THE OMAHA DAILY BEE.

SIXTEENTH YEAR. OMAHA, SATURDAY MORNING, FEBRUARY 12, 1887. NUMBER 239.

GUARDING THE STATE FUNDS

The House Sits Down Hard on a Number of Treasury Raids.

THE JUDICIAL APPORTIONMENT.

More Time Wasted in the Senate Discussing Prohibition—The Convict Contract Extension Bill Passes—Scab State Work.

Senate Proceedings.

LINCOLN, Neb. Feb. 11.—[Special Telegram to the BEE.]—The senate met at 10 o'clock and went to work at once in committee of the whole, Mr. Fuller in the chair. On account of the superfluous talk yesterday, Mr. Brown of Clay made a motion that no member be given more than five minutes in which to speak, and that he be not permitted to speak more than twice upon the subject. The result of this will be a great saving of time. The special order was taken up, it being senate file 174, to apportion the state into judicial districts and for the appointment and election of officers thereof. It embraces the whole state, and was framed by the committee on apportionment, the judiciary committee assisted by the judges and the bar of the several judicial districts. The provisions of the bill which interest the greatest number probably, are those affecting the present Second and Third districts. The former now embraces Lancaster, Cass and Otoe counties. The new bill provides that Lancaster county alone shall compose the Eleventh and Cass and Otoe shall be cut off to make the Second district. The Third district is not changed geographically, but the bill provides four judges for it, according to the wishes of the bar of that district. The First, Fourth and Seventh districts one judge. The discussion upon the composition of all the judicial districts resulted as follows:

First District—Richardson, Nemaha, Johnson, Pawnee and Gage counties.

Second District—Cass and Otoe.

Third District—Douglas, Sarpy, Washington and Burt.

Fourth—Saunders, Butler, Colfax, Dodge, Platte, Merrick and Nance.

Fifth—Saline, Jefferson, Fillmore, Thayer, Nuckolls and Clay.

Sixth—Seward, York, Hamilton and Polk.

Seventh—Cuming, Stanton, Wayne, Dixon, Dakota, Madison, Antelope, Pierce, Cedar and Knox, and the unorganized territory north of Knox county, Winnebago and Omaha reservations.

Eighth—Adams, Webster, Kearney, Franklin, Harlan and Phelps.

Ninth—Boone, Platte, Hall, Wheeler, Greeley, Garfield, Loup, Valley, Howard and Blaine counties, and the unorganized territory west of Blaine county.

Tenth—Buffalo, Dawson, Custer, Lincoln, Sherman, Logan, Keith and Cheyenne counties, and the unorganized territory west of Logan county.

Eleventh—Lancaster county.

Twelfth—Gosper, Furnas, Frontier, Red Willow, Hayes, Hitchcock, Chase and Dundy.

Thirteenth—Holt, Brown, Keya Paha, Cherry, Sheridan, Dawes, Sioux and Box Butte counties and the unorganized territory north of Holt and Keya Paha counties.

The bill as outlined above was recommended to pass.

Senate file No. 23, to provide for the arbitration of controversies between laborers and corporations, was discussed at length. Under the laboring man, wrongly treated by his employers, can make complaint to the county judge, who shall select one citizen, the plaintiff another, and the defendant a third, who shall compose a board of arbitration upon that particular grievance, the hearing to be conducted as near as may be after the manner of ordinary civil cases. The arbitrators shall partake of the character of a jury, and their award shall be made in writing and returned to the county judge, who shall file and enter the same upon his docket, and thereon enter judgment in accordance with the terms of said award. The cost of arbitration shall be taxed to the party to whom the award is made. If the defendant neglects to comply with the terms of the award within the time specified, he shall be found guilty of an offense, the penalty of which is fixed at not less than $50 and not more than $200, to be paid to the school fund. The committee recommended the passage of the bill. The senate adopted the report and adjourned.

AFTERNOON SESSION.

Again at 2 o'clock to-day the senate chamber was packed from pit to dome, and the display of millinery and seal sacques was of great variety.

The senate went into committee of the whole and resumed consideration of senate bill 14, for the submission to the people of a liquor prohibitory amendment to the constitution.

Mr. Duras moved to amend the previous question that the bill be recommended not to pass.

