A bill (H. R. 7586) granting a pension to James O'Donnell; and

A bill (S. 218) granting a pension to George W. Padgett.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7193) for removal of charge of desertion from Alfred Lane; and

A bill (H. R. 1271) for the relief of Sanford A. Pingan.

Mr. WILLIAMS also, from the Committee on Military Affairs, reported favorably the bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe—to the House Calendar.

Mr. WALKER, of Missouri, from the Committee on Commerce, reported favorably the bill (S. 2026) authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta, Ark.—to the House Calendar.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.—to the House Calendar.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7914) granting a pension to Jay Marvin; and

A bill (H. R. 7588) granting a pension to David Rose.

Mr. BAKER, from the Committee on Commerce, reported with amendment the bill (H. R. 3886) to authorize the construction of a bridge and approaches at New York City, across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road—to the House Calendar.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the joint resolution (H. Res. 112) appropriating \$3,000 to inclose and beautify monument at Moore's Creek, North Carolina—to the Committee of the Whole House on the state of the Union.

Mr. CARLTON, from the Committee on Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (S. 242) for the relief of Mrs. Sarah Elizabeth Halroyd, widow and administratrix of the estate of John Halroyd, deceased; and

A bill (S. 680) for the relief of Alice E. Robertson.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 5050) granting a pension to Dolly Blazer;

A bill (H. R. 6280) granting a pension to Lawrence Dougherty;

A bill (H. R. 4968) granting a pension to Elizabeth A. Jones;

A bill (H. R. 5709) granting a pension to Sarah A. Harrison;

A bill (H. R. 4967) granting a pension to Mrs. Catherine Reed;

A bill (H. R. 3218) to place the name of Pauline Bichweiler on the pension-roll;

A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;

A bill (H. R. 3261) granting a pension to Sarah Connally;

A bill (H. R. 3259) granting a pension to Simon Beakler;

A bill (H. R. 6153) granting a pension to Elizabeth Bennett;

A bill (H. R. 1110) granting a pension to William J. Bryan;

A bill (H. R. 2318) granting a pension to Malinda Foreman;

A bill (H. R. 2317) granting a pension to Anna McCreary;

A bill (H. R. 4355) for the relief of Emeline Beam, mother of Isaac W. Beam;

A bill (H. R. 3065) granting a pension to Mary Donohue;

A bill (S. 511) granting a pension to Anna A. Probert; and

A bill (S. 2064) placing the name of Bridget White on the pension-roll.

Mr. YODER also, from the Committee on Invalid Pensions, reported with amendment the bill (H. R. 3034) granting a pension to George W. Pitner—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4522) granting a pension to J. N. Jordan;

A bill (H. R. 3242) granting a pension to Sarah Devine, mother of Jesse Chapman;

A bill (H. R. 7816) granting a pension to Harriet E. Cooper;

A bill (H. R. 7829) granting arrears of pension to Hermann F. A. Rovelle;

A bill (H. R. 6388) granting a pension to Peter Peterson;

A bill (H. R. 4246) granting a pension to Bridget Lynch;

A bill (H. R. 3224) granting a pension to Sally Powell;

A bill (H. R. 7076) to increase the pension of Cornelius J. Wiley;

A bill (H. R. 4306) to pension Rebecca Bolerjack;

A bill (H. R. 6606) granting a pension to William F. Reed;

A bill (H. R. 7958) granting a pension to Christopher C. Funk;

A bill (H. R. 7659) granting a pension to Warner M. Ellis;

A bill (H. R. 5719) for the relief of Harrison Tryson;

A bill (H. R. 7959) granting a pension to Frederick B. Sells;

A bill (H. R. 5434) granting a pension to William Edwards;

A bill (H. R. 7953) granting a pension to Barbara Langstaff;

A bill (S. 1371) granting a pension to John C. Abbott; and

A bill (S. 338) granting a pension to Sarah E. Stewart.

Mr. LANE also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 7330) granting a pension to William R. Avery; and

A bill (H. R. 6622) granting a pension to Ella Harrison.

