

THE LAW-MAKERS.

PROCEEDINGS OF SENATE AND HOUSE OF REPRESENTATIVES.

RECOGNITION OF A NEW POWER.

Mr. Bacon, of Georgia, contends That it is a Function Belonging Exclusively to Congress—Mr. Olney's "Defiance of Authority."

WASHINGTON, D. C., January 13.—

The Senate spent the first two hours of today's session behind closed doors, in consideration of executive business (the extradition treaties with Argentina and the Orange Republic), and the remainder of the day was occupied in the delivery of a speech by Mr. Bacon (Democrat), of Georgia, on the question whether the recognition of a new power was an executive or a legislative act. His contention was that it was a legislative function; one exclusively for determination by Congress. Even where the recognition was by the President, its validity, Mr. Bacon argued, was derived from the assent of Congress, either direct or implied. If the President had such exclusive power, it was greater than any which any constitutional monarch would.

Never, Mr. Bacon said, was challenge of power more sharply made than that by the Secretary of State in the matter; and never was defiance of authority more boldly given.

Mr. Bacon confined himself to constitutional and legal points in his argument, refraining from every allusion to the practical question of recognizing the republic of Cuba. He introduced his subject by remarking that, in December last he had introduced a concurrent resolution, which had been referred to the Judiciary committee, declaring that the question of the recognition of a new power was one exclusively for the determination of Congress. He argued that, if it was undeniable, he said, that all legislative power was vested by the Constitution in Congress, except as modified by the President's right of veto; and therefore the test of whether the recognition of a government belonged to the executive or to Congress was the question: "Would such recognition make that law which was not law before?" If it did, then the power lay in Congress, and not in the Executive. He argued that the recognition of a new power did create a new legal status, and was, therefore, exclusively within the province of the law-making power. When the act of recognition was by the President, it was the act of a constitutional monarch, and not of a monarch. He argued that the act of recognition was in the domain of the law-making power, and that when that branch, in full knowledge of what it is doing, permits the Executive to act in a matter which is a confirmation of the President's act.

That the ultimate power to determine whether a nation should be admitted to recognition was in the lawmaking branch of the government, and that when that branch, in full knowledge of what it is doing, permits the Executive to act in a matter which is a confirmation of the President's act.

Mr. White (Democrat), of California, put the case of the recognition by the President of a minister representing the government of Mexico. He asked Mr. Bacon whether that recognition was final, and bound Congress and the country.

Mr. Bacon gave a decidedly negative response, and when Mr. White (Republican) of Maine followed up Mr. White's suggestion by asking whether Congress might order such minister to be sent home, Mr. Bacon's response in the affirmative was equally positive.

Mr. Bacon went on to argue that if the President had the sole and exclusive power of recognizing or refusing to recognize a nation, he would have a more absolute power, and there was no, on earth to-day a constitutional monarch that wielded such power. It was safer, he argued, that the determination of a great question should not be within the control of one man, but should be under the control of the lawmaking power.

"The Secretary of State," Mr. Bacon continued, "has the power of Congress," and defined its authority, and has proclaimed through the press to foreign nations that even if such proposed action should be taken, it is a great question of the form of law, the President will not obey it. He has practically threatened Congress with the veto of the President, and has added that if passed, the bill it will be equally null and void in the face of Congress as so much waste paper. Never was challenge of power more sharply made. Never was defiance of authority more boldly given."

Mr. Bacon spent for nearly three hours, most of the speech being delivered from manuscript. The Mills resolutions remain on the table.

Mr. Gear (Republican), of Iowa, chairman of the Pacific Railroad Committee, introduced a bill, which was referred to that committee, appointing the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General a commission to settle the indebtedness of the bond-aided Pacific railroads to the government.

The Senate then, at 5:30 P. M., adjourned until tomorrow.

House of Representatives. The House spent to-day in work on the calendar, and passed a number of minor bills, by unanimous consent.

The bill providing that oleomargarine and other imitation dairy products shall be subject to the laws of the States or Territories into which they are transported was sprung unexpectedly. Strong opposition developed at once, with the result that after a long and heated debate, and after the previous question on the passage of the bill was voted down by a narrow majority.

On motion of Mr. Washington (Democrat), of Tennessee, the Senate Joint resolution was passed providing for expediting the erection of the government building at the Tennessee Centennial Exposition.

The bills passed was House bill detaching Marion county, Ala., from Northern and attaching it to the Southern District of that State.

Also, the Senate bill withdrawing from the Supreme Court of the United States the jurisdiction of criminal cases not capital. It confers jurisdiction in cases of this character upon the Circuit Court of Appeals.

At 4 P. M. the House adjourned until to-morrow.

THE EXTRADITION TREATIES. Mr. Olney's Extraordinary Demand. Arbitration Treaty.

WASHINGTON, January 13.—The Senate devoted two hours this afternoon to the consideration in executive session of the request of Secretary Olney for an amendment to the extradition treaties with the Orange Free State and the Argentine Republic, ratified Monday, by the insertion of a clause requiring each government to give up its own citizens on extradition demand by the other government a party to the treaty. This language was proposed by Mr. Olney, and was voted out of the usual order of things that it precipitated a long debate, participated in by Senators Morgan, Sherman, Chandler, Hoar, and others. The senators took the noon recess, and the government was the judge of its own rights in such cases.