Mr. Meiklejohn said: "Now, Mr. President, it is not my desire to take up any time or to talk for the purpose of buncombe or to make any record. This is one of the most momentous questions, and is being prayed for by a majority of the citizens of this state. It should receive consideration by the members of this senate. If I be wrong I will willingly give up the floor, but we cannot afford to turn a deaf ear to 710,000 people. It has been asked here if the people desire legislation on this question of submission, why have they not petitioned for it. It is a fact that our constitution provides that upon a three-fifths vote of either body of this legislature an amendment may be proposed. There is no provision for a petition of any kind. There has been amendment after amendment submitted, and I say that this legislature has been flooded with petitions on this question. I wish to serve notice that I am not a prohibitionist in the line of a third party. There is only one question, and that is submission. It is not a question of prohibition, but submission." The republican, democratic, prohibitionist, Van Wyck or any other party were not concerned. It was a question of right or wrong. Democratic Texas had voted to submit, and the governor on the same day recommended its passage. It was a question that the people should pass upon the basis of right or wrong. That being true, he could not believe the senate would turn a deaf ear because of political lines. He believed the question of prohibition should be handled in the parties of to-day, and favored no third party movement. He believed that the people should have settled the question long ago, and that was why he favored the settlement of the question in the party of to-day instead of a third party. The people asked it and should be given a chance to vote upon it.

Mr. Vandemark was surprised at the statements made by the gentlemen from Nance and Jefferson. He had heard no mandate from his people commanding him to vote on the submission question. True, at the republican convention last summer the mandate was that we should submit the question, but this senate was not the republican party. He could not understand where the mandate arose. His constituency of 25,000 people had not asked for the submission of this question. The speaker at some length reviewed the temperance agitation, and said that when prohibition became assured by legislative enactment it would be when the lion laid down with the lamb, and in that event the lamb would be dead. He recited some ancient history in support of his argument. The Savior had used wine and tolerated it and in fact turned water into wine when among prohibitionists, while Mohammet, 600 years after, had founded a religion which prohibited the use of wine. The speaker chose the example of Christ. It was natural for a man to protect himself, and the beast possessed the same instinct. It was a law of nature and it was not a subject of legislation. Prohibition could never be enforced as long as the cereals were grown from which it was made. Murder and crime existed before its manufacture was invented. One-fourth of the population of the earth met a violent death before alcohol was known, and yet but one man was slain. Alcohol was not responsible for all crime. Prohibition would not prohibit. It had been said by the temperance people that when it was proposed to abolish slavery, the statement was made that it could not be done. Yet it was done. The speaker held that if slavery prevailed over the entire civilized world as does alcohol, it never could have been prohibited.

Mr. Duras said this matter had been discussed thoroughly all over the state, and he did not see why the senate should be thus afflicted. He had heard enough of the temperance question. His amendment that the bill be recommended not to pass had been put in writing.

Mr. Snell asked that final disposition be not made of the bill, as some of its friends were absent. It had been agreed that all members should be present when the bill was put to a vote.

Mr. Robbins said the friends of the measure had not forced the issue, and he thought further delay was necessary.

Mr. Schminke said the people had not sent representatives here at $3 a day to waste time. He was willing to go on record. If some gentlemen had come instructed to vote for the bill let them do so. He had not been so instructed. If a vote was not reached to-day the temperance people would be held responsible.

Mr. Duras shared the opinion of Mr. Schminke.

Mr. Brown favored referring the bill back to-day and passing it on the third reading when every senator would probably be present.

Mr. Shervin could see no reason for the vote not being taken to-day.

The bill was then recommended to pass. It will never receive the necessary twenty votes on final passage.

Senate file No. 5, to regulate fees of county clerks was discussed at length, and the committee again asked leave to sit again.

Senate file 45, regulating cities of the second class, was recommended to pass.

Senate file 97, amending the statutes entitled villages of the second class, was recommended to pass.

When the committee arose the report was adopted.

Mr. Keckley's grain bill (S. F. 32) came up upon third reading and was passed by a vote of 27 to 3.

Senate file 187, entitled cities of the second class and villages, was passed.

Senate file No. 121, providing government for cities of the second class of over 5,000 people was passed.

Senate file 44, in relation to pensions, was passed.

The senate adjourned until to-morrow morning.

NOTES.

There has been a good deal of talk with reference to the action of the governor in the fight between Church Howe and Tom Majors in connection with the former's confirmation as a member of the normal board. Mr. Howe had it stated in some of the papers that the governor had said to him that in the event of the senate rejecting Howe's nomination he would at once return it to the senate as his appointment. Governor Thayer authorized the statement that he has never said to any one that he would return to the senate the nomination of Church Howe after it had been rejected by that body. He would not return any nomination that had been rejected and would consider it disrespectful to the senate to do so.

Doings in the House.

LINCOLN, Neb., Feb. 11.—[Special Telegram to the BEE.]—The house manifested a decidedly economic frame of mind this morning. Almost at the opening of the session a resolution by Mr. Fuller that the committee on normal schools be authorized to visit Fremont and inspect the building and grounds there, which it was proposed to donate to the state for a normal school, if the state would assume the indebtedness of $6,000 or $7,000, was tabled. The resolution led to a general discussion of the normal school question, during which Mr. Kenney said he hoped the house had really got through sending out committees on junketing trips. If a committee was to be sent to Fremont, why not to the twenty other places offering inducements for the establishment of normal schools. There were points offering $20,000. He hoped the resolution would be voted down.