Mr. BROSIUS, from the Committee on Agriculture, reported with amendment the bill (H. R. 283) defining "lard;" also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard—to the House Calendar.

Mr. TURNER, of Georgia, from the Committee on Commerce, reported favorably the bill (S. 1873) authorizing the Brazos Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas—to the House Calendar.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 2503) for the relief of Sarah D. Duke; and

A bill (H. R. 6391) granting a pension to Mrs. Margaret A. Jacoby.

Mr. TURNER, of New York, also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4372) granting a pension to John Dean; and

A bill (H. R. 6078) granting an increase of pension to Frank Traynor.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6211) granting a pension to John S. Lozier;

A bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford;

A bill (H. R. 7367) for the relief of Sarah M. Williams;

A bill (H. R. 6913) granting a pension to Alexander G. Davis;

A bill (H. R. 5014) for the relief of Ernest Barth;

A bill (H. R. 2481) granting a pension to Bridget Tole;

A bill (H. R. 4851) granting a pension to Eliza J. Glass;

A bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.;

A bill (H. R. 1155) granting a pension to Francis M. Hull; and

A bill (H. R. 2469) increasing the pension of Thomas Ward.

Mr. MARTIN, of Indiana, also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 5108) for the relief of George W. Hutchinson;

A bill (H. R. 2864) for the relief of Elizabeth Earp;

A bill (H. R. 5107) for the relief of David L. Truex;

A bill (H. R. 6089) granting an increase of pension to George Uhl;

A bill (H. R. 5098) for the relief of William A. Bange; and

A bill (H. R. 4190) granting a pension to Mrs. Susan Clark.

Mr. SPRINGER, on behalf of the minority of the Committee on the Territories, to which was recommended the bill (H. R. 932) to provide for the admission of the State of Wyoming into the Union, and for other purposes, submitted their views in writing; and it was ordered that said views be printed and referred to the said Committee on the Territories.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports on bills of the following titles were delivered to the Clerk and laid on the table:

By Mr. GEST, from the Committee on Claims, on the bill (H. R. 3233) for the relief of Michael A. Dace.

Also, from the same committee, on a petition of William H. Blade, relative to claim for services rendered by him in the capture of steamer W. B. Terry, in 1861.

By Mr. BELKNAP, from the Committee on Invalid Pensions, the bill (H. R. 7065) granting an increase of pension to Ira C. Alger, jr.

By Mr. KELLEY, from the Committee on Accounts, on a resolution to appoint Thomas G. Ingram, assistant janitor.

By Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, on the bill (H. R. 1918) for the relief of F. W. Zickendath.

Also, from the same committee, on the bill (H. R. 2836) to remove the charge of desertion from the military record of John J. Schmidt.

Also, from the same committee, on the bill (H. R. 1261) for the relief of William T. Edwards.

Also, from the same committee, on the joint resolution (H. Res. 92) authorizing the Secretary of War to grant a permit to Harry Libby and Philip T. Woodfin to erect a hotel upon the lands of the United States at Old Point Comfort, Va.

By Mr. BELKNAP, from the Committee on Invalid Pensions, on the bill (H. R. 6247) granting a pension to James Shaw.

By Mr. MASON, from the Committee on Commerce, on the bill (S. 89) to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CARTER: A bill (H. R. 8491) to provide for the examination and classification of certain mineral lands, and for other purposes—to the Committee on Mines and Mining.

Also, a bill (H. R. 8492) to provide for the construction of a public building at Butte City, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 8493) authorizing a sale of part of a certain lot in the city of Washington—to the Committee on the District of Columbia.

By Mr. BROWNE, of Virginia: A bill (H. R. 8494) authorizing the Secretary of War to grant a permit to Harry Libby to erect a hotel upon the lands of the United States at Old Point Comfort, Virginia—to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 8495) providing for the extension of the coal laws of the United States to the district of Alaska—to the Committee on the Public Lands.

By Mr. CARUTH: A bill (H. R. 8496) providing for the purchase of a portrait of General James Wilkinson—to the Committee on the Library.