Senator Davis also spoke at some length in opposition to the request of the Secretary. He said that the language asked for was unnecessary.

At the conclusion of the debate no formal vote was taken, but it was evident that the Senate would decline to make the amendment asked for, and the treaties will stand as ratified Monday last.

A resolution was adopted removing the Interior Secretary from the general treaty of arbitration between this country and Great Britain.

The nomination of David R. Francis, of Missouri, to be Secretary of the Interior, was taken up in executive session, and after a short speech by Mr. Vest the case went over without action.

ARMOR FOR WARSHIPS. Trouble at Newport News with Steel Plates.

WASHINGTON, January 13.—Naval Constructor Dashiell, member of the Steel Board, has returned from Bethlehem, Penn., where he examined the plates made for the battleship Wisconsin, now under construction at that place. He found them to be up to specifications, and that there will be no delay on the vessel.

Constructor Dashiell will now go to Newport News, where the work on the battleships Kearsarge and Kentucky is practically suspended, on account of tests made to determine the quality of all the steel furnished, on the method of which it is believed that the methods of working the plates into those ships is as much at fault as the plates themselves, and that the contractor has to devise some method by which sufficient good material out of the hundreds of tons on hand may be selected and the work continued, while the steel contractor is given an opportunity to make good the deficiency.

The Steel Board will consider Constructor Dashiell's report on Friday, and there is a likelihood that construction may be recommenced at Newport News next week.

THE AGRICULTURAL BILL. Extension of Meat Inspection Appropriation for Seeds.

WASHINGTON, D. C., January 13.—The agricultural appropriation bill was presented to the House to-day, by Mr. Wadsworth, chairman of the Committee on Agriculture. It carries an appropriation of \$3,152,752, an increase of \$102,000 over the amount appropriated for the current fiscal year. The only material increase is under the head of the Bureau of Animal Industry, and is intended to allow the extension of meat inspection. The committee discussed the matter, and the House passed the bill to-day, and it is expected that it will be passed by the Senate to-day.

Secretary Morton made no estimate for this expenditure, and, as in former bills, it was inserted without his sanction.

Editorial That Violates Law. WASHINGTON, D. C., January 13.—The Post-Office Department yesterday issued a copy of the Bristol Courier, of Bristol, Tenn., containing an editorial, signed by the editor of that paper, Charles H. Slack, in which he attacked James L. McMillan, editor of the Christian. The contents of the editorial are such that its circulation through the mails constitute a violation of the postal laws, and the paper was to-day forwarded to a post-office in the United States District Attorney of Eastern Tennessee, with a view to the prosecution of the offender.

Southern War Claims. WASHINGTON, D. C., January 13.—A bill carrying an appropriation of \$78,000 to settle the claims of the Southern States for supplies taken in the South by Federal troops during the late war, which claims have been adjudicated by the Court of Claims, was to-day favorably reported to the Senate by the Committee on Claims.

This bill was incorporated by the Senate in a bill to amend the sundry bill of the last session of Congress, but it was disagreed to by the House, and stricken out in conference.

The Watson-Black Contest. WASHINGTON, D. C., January 13.—Elections Committee No. 1, which has jurisdiction of the contested election case of Watson vs. Black, from the Tenth Georgia District, will meet on Friday afternoon at 4 o'clock, at the Hotel Hamilton, to discuss the testimony submitted, and endeavor, if possible, to reach a compromise respecting its merits. It is not likely that a definite decision will be reached, at this meeting, in view of the wide diversity of opinion among the members. It is possible that several meetings will be held before the majority of the committee agree upon a report.

ONLY TWO FAVORITES WIN. Public Losers at the Crescent City Race-Course.

NEW ORLEANS, January 13.—Warm, favorable weather drew out a large crowd to-day. A dead heat was run off, prolonging the sport to a late hour, with only two post favorites winning, and the public losers on the day.

First race—selling, six furlongs—Alamo 0:58, Gatewood, 6 to 5 won, with Kathie second, and Sim. W. third. Time, 1:12.

Second race—for maidens, seven furlongs—Sir Fred, 0:55, C. Reiff, even ran a dead heat with Heritage 0:54, Scheraga 6 to 1; Virgie S. 3 to 10 won, Time, 1:12 1/2.

Third race—selling, seven furlongs—Needham 0:53, C. Reiff, 4 to 1 won, with Countess Irma second, and R. Q. Ban third. Time, 1:12.

Fourth race—handicap, mile and a sixteenth—Viscount 0:50, T. Burns, 10 to 1 won, with Boose second, and Cotton King third. Time, 1:30 1/4.

Fifth race—selling, six furlongs—D. L. Star, 7 to 2 won, with Galley West second, and Harry B. third. Time, 1:16.

Sixth race—selling, six furlongs—Little Matt 0:56, Songer, 8 to 10 won, with Little Matt second, and Judge Bullock third. Time, 1:16 3/4.

A Dixie Corn Salve Cures.

Are You "All Broken Up?" Take Horsford's Acid Phosphate.

It steadies the nerves, clears the brain, and promotes digestion. Makes a pleasant and wholesome beverage.

Old papers for sale at the Dispatch office.

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