Mr. Dempster favored the resolution, saying that he believed it was a good financial investment.

Mr. White favored it also. Several other gentlemen made remarks until toward the conclusion of the question resolved itself into a test of the feeling of the house on more normal schools anywhere. The tabling of the resolution indicated that unless the house changes in feeling, normal schools need not apply.

The house went into a committee of the whole with Mr. Whitmore in the chair and another showing of the same sentiment was made. The committee took up Mr. Cole's bills to establish an asylum for incurable insane at Hastings. The bill contemplates an appropriation of $75,000 and provides that Hastings shall give 160 acres of land within four miles of the city. Mr. Harlan opposed the bill on the ground that such an institution was not needed. The one at Norfolk is just ready for patients, and it is asking for $90,000. He favored additions to the present buildings, not construction of new ones in new locations.

Mr. Nichol supplemented Mr. Harlan's position by further arguments against the bill.

Mr. Whitmore said the bill was a scheme of log-rolling. The people will not justify it.

Mr. Tingle opposed the bill.

Upon motion of Mr. Smyth, the enacting clause was struck out. Subsequently, after the committee rose, Mr. Cole moved that the action of the committee be not concurred in and called for the ayes and nayes. The G. A. R. influence then demonstrated itself and enough of the members who had voted in the committee to strike out the exacting clause voted the other way to carry Mr. Cole's motion—44 to 42. Then Mr. Cole kicked the pail of milk by calling for the ayes and nays on another motion that the bill be ordered engrossed and placed on file for third reading. Some of Mr. Cole's friends went out before their names were reached, and the result was his motion was lost, 34 to 45.

A motion to recommit to the committee of the whole was also lost. The bill therefore hangs up to dry and probably will never get through. If Mr. Cole had submitted his motion on a vote by acclamation it would have carried.

The bill to authorize the secretary of state to receive and provide for the safe keeping of the field notes, maps, etc., from the surveyor general's office was recommended for passage by the committee of the whole.

A resolution by Mr. Andres to rescind the contract of printing the house and senate bills awarded to Henry Gibson, was referred to the committee on printing. The resolution recites that the contractor is delaying the work and that he is having it done by scab printers in Kansas City.

AFTERNOON SESSION.

Mr. Smyth moved that the house go into committee of the whole on the special order of the hour, the contest case from Sarpy county, in which the committee has reported favorably to unseating Mr. McKenna and seating Mr. Snell.

Mr. Randall moved as an amendment that the contest case be referred back to the committee on privileges and elections.

Mr. Smyth accepted the amendment, and the report was recommitted.

Mr. Cole moved that the bill regarding the proposed Hastings' insane asylum be made the special order for Tuesday evening next. That disposition was made of it.

The following new bills were introduced:

By the Committee on Ways and Means—To provide for the payment of the salaries of the officers of the state government, hospital for insane at Lincoln, hospital for insane at Norfolk, institute for the blind, deaf and dumb, reform school, normal school at Peru, home for the friendless, institute for feeble minded, live stock sanitary commissioners, railroad commissioners and fish commissioners.

By Wetherald—Regulating the fees of probate county judges in the state of Nebraska in counties having less than 1,500 population, and amending sections 8 and 9 of chapter 28 of the compiled statutes of Nebraska.

By Veach—To regulate the taxing of costs in certain cases arising under section 77 of chapter 14, compiled statutes of Nebraska, entitled "Cities of the second class and villages."

By Hayden—To amend section 8 of chapter 28 of the compiled statutes of Nebraska, entitled "Fees," and to repeal section 9 of said chapter 28.

By Watson—To regulate commerce in the state of Nebraska.

Bills were passed as follows:

Providing that in counties under township organization bridges exceeding sixty feet in length shall be constructed and maintained by the whole county.

Authorizing the auditor of public accounts to draw warrants on the unexpended balance of appropriation for taking of census of 1885.

To appropriate $5,000 to reimburse Otoe county for expenses in the trial of Quinn Bohanno.

When the bill extending the contract for lease of the penitentiary to C. W. Mosher for ten years after 1889 was reached, Mr. Young moved that the bill should be recommitted to committee of the whole. He wanted it recommitted for the purpose of changing the title so that it would read: "A bill for the benefit of C. W. Mosher." That was the only object of the bill, and he desired that it should indicate what it was.

Mr. Watson opposed the motion. He claimed that the committee had received the opinions of all the members of the state board, governor and other state officials, and they had all agreed that the best thing the legislature could do was to renew the contract; that the prisoners were cared for as well as they could be, and that the state was making money by the contract. The system of contracting convict labor was the best devised. Its opponents were manufacturers of agricultural implements and other articles which the convicts could make.

Mr. Newcomer moved the previous question.

Mr. Smyth said in explanation of his vote that he was surprised at the unfairness that was manifested. Several gentlemen had been permitted to speak in favor of the bill and he was not permitted to reply. He was not prepared for such an expression of unfairness on the part of the house.