By Mr. LEE: A bill (H. R. 8497) to authorize the Washington and Western Railroad Company to extend its line into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. O'NEIL, of Massachusetts: A bill (H. R. 8498) for the relief of captains, pilots, engineers, and mates of steam-vessels—to the Committee on Commerce.

By Mr. PICKLER: A bill (H. R. 8520) for an act to authorize the Pierre and Fort Pierre Ponton Bridge Company to construct a ponton bridge across the Missouri River at Pierre, S. Dak.—to the Committee on Commerce.

By Mr. RUSSELL: A joint resolution (H. Res. 132) to print 10,000 copies of a compilation of the inaugural addresses of the Presidents of the United States, from George Washington to Benjamin Harrison, for the first century of Presidential inaugurations, with authenticated incidents connected therewith, biographical sketches of the Presidents from official sources, together with steel-plate portraits of the Presidents and steel-plate illustrations of the Capitol and White House—to the Committee on Printing.

By Mr. LODGE: A joint resolution (H. Res. 133) providing for the distribution of certain publications of the Government to depositories of public documents—to the Committee on the Library.

PRIVATE BILLS, ETC.

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

By Mr. BELDEN: A bill (H. R. 8499) for the removal of a charge

of desertion from record of Frank A. R. Gray—to the Committee on Military Affairs.

By Mr. BLISS: A bill (H. R. 8500) to correct the military record of Erastus Confer—to the Committee on Military Affairs.

Also, a bill (H. R. 8501) granting a pension to Joshua Dodge—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 8502) for the relief of the estate of John H. Piatt, deceased—to the Committee on Claims.

By Mr. CRAIN: A bill (H. R. 8503) for the relief of Adams & Wickes—to the Committee on Claims.

By Mr. DORSEY: A bill (H. R. 8504) granting a pension to Oscar S. Crabtree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8505) granting an increase of pension to Chris. Steiger—to the Committee on Invalid Pensions.

By Mr. DUNNELL: A bill (H. R. 8506) for the relief of John W. McCaun—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 8507) for the relief of John H. Morgan—to the Committee on Military Affairs.

By Mr. HOLMAN: A bill (H. R. 8508) granting a pension to Ann Carr, of Vevay, Ind.—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 8509) to relieve Daniel E. Thompson of the charge of desertion—to the Committee on Military Affairs.

By Mr. McCARTHY: A bill (H. R. 8510) for the payment of arrears of pension to Thomas Snowden Hamblin, late a first lieutenant in Thirty-eighth Regiment of New York Volunteers—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 8511) for the relief of S. S. Deering, dependent father of George Deering, late adjutant Seventeenth Kentucky Infantry—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 8512) making an appropriation for the benefit of the estate of William Moss, deceased—to the Committee on Claims.

By Mr. MOORE, of New Hampshire (by request): A bill (H. R. 8513) granting a pension to Thomas F. Leahey—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 8514) for the relief of Pierre Breaux, of Terre Bonne Parish, Louisiana—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 8515) granting a pension to Louisa Bailey—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 8516) for the relief of James B. McCubbin—to the Committee on War Claims.

By Mr. STEWART, of Georgia: A bill (H. R. 8517) for the relief of the heirs or legal representatives of David L. Duffey, deceased—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 8518) to grant a pension to Thomas Stewart—to the Committee on Pensions.

By Mr. WICKHAM: A bill (H. R. 8519) granting a pension to John Frohlin—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (S. 1362) for the relief of Mary B. Hook—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 1545) for the relief of Edwin De Leon—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2258) granting a pension to Hannah Cummins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5106) for the relief of Squire West—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

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. BAKER: Petition of Rev. B. T. Roberts and others, of Chili, Monroe County, New York, in favor of the repeal of all duties on sugar, refined and raw—to the Committee on Ways and Means.

By Mr. BARNES: Petition of Subordinate Union, No. 2, of the city of Augusta, Ga., of the Bricklayers and Masons' International Union of America—to the Committee on Labor.

By Mr. BECKWITH: Four petitions of citizens of New Jersey, against alien labor on public works—to the Committee on Labor.