The roll call then proceeded upon passage of the bill.

Mr. Smyth endeavored to be heard but was declared to be out of order. He objected to final consideration of the bill but was not permitted to discuss it. When it came to his name Mr. Smyth said he voted no because he believed the bill is wrong in principle, and wrong in practice; and because there are men who would accept this contract at 30 cents a day. It is infamously wrong to extend this contract ten years without inviting competition.

Mr. Whitmore—"There is an overwhelming public sentiment among my constituents against convict contract labor. Because of this and because, too, I claim we could do better, I vote no."

Mr. Young—"Believing this bill is in the interest of one man and against the interests of the state, I vote no."

Mr. Horst—"I vote no because it is right to vote no."

The bill passed. The following votes were recorded against it: Bick, Gafford, Gamble, Gilmore, Harrison, Horst, Jeary, Knox, Matthieson, Russell, Satchel, Smyth, Whitmore, Wilhelmsen, Young.

The bill prohibiting employment of child labor more than four months in a year passed.

The bill making it unlawful for any railroad corporation to charge more than three cents per mile for the transportation of any passenger, was passed.

The bill to protect primary elections and conventions of political parties and punish illegal voting, tampering with the ballots or obstructing a meeting was passed, Messrs. Horst, Russell and Tingle alone voting no, Mr. Russell changing his vote, saying that he did so because he didn't want to be in such company.

Mr. Horst retorted by saying that he was under obligations to the gentleman because from the gentleman's reputation he did not enjoy his company.

The house went into committee of the whole, Mr. Smyth in the chair.

The bill amending the law regarding fees of county and probate judges was killed by having its enacting clase stricken out upon Mr. Watson's motion.

Mr. Wilsey's bill, providing that whenever any person receives injury to person or property by reason of defect in highways or bridges located in any county, the county in which such damage arises or the town, if the county be under township organization, shall be liable, brought on some debate.

Mr. Raymond opposed the bill and moved to strike out the enacting clause. This was lost. The bill was recommended for passage.

During the debate Mr. Caldwell said that what the bill provided was already provided by the common law of every other state and the bill would not be necessary were it not for a decision by the Nebraska supreme court, which had been criticised by every writer on common law in the country.

The bill to amend the mechanic and labor lien law by a proviso to the section which gives the person furnishing material or labor to a contractor a lien on the property, as follows: "That a written notice of the nature and amount of the claim shall be served within twenty days from the day of furnishing such labor or material on the owner or agent of the property," was recommended for passage. The discussion developed into a pretty thorough airing of the mechanics' lien law.

Mr. Caldwell made a vigorous appeal for the enactment of a law which would protect the owner of property from rascally contractors. It subsequently developed from Mr. Russell's remarks that Mr. Caldwell spoke from his heart, as the latter had been obliged to pay $750 twice on account of a rascally contractor's defalcation.

The committee rose, and its report was adopted.

The house adjourned until the usual hour to-morrow.

THAT PRINTING CONTRACT.

The full text of Mr. Andres' resolution introduced this morning is as follows:

Whereas, the present contractor for legislative printing has failed in several instances to comply with the provisions of his printing contract with the state; and

Whereas, Said failure was due to the fact that said contractor did not pay the current rates of wages to the men in his employ, and forced them to go on a strike; be it

Resolved, That the board of public lands and buildings be requested to insert in any and all contracts let by said board a clause compelling contractors to pay the current rate of wages to any and all men in their employ under such contract; and be it further

Resolved, That the board of public lands and buildings be requested to rescind the present contract for legislative printing.

The above resolution was prepared and introduced upon the request of Messrs. Boyer, Abernethy and Lewis, representatives from the Omaha Typographical union, who visited the legislature this week.

Salaries of State Officers.

LINCOLN, Neb., Feb. 11.—[Special Telegram to the BEE.]—The house committee on ways and means introduced a bill to-day making the following appropriations for salaries of state officers for the next two years: Governor's office, $8,400; adjutant general's office, $6,000; secretary of state, $12,200; auditor of public accounts, $18,000; treasurer, $11,200; superintendent of public instruction, $6,400; commissioner of public lands and buildings, $20,600; supreme court, $20,000; state library, $3,400; district courts, $96,000; normal school, $28,100; hospital for the insane, Lincoln, $10,400; hospital for the insane, Norfolk, $8,000; institute for the blind, $8,600; institute for the deaf and dumb, $21,000; reform school, $14,000; institute for the feeble minded, $8,540; live stock sanitary commission, $9,240; railroad commission, $17,716.63; fish commission, $2,400.

Work of Committees.

LINCOLN, Neb., Feb. 11.—[Special Telegram to the BEE.]—The ways and means committee of the house met this evening and practically agreed upon the miscellaneous appropriations. Altogether the appropriations will reach $1,500,000. Governor Thayer, Lieutenant Dudley and others appeared before the committee and urged appropriation for the proper maintenance of two national guard regiments and one company of artillery. This is done for the purpose of availing the appropriations in the Sewell bill which has recently passed congress.

The railroad committee held another meeting this evening and considered the bill introduced by Mr. Watson to-day along with other bills. Mr. Watson's measure practically applies the inter-state commerce bill to the state.

Short But Sharp.

PHILADELPHIA, Feb. 11.—A desperate and hotly contested prize fight came off this morning in an up-town barn, near Germantown, between Dennie F. Butler, the champion short-distance swimmer of America, and John Reagan, of Kensington. A purse of $500 was the stake, and the time of the fight was eight minutes. The fight consisted of three rounds, at the end of which it was given Butler on a foul.

Nebraska and Iowa Weather.

For Nebraska and Iowa: Generally fair weather, higher temperature.

SEALED WITH DISAPPROVAL

The President Places His Veto on the Dependent Parents' Pension Bill.

HE EXPLAINS HIS REASONS

The Country's Pension Legislation Reviewed From the Revolutionary War Until the Present Time and Conclusions Drawn.

The President's Veto.

WASHINGTON, Feb. 11.—The president to-day sent a message to the house vetoing the dependent parents' pension bill. The following is the text of the message:

To the House of Representatives: I herewith return without my approval House Bill No. 10,457, entitled "An act for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support." This is the first general bill that has been sanctioned by congress since the close of the late civil war permitting pensions to soldiers and sailors who served in that war upon the ground of service and present disability alone, and the entire absence of any injuries received by casualties or incidents of such service. While by almost constant legislation since the close of this war there has been compensation awarded for every possible injury received as a result of military service in the union army, and while the great number of laws passed for that purpose have been administered with great liberality and have been supplemented by numerous private acts to reach special cases, there has not, until now, been an avowed departure from the principle thus far adhered to respecting union soldiers, that the bounty of the government in the way of pensions is generously bestowed when granted to those who, in their military service, have, to a greater or less extent, been disabled. But it is a mistake to suppose that service pensions, such as are permitted by the second section of the bill under consideration, are new to our legislation. In 1818, thirty-five years after the close of the revolutionary war, there were granted pensions to soldiers engaged in that struggle, conditional upon service until the end of the war or for a term not less than nine months, and requiring every beneficiary under the act to be one "who is, or hereafter by reason of his reduced circumstances in life shall be in need of assistance from his country for support." Another law of like character was passed in 1828, requiring service "To the close of the revolutionary war," and still another passed in 1832 provided for those persons not included in the previous statute but who served two years at some time during the war, and giving a proportionate pension to those that had served no less than six months. A service pension law was passed for the benefit of soldiers of the war of 1812 in the year 1871, fifty-six years after the close of that war, which required only sixty days' service, and another passed in 1878, sixty-three years after the war, requiring only fourteen days' service. The service pension bill passed at this session of congress, thirty-nine years after the close of the Mexican war, for the benefit of soldiers of that war, requires either some degree of disability, dependency, or that the claimant under its provisions should be sixty-two years of age, and in either case that he should have served sixty days or have been actually engaged in battle. It will be seen that the bill of 1818 and the Mexican pension, being thus passed nearer the close of the wars in which its beneficiaries were engaged than the others—one thirty-five and the other thirty-nine years after the termination of such wars—embraced persons who were quite advanced in age, assumed to be comparatively few in number, and whose circumstances, dependence and disabilities were clearly defined and could be quite easily fixed. The other laws referred to appear to have been passed at a time so remote from the military service of the persons whom they embraced that their extreme age alone was deemed to supply the presumption of dependency and need. The number of enlisted men in the revolutionary war is stated to be 309,791, and in the war of 1812, 576,622, but it is estimated that on account of repeated re-enlistments the number of individuals engaged in the war did not exceed one-half of the number represented by these figures. In the war with Mexico the number of enlistments is reported to be 112,230, which represents a greater proportion of individuals engaged than the reported enlistments in the two previous wars. The number of pensions granted under all laws to soldiers of the revolution is given at 62,059; to soldiers of the war of 1812, and their widows, 60,178; and to soldiers of the Mexican war and their widows up to June 30, 1885, 7,619. This number of pensions was granted to soldiers of a war involving much hardship for disabilities incurred as the result of such service, and it was not till within the last month that the few remaining survivors were awarded a service pension. The war of the rebellion terminated nearly twenty-two years ago. The number of men furnished for its prosecution is stated to be 2,772,408. No corresponding number of statutes have ever been passed to every kind of injury or disability incurred in the military service of any war. Under these statutes 561,576 pensions have been granted from the year 1861 to June 30, 1886, and more than 2,600 pensioners have been added to the rolls by private acts passed to meet cases, many of them of questionable merit, which the average laws did not cover. On the 1st day of July, 1886, 365,673 pensioners of all classes were upon the pension rolls, of whom 30,565 were survivors of the war of the rebellion and their widows and dependents. For the year ending June 30, 1887, $75,000,000 have been appropriated for the payment of pensions, and the amount expended for that purpose from 1861 to July 1, 1886, is $808,624,811.51. While annually paying out such a vast sum for pensions already granted, it is now proposed by the bill under consideration to award a service pension to soldiers of all wars in which the United States has been engaged, including, of course, the war of the rebellion, and to pay those entitled to the benefits to the act $12 per month. So far as it relates to the soldiers of the late civil war, the bounty it affords them is given thirteen years earlier than it has been furnished to the soldiers of any other war and before a large majority of its beneficiaries advance in age beyond the strength and vigor of the prime of life. It exacts only military or naval service of three months, without any requirement of actual engagement with the enemy in battle, and without subjection to any of the actual dangers of war. The pension it awards is allowed to enlisted men who have not suffered the least injury, disability, loss or damage of any kind incurred in service in any degree referable to their military service, including those who never reached the front at all, and those discharged from rendezvous at the close of the war, if discharged three months after enlistment. Under the last call of the president for troops in December, 1864, 11,303 men were furnished who were thus discharged. The section allowing this pension does, however, require, besides a service of three months and an honorable discharge, that those seeking the benefit of the act shall be such as "are now or may hereafter be suffering from mental or physical disability not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as render them unable to earn support, and who are dependent upon their daily labor for support." It provides further that such persons shall, upon making proof of the fact, "be placed on the list of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor, $12 per month; and such pension shall commence from the date of the filing of the application in the pension office, upon proof that disability then existed, and continue during the existence of the same in the degree herein provided; provided, that persons who are now receiving pensions under existing laws, or whose claims are pending in the pension office, may, by application to the commissioner of pensions, in such form as he may prescribe, receive the benefit of this act." It is manifestly of the utmost importance that that statutes which, like pension laws, should be liberally administered as measures of benevolence in behalf of worthy beneficiaries, should admit of no uncertainty as to their general objects and consequences. Upon careful consideration of the language of the section of this bill above given, it seems to me to be so uncertain and liable to such conflicting constructions and to be subject to such unjust and mischievous application, as to alone furnish sufficient ground for disapproving the proposed legislation. Persons seeking to obtain a pension provided by this section must be "now or hereafter suffering from mental or physical disability," 2, "Such disability must not be the result of their own vicious habits or gross carelessness," 3, Such disability must be such as "incapacitates them from the performance of labor to earn support." 4, They must be "dependent upon their daily labor for support." 5, Upon proof of these conditions, they shall be "placed on the lists of invalid pensioners of the United States and be entitled to receive for such total inability to procure their subsistence by daily labor, $12 per month." It is not probable that the words last quoted, "such total inability to procure their subsistence by daily labor," at all qualify the conditions prescribed in the preceding language of the section. The "total inability" spoken of must be "such" inability—that is, inability already described and constituted by the conditions already detailed in the previous parts of the section. It thus becomes important to consider the meaning of and scope of these last mentioned conditions. The mental and physical disability spoken of has a distinct meaning in the practice of the pension bureau, and includes every impairment of bodily or mental strength and vigor. For such disabilities there are now paid 131 different rates of pension, ranging from $1 to $100 per month. This disability must not be the result of the applicant's "vicious habits or gross carelessness." Practically this provision is not important. The attempt of the government to escape the payment of a pension on such a plea would, of course, in the very large majority of instances, and regardless of the merits of the case, prove a failure. There would be that strange but nearly universal willingness to help the individual as between him and the public treasury, which goes very far to insure a state of proof in favor of the claimant. The disability of applicants must be such as to "incapacitate them for the performance of labor in such a degree as to render them unable to earn support." It will be observed that there is no limitation or defination of the incapacitating injury or ailment itself. It need only be such a degree of disability from any cause as renders the claimant unable to earn support by labor. It seems to me that the "support" here mentioned as one which cannot be earned, is complete and entire support, with no diminution on account of the least impairment of physical or mental condition. If it had been intended to embrace only those who, by disease or injury were totally unable to labor, is would have been very easy to express that idea instead of recognizing, as is done, the "degree" of such inability. What is support? Who is to determine whether a man earns it or has it not? Is the government to enter the homes of claimants for pensions, and after an examination of their surroundings and circumstances, settle those questions? Shall the government say to one man that his manner of subsistence by his earnings is support, and to another that things his earnings furnish are not support? Any attempt, however honest, to administer this laws in such a manner would necessarily produce more unfairness and more unjust discrimination and give more scope for partisan partiality, and would result in more perversion of the government's benevolent intentions than any statute ought to permit. If in the effort to carry out the proposed law the degree of disability as related to earnings be considered for the purpose of discovering if, in any way, it curtails the support which an applicant, if entirely sound, would earn, and to which he is entitled, we enter the broad field long occupied by the pension bureau, and we recognize as the only difference between proposed legislation and the previous laws passed for the benefit of surviving soldiers of the civil war the incurrence in one case of disabilities in military service, and in the other disabilities existing but in no way connected with or resulting from such service.