By Mr. CAMPBELL: Petition of citizens of Brooklyn, N. Y., against the employment of aliens upon public works of the Government—to the Committee on Labor.

By Mr. CARTER: Resolution and protest of the Helena (Mont.) Board of Trade, relating to H. R. 304, entitled "A bill for raising revenues from the use of public lands," etc.—to the Committee on Agriculture.

By Mr. CARUTH: Resolutions of the Trades and Labor Assembly of Louisville, Ky., favoring the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. CHEADLE: Petition of Merriman Thompson, for reimbursement for property worth \$405.80—to the Committee on War Claims.

By Mr. CONGER: Petition of Ellsworth Post, Grand Army of the Republic, Ames, Iowa, in favor of pensions for widows and children of all late soldiers—to the Committee on Invalid Pensions.

Also, petition of J. W. Lundy and others, of the Seventh district of Iowa, in favor of remonetization of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Farmers' Alliance, Ellwell, Iowa, in favor of Buterworth bill—to the Committee on Agriculture.

Also, memorial of Wareland Monthly Meeting of Friends, Warren County, Iowa, against proposed expenditures for Navy and coast defenses—to the Committee on Naval Affairs.

Also, joint resolution of the Iowa Legislature, asking for the passage of a pure-lard bill—to the Committee on Agriculture.

By Mr. CULBERTSON, of Pennsylvania: Petition of citizens of Pennsylvania, in reference to duty on hops—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of stenographers and others on behalf of the Lawler resolution, as to the short-hand method of spelling—to the Committee on Education.

By Mr. CUTCHEON: Petition of 471 citizens of Michigan, asking for a national Sunday-rest law—to the Committee on Labor.

By Mr. DINGLEY: Memorial of officers of Woman's Christian Temperance Union of the District of Columbia, for passage of House bill 6971 to prohibit manufacture and sale of intoxicating liquors in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Memorial from Congregational churches in Nebraska, for appointment of additional chaplains in the United States Army—to the Committee on Military Affairs.

By Mr. FEATHERSTON: Petition of Jeremiah Pascull, of Phillips County, Arkansas, for reference of his claim to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. FLOWER: Petition of Robert Englander, president, and John Ruff, secretary of Subordinate Union No. 35 of New York Bricklayers and Masons' Union, against employing aliens on public works of the United States—to the Committee on Labor.

By Mr. GEISSENHAINER: Petition for improvement of the South Shrewsbury River in Monmouth County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. GREENHALGE: Petition of Subordinate Union No. 13, city of Lowell, Mass., of the Bricklayers and Masons' International Union of America, for the amendment of the laws of the United States so as to prevent the employment of any other than citizens of the United States upon Government works, etc.—to the Committee on Labor.

By Mr. GROUT: Petition of Emeline M. Butler, widow of Andrew J. Butler, Company C, Sixth Regiment Vermont Volunteers—to the Committee on Invalid Pensions.

Also, petition of clerks in second-class post-offices of Vermont—to the Committee on the Post-Office and Post-Roads.

By Mr. HANSBROUGH: Poetic appeal in behalf of the survivors of the war—to the Committee on Invalid Pensions.

By Mr. HATCH: Petition of 155 citizens of Knox County, Missouri, in favor of the remonetization of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition and papers to accompany a bill for the relief of John H. Morgan—to the Committee on Military Affairs.

By Mr. HAYES: Petition of John J. Rohlf and 84 others, members of Turner Society, at Davenport, Iowa, protesting against the passage of any law materially changing the present naturalization or immigration laws—to the Select Committee on Immigration and Naturalization.

Also, joint resolution of Iowa Legislature, praying for the repeal of the limitation contained in pension act of 1879—to the Committee on Invalid Pensions.

Also, joint resolution of same body, praying for the immediate construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Petition of Bricklayers and Masons' Union, Subordinate Union No. 3, city of Toledo, Ohio, against the employment of aliens instead of citizens on Government works—to the Committee on Labor.