It must be borne in mind that in no case is there any grading of this proposed pension.

Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of ability to earn such support as the government determines the claimant should have; and by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of $12. In the latter case, and under the provision of the proposed bill permitting persons now receiving pensions to be admitted to the benefits of the act, I do not see how those now on the pension roll for disabilities incurred in the service, which diminish their earning capacity, can be denied the pension provided in this bill. Of course none will apply who are receiving $12 or more per month. But on June 30, 1886, there were on the pension rolls 202,621 persons who were receiving fifty-eight different rates of pension from $1 to $11.75 per month. Of these, 28,142 were receiving $2 per month; 63,116, $4 per month; 37,254, $6 per month; and 50,274, whose disabilities were rated as total, $8 per month.

As to the meaning of the section of the bill under consideration there appears to have been quite a difference of opinion among its advocate in congress. The chairman of the committee on pensions in the house of representatives, who reported the bill, declared that there was in it no provision for pensioning any one who has less disability than total disability to labor and that it was a charity measure. The chairman of the committee on pensions in the senate having charge of the bill in that body, dissented from the construction of the bill announced in the house of representatives and declared that it not only embraced all soldiers totally disabled, but in his judgment all who are disabled to any considerable extent, and such construction was substantially given to the bill by another distinguished senator who, as a former secretary of the interior, had imposed upon him the duty of executing the pension laws and determining their extent and meaning.

Another condition required of claimants under this act is that they be "dependent upon their daily labor for support." This language, which may be said to assume that there exists within the reach of persons mentioned "labor" or ability in some degree to work, is more aptly used in a statute describing those not wholly deprived of this ability than one which deals with those utterly unable to work. I am of the opinion that it may be fairly contended that under the provisions of this section any soldier whose faculties of mind or body become impaired by accident, disease or age, irrespective of his service in the army as cause, and who by his labor only is left incapable of gaining the fair support he might with unimpaired powers have provided for himself, and who is not so well endowed with this world's goods as to live without work, may claim to participate in its bounty; that it is not required that he should be without property, but only that labor should be necessary to his support in the same degree, nor is it required that he should be now receiving support from others. Believing this to be the proper interpretation of the bill, I cannot but remember that the soldiers of our civil war, in their pay and bounty, received such compensation for their military service as has never been received by soldiers before or since mankind first went to war; that never before, on behalf of any soldiers, have so many and such generous laws been passed to relieve against the incidents of war; that statutes have been passed giving them preference in all public employments; that really needy and homeless union soldiers of the rebellion have been to a large extent provided for at soldiers' homes, instituted and supported by the government, where they are maintained together, free from the sense of degradation which attaches to the usual support of charity, and that never before in the history of the country has it been proposed to render government aid toward the support of any of its soldiers based alone on military service so recent and where age and circumstances appeared so little to demand such aid. Hitherto such aid has been granted to surviving soldiers, few in number, venerable in age, after long lapses of time since their military service, and as a parting benefaction tendered by a grateful people. I cannot believe that the vast, peaceful army of union soldiers who, having contentedly resumed their places in the ordinary avocations of life, cherish as sacred the memory of patriotic service; or who, having been disabled by the casualties of war, justly regard the present pension roll on which appear their names as a roll of honor, desire at this time and in the present exigency to be confounded with those who, through such a bill as this, are willing to be objects of simple charity and to gain a place on the pension roll through alleged dependence.

A recent personal observation and experience constrains me to refer to another result which will inevitably follow the passage of this bill. It is sad but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those whom, as agents, undertake to establish claims for pensions, heedlessly entered upon by expectant beneficiaries, and encouraged or, at least not condemned, by those unwilling to obstruct a neighbor's plans. In the execution of this proposed law, under any interpretation, a wide field of inquiry would be opened for the establishment of facts largely within the knowledge of the claimant alone; and there can be no doubt that the race after pensions offered by this bill would not sonly stimulate weakness and pretended incapacity for labor, but put a further premium on dishonesty and mendacity. The effect of an invitation to apply for pensions, or of new advantages added to causes for pensions already existing, is sometimes startling. Thus in March, 1879, large arrearages of pensions were allowed to be added to all claims filed prior to July 1, 1880. For the year from July 1, 1879, to July 1, 1880, there were filed 110,673 claims, though in the year immediately previous there were but 36,832 filed and in the year following but 18,455.