By Mr. HENDERSON, of Iowa: Resolutions by the postal force in the post-office at Dubuque, Iowa, in favor of House bills 6448 and 6449—to the Committee on the Post-Office and Post-Roads.

Also, resolutions by James Butler Post, No. 220, Grand Army of the Republic, Iowa, Clarksville, Iowa, and Charles Payne Post, Grand Army of the Republic, Iowa, No. 141, Iowa Falls, Iowa, urging the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HERMANN: Petition from citizens of Oregon, for forfeiture of Northern Pacific Railroad land grant between Walla Walla and Portland, Oregon—to the Committee on the Pacific Railroads.

Also, of citizens of Wasco County, Oregon, for same purpose—to the Committee on the Pacific Railroads.

By Mr. HOLMAN: Affidavits in support of bill granting a pension to Ann Carr, of Vevay, Ind.—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of Farmers' Mutual Benefit Association, No. 2564, membership 287, State of Kansas, asking for free coinage of silver, for abolition of national banks, and election of United States Senators by a direct vote of the people—to the Committee on Banking and Currency.

Also, petition of Lydia Harris, representing 250 of the Society of Friends, and signed by her as clerk of said organization, Emporia, Kans., protesting against the passage of the Senate Naval Committee measure and all other measures which propose large expenditures for the Navy and so-called coast defenses, all of which is a menace to the peace of the nation in the judgment of said society—to the Committee on Naval Affairs.

By Mr. LACEY: Resolutions favoring service-pension bill, from Lynnville (Iowa) Post, Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. MCRAE: Petition of farmers of Tennessee, against compound land—to the Committee on Agriculture.

By Mr. MORRILL: Resolutions of the Farmers and Industrial Union of Saline County, Kansas, asking for legislation—to the Committee on Agriculture.

By Mr. NORTON: Petition of E. D. Shea and others, citizens of Anderson County, Missouri, praying for a service pension—to the Committee on Invalid Pensions.

Also, petition of W. H. Cameron and 76 others, praying that pensions may be granted all soldiers and marines who served in the Federal Army in the war of the rebellion who are in any respect or any degree unable to perform manual labor—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of Nelson B. Gardner, for increase of pension—to the Committee on Invalid Pensions.

By Mr. O'NEIL, of Massachusetts: Remonstrance of W. K. Lewis & Brother and many others, against imposing any duty on canned lobsters—to the Committee on Ways and Means.

By Mr. O'NEILL, of Pennsylvania: Resolutions of the Philadelphia Board of Trade urging Congress to pass without delay Senate bill 2971, to pension Mrs. Caroline Huddell White, widow of Commodore George B. White, United States Navy—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Petition from 394 Friends of Newburgh, Clinton County, Ohio, against expenditures for warlike purposes—to the Committee on Naval Affairs.

By Mr. RAY: Petitions of Subordinate Lodge No. 8, of Connellsville, Pa., Bricklayers and Masons' International Union, and of Subordinate Lodge No. 26, Washington, Pa., of same organization, praying that the laws be so amended that none but citizens of the United States shall be employed on Government works—to the Committee on Labor.

By Mr. RICHARDSON: Petition of Miss Musadora Wasson, Ella Wasson, and Frank Wasson, praying for payment of their claim of \$30,237, or its reference to the Court of Claims—to the Committee on War Claims.

Also, petition of S. C. Hampton, administrator, for reference of claim to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. RUSSELL: Petition of Louisa Bailey, for pension—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of Bricklayers and Masons' Union at Tiffin, Ohio, against the employment of aliens instead of citizens on Government works—to the Committee on Labor.

By Mr. SNIDER: Petition of Board of Trade of Minneapolis, Minn., favoring the improvement of the Mississippi River between St. Paul and Minneapolis—to the Committee on Rivers and Harbors.

Also, petition of the Society of Friends of Minneapolis, Minn., against expenditures for coast defenses and for naval affairs—to the Committee on Naval Affairs.

Also, petition of the Nationalist Club of Minneapolis, Minn., against proposed settlement of the Pacific railway debt to the Government—to the Committee on Pacific Railroads.

By Mr. STEPHENSON: Petition of the citizens of Menominee, Mich., relative to the position of the North American Turnerbund on immigration and naturalization laws—to the Select Committee on Immigration and Naturalization.

By Mr. STRUBLE: Resolutions of Farmers' Alliance No. 1281, Maple Landing, Iowa, Sac City, Iowa; Washington Alliance, Storm Lake, Iowa; Leonic, Iowa, urging the passage of House bill 5353, defining "options," "futures," and imposing penalties to lessen and prevent gambling in farm products—to the Committee on Agriculture.

By Mr. SWENEY: Protest of George Muegge and 23 others, members of the North American Turnerbund, protesting against the enactment of laws restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. VAN SCHAICK: Petition of members of North Side Turners' Society of Milwaukee, Wis., protesting against proposed changes of immigration and naturalization laws—to the Committee on Labor.

By Mr. VENABLE: Petition of Farmers' Alliance, Greensville County, Virginia, asking that national banks be allowed to loan money on real estate—to the Committee on Banking and Currency.

By Mr. WHEELER, of Alabama: Petition of William Hamaker, of Madison County, Alabama, praying for reference of his claim to Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: Additional evidence in support of claim of Thomas Ridenour—to the Committee on Invalid Pensions.

Also, affidavits for relief of Allen Anderson, Harrison Thurmond, and John Garrett—to the Committee on Military Affairs.

SENATE.

SATURDAY, March 22, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a petition of the Bricklayers and Masons' Union No. 2, of Des Moines, Iowa, praying for the passage of a law prohibiting the employment of aliens on Government works; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of Subordinate Union No. 2, of Belleville, Ill., of the Bricklayers and Masons' Union of America, praying that none but American citizens be employed on all Government work; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented a petition of the Bricklayers and Masons' Union of La Crosse, Wis., praying that Americans be employed in preference to aliens on Government works; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented a petition of the Bricklayers and Masons' International Union of America, of Omaha, Nebr., praying that none but American citizens be employed upon Government works; which was referred to the Committee on Education and Labor.

Mr. STOCKBRIDGE presented a petition of the Bricklayers and Masons' International Union of America, of Detroit, Mich., and a petition of the Bricklayers and Masons' International Union of America, of Saginaw, Mich., praying for such amendment of the laws as will favor citizens of the United States as employes on Government works and exclude aliens therefrom; which were referred to the Committee on Education and Labor.

Mr. HISCOCK presented six petitions of citizens of the State of New York, praying that the time for making application for arrears of pension be extended; which were referred to the Committee on Pensions.

He also presented a memorial of 238 members of the Society of Friends, citizens of the State of New York, remonstrating against increased expenditures for the Navy and other warlike preparations as a menace to the peace and security of the nation; which was referred to the Committee on Naval Affairs.

He also presented sundry petitions signed by numerous citizens of the State of New York, representing ten subordinate unions of the Masons' International Union of America, praying that the present laws be so amended that only citizens of the United States shall be employed on Government works; which were referred to the Committee on Education and Labor.

He also presented a petition of 74 citizens of the State of New York, praying for the passage of House bill 3863, providing for an increase of compensation to letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of Subordinate Union No. 10, of East Liverpool, Ohio, of the Bricklayers and Masons' International Union of America, and a memorial of Subordinate Union No. 5, of Cleveland, Ohio, of the Bricklayers and Masons' International Union of America, remonstrating against the employment of aliens on Government works; which were referred to the Committee on Education and Labor.

Mr. TURPIE presented a petition of Subordinate Union, No. 3, of the Bricklayers and Masons' International Union of America, of Indianapolis, Ind., praying for legislation making a discrimination against aliens and in favor of citizens of the United States as employes on public works; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented a petition of 39 citizens of Dennis, Kans., and the petition of Eugene B. Bisbee, of New York City, N. Y., praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented a petition of Anderson Post, No. 45, Grand Army of the Republic, of Smith Center, Kans., praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of Grand Army of the Republic Post, No. 89, of Nebraska; a petition of Grand Army of the Republic Post, No. 66, of Nebraska; a petition of Grand Army of the Republic Post, No. 17, of Nebraska, and a petition of Grand Army of the Republic Post, No. 95, of Nebraska, praying for the passage of Senate bill 496, to remove the limitation in the payment of arrears of pensions; which were referred to the Committee on Pensions.