While the cost should not be set against a patriotic duty or a recognition of right, still when the measure proposed is based upon generosity or motives of charity, it is not amiss to meditate somewhat upon the expense which it involves. Experience has demonstrated, I believe, that all estimates concerning the probable future cost of the pension list are uncertain and unreliable, and always fall far below the actual realization. The chairman of the house committee on pensions calculates that the number of pensions under this bill would be 33,105, and an increased annual cost of $4,767,410. This is upon the theory that only those who are entirely unable to work would be beneficiaries. Such was the principle of the revolutionary pension law of 1818, much more clearly stated, it seems to me, than in this bill. When the law of 1818 was upon its passage in congress the number of pensioners to be benefited thereby was thought to be 374, but the number of applicants under the act was 22,297 and the number of pensions actually allowed 20,485, costing, it is reported for the first year, $1,847,000, instead of $40,000, the estimated expenses for that period. A law was passed in 1853 for the benefit of surviving widows of revolutionary soldiers who were married after January 1, 1800. It was estimated that they numbered 300 at the time of the passage of the act, but the number of pensions allowed was 3,742, and the amount paid for such pensions during the first year of the operation of the act was $180,000 instead of $2,400,000, as had been estimated. I have made no search for other illustrations, and the above being at hand are given as tending to show that estimates cannot be relied upon in such cases. If none should be pensioned under this bill except those utterly unable to work, I am satisfied that the cost estimated in the estimates referred to would be many times multiplied and with constant increase from year to year, and of those partially unable to earn their support should be admitted to the privileges of this bill, the probable increase of expense would be almost appalling.

I think it may be said that at the close of the war of the rebellion every northern state and the majority of northern counties and cities were burdened with taxation on account of large bounties paid our soldiers, and the bonded debt thereby created still constitutes a large item in the account of the tax gathered against the people. Federal taxation, no less borne by the people than that directly levied upon their property, is still maintained at a rate made necessary by the exigencies of war. If this bill should become a law, with its tremendous addition to our previous obligation, I am thoroughly convinced that further efforts to reduce the federal revenue and restore some part of it to our people will and perhaps must be seriously questioned. It has continually been the cause of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing army in time of peace, yet we are now living under a war tax which has been tolerated in peaceful times to meet the obligations incurred in war. But for years past in all parts of the country the demand for a reduction of the burden of taxation upon our labor and production has increased in volume and urgency. I am not willing to approve a measure presenting the objections to which this bill is subjected, and which, moreover, will have the effect of disappointing the expectation of people and their desire and hope for relief from war taxation in time of peace.

In my last annual message the following language was used: "Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in a desire to indulge this feeling of consideration, I cannot rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment under which relief may be claimed as right, and that such relief should be granted under sanction of law not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy or of the tender mercies of social and political influence with their unjust discrimination." I do not think that the objects, conditions and limitations thus suggested are contained in the bill under consideration. I adhere to the sentiments thus heretofore expressed. But the evil threatened by this bill is, in my opinion, such that, charged with a great responsibility in behalf of the people, I cannot do otherwise than to bring to the consideration of this measure my best efforts of thought and judgment, and perform my constitutional duty in relation thereto, regardless of all consequences, except such as appear to me to be related to the best and highest interests of the country.

(Signed) GROVER CLEVELAND.

Executive Mansion, Washington, Feb. 11, 1887.

THE STOCK MARKET.

The Opening Sentiment Strong But the Close Easy.

NEW YORK, Feb. 11.—[Special Telegram to the BEE.]—Owing to the almost complete suspension of telegraphic communication to-day very few outside orders in stocks came on the market. The sentiment, however, was strong in spite of London advices that the foreign markets were all flat and lower. The London opening quotations on American stocks came in ¼@¾ per cent lower, and in consequence stocks were a shade lower here. Erie and Kansas & Texas, however, did not parricipate in the heaviness of the rest of the list. Very strong bull points were out in Erie, and the advance in both common and preferred stock indicated that it had gone into strong hands. Gould's brokers were buyers of Kansas & Texas, and points from this source were bullish on all the Gould properties. It was claimed that some very good buying of Northwestern was at the bottom of yesterday's advance and that the stock would be put to 120 on this turn. The New York Central earnings for the month of January increased $119,000, and careful observers stated that all of the trunk lines were a purchase on the statement of earnings which they will put out for the first quarter of the current year. It was claimed that some plan had been agreed on to preserve the eastern trunk line pool after the interstate commerce bill went into effect. Coal stocks were only moderately active. A half-hearted drive was made at the market during the closing hour, and a fractional drop was secured. Cammack's brokers were sellers of St. Paul, Lake Shore and Lackawanna. Foreign operators favored the decline, and it was predicted that the bears would press their advantage to-morrow. The closing throughout the list was easy at considerable concession from the opening prices. The total sales were about 300,000 shares.

Parnell's Amendment Defeated.

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LONDON, Feb. 11.—[New York Herald Cable—Special to the BEE.]—The division on Mr. Parnell's amendment to the address in reply to the queen's speech took place