Mr. PIERCE presented a petition of 136 residents of Titusville, Pa., praying for the passage of Senate bill 2607, providing for the appointment of a commission to investigate the causes of agricultural depression; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Farmers' Alliance of Hunter, N. Dak., praying for the passage of Senate bill 2607, creating a commission to investigate the causes of agricultural depression, and also praying for the passage of a bill authorizing the Government to loan money to the people at a low rate of interest; which were referred to the Committee on Agriculture and Forestry.

Mr. REAGAN presented resolutions adopted by the Galveston (Tex.) Cotton Exchange in favor of an appropriation to secure a deep-water harbor at Galveston; which were ordered to lie on the table.

Mr. ALLISON presented a petition of 110 citizens of the Seventh Congressional district of Iowa, and a petition of 140 citizens of Winneeshiek County, Iowa, praying for the free coinage of silver; which were referred to the Committee on Finance.

He also presented resolutions adopted by the John Dillon Post, No. 233, Department of Iowa, Grand Army of the Republic, of Marengo, Iowa, and a resolution adopted by the W. A. Morse Post, No. 190, Department of Iowa, Grand Army of the Republic, of Manchester, Iowa, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of W. A. Elliott and other citizens of Grundy Centre, Iowa, praying for legislation to prohibit boards of trade, bucket-shops, and mercantile bodies and individuals from fixing the value on the raw or manufactured produce of American farms by sales of promises of future deliveries; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. A. Elliott and other citizens of Grundy Centre, Iowa, praying for the passage of such laws as will prohibit the selling of promises of future deliveries of farm produce or stock products by those who are not the owners thereof, thereby depressing their value; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN presented a memorial of the Legislature of Washington; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, Senate joint memorial No. 23, asking that surviving soldiers of the Indian war be granted lands in the State of Washington, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.]

ALLEN WEIR, Secretary of State.

[Senate joint memorial No. 23.]

To the Senate and House of Representatives in Congress assembled:

Your memorialist, the Legislature of the State of Washington, respectfully represents:

Whereas it has ever been the custom of governments, from time immemorial, to reward those who served their country in times of peril and danger and risking their lives for the common welfare; and

Whereas in the year of 1855 an Indian war broke out in the Territory of Washington, and participated in by all the Indian tribes of the Territory; and

Whereas it was imperatively necessary that all able-bodied men of the settlers then in the Territory enroll themselves in military companies and go out and meet, fight, and put the Indians to rout, in order that this grand Territory be saved to the United States and to the millions that will yet find here happy and prosperous homes; and

Whereas the early pioneersoldiers, who ventured their all in the putting down of said war, were out of their pay for many years, and when paid it was only the pay of regulars, and this in a depreciated currency worth 40 cents on the dollar:

Resolved, That our Senators and Representatives in Congress are requested to secure the passage of a bill that will give to every man who served in the aforementioned war, and who has an honorable discharge, and to their families, if the soldier be dead, a land warrant for 160 acres of land in the State of Washington.

Hoping and trusting that the subject will commend itself to the favorable consideration of Congress, we pray that this act of justice be done these pioneer soldiers, and as in duty bound, we will ever pray.

Passed the senate January 21, 1890.

CHAS. E. LAUGHTON,
President of the Senate.

Passed the house January 22, 1890.

J. W. FEIGHAN,
Speaker of the House.

Mr. ALLEN presented a memorial of the Legislature of Washington; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,
Office of the Secretary of State.

I, Allen Weir, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the attached instrument of writing, *i. e.*, House memorial No. 14, for the relief of settlers under the timber-culture law, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Olympia, this 17th day of February, A. D. 1890.

[SEAL.]

ALLEN WEIR, Secretary of State.