The Ingalls Amendment to the
Sherman Anti-Trust Bill

D W AM IT D F. MCFARLAND, JR.

I. THE MOVEMENT IN KANSAS AGAINST "OPTIONS AND FUTURES," 1887-1890

During the years 1887-1890 public opinion in Kansas was aroused against speculation on the board of trade. There were a number of causes, but moral indignation at manipulations of the market was certainly an important factor. Wide publicity had been given to a succession of speculative deals of the worst order. In 1887 a spectacular attempt to corner the wheat market caused the financial ruin of many innocent persons. Widespread failures and panic were reported to have seriously weakened many Chicago banks. At the head of the clique which tried to gain control of the market was one Harper, vice-president of the Cincinnati Fidelity Bank, whose vain attempt ruined that institution. The thousands who lost their savings received small consolation from Harper's sentence to ten years in the penitentiary.1

The following year was marked by a successful corner in September wheat, engineered by Charles L. Hutchinson, who was popularly known as "Old Hutch." He began buying at 87 cents but made his final settlements with the "Shorts" for $2.00. At this time the opposition of the consumers to speculation was illustrated by a circular, inveighing against corners in foodstuffs, which was issued by T. V. Powderly, head of the Knights of Labor.2 The Hutchinson deal of 1888 has been called the only successful "big" corner ever made on the Chicago grain market.3

This success of "Old Hutch" inspired imitation and the year of 1889 was one of great speculative activity. Unfortunately it was also a year of falling prices. All over the world crops were good and wheat surpluses piled up. In Chicago the receipts of wheat exceeded by a million bushels the largest amount previously recorded. "Dollar Wheat" was no more, and by mid-summer quota-

2. Ibid., pp. 771-774.
tions went as low as 74 cents. Speculation did not cause this fall, but "trading in futures" unquestionably seemed more sinister and evil to the farmers, impoverished by the low prices.

Throughout this period there was always a section of the press which raised a cry against the "gamblers" and asked for the passage of laws to regulate their trading. The Kansas Farmer was at the front of this agitation throughout 1887 and 1888. At the time of the Harper deal, in 1887, W. A. Peffer, editor of the Kansas Farmer and later a Populist senator, featured an editorial titled: "Some Men That Ought To Be in the Penitentiary." In it he attacked the "grain gamblers," speaking in particular of those who had participated in the attempted corner. "They are all bad men," he wrote, "every one of them, meriting punishment under the laws of the people whom they defy." He closed in the following words:

. . . Millions have been as feloniously abstracted from the pockets of the people as if they had been stolen by the aid of the bludgeon, the revolver or the jimmy. In point of moral culpability, the speculator who robs through the agency of a board of trade or a stock exchange is a far more dangerous member of society than the other species of malefactor who compels his victim to stand and deliver on the highway. . . . The fact that the law punishes the highwayman and the burglar, while offering no molestation to the speculator in his schemes, presents a grotesque commentary on the spirit of fairness and justice which is popularly supposed to form the basis of modern civilization.5

The Hutchinson corner prompted him to several outbursts of indignation.6 One of these ended as follows:

. . . That Chicago deal made it possible for many persons in other lines of trade to be robbed. That Chicago business will surely open the eyes of legislators to the importance of providing heavy penalties for all such schemes to make money at the expense of people who are not parties to them. Such gambling is more criminal from every point of view than the petty secret room thieving of the common gambler against whom the laws are severe. Let the people demand it and these high-handed robberies will cease.7

Although this was emphatic and contained a positive demand for punitive legislation, it is not certain whether Peffer at this time advocated regulation by the federal government. On another occasion he expressed warm approval of the campaign for a state law which was under way in Missouri.8

During this period (1887-1888), however, most of the principal

5. Kansas Farmer, Topeka, June 29, 1887.
7. Ibid., October 11, 1888.
8. Ibid., August 2, 1888.
newspapers in Kansas were apathetic or actively opposed to legislation of this character. At the time of the Harper deal the Atchison Champion did propose a measure. "There ought to be a law," the editor wrote, "making it a felony for any bank president, cashier, or other bank official, to speculate or use the funds in his custody for anything but legitimate banking business." The recommendation was a laudable one, but obviously its object was to enforce greater security in the banking system, not to curb speculation.

More important was the attitude taken by the newspaper which was shortly to take the place of the Kansas Farmer at the head of the agitation. Marsh Murdock, editor of the Wichita Daily Eagle, freely criticized the apostles of the new faith. After the Harper scandal the St. Louis (Mo.) Globe-Democrat had begun a campaign for legislation against "options and futures." Murdock expressed his opinion of the crack-pot reformers:

...There is now an inclination on the part of a good many people to regulate and purify the affections of mankind by legislation. This class of people have concluded that speculation in produce and railroad and other stocks is very sinful, hence there is loud demand for laws to prevent these practices. It does not appear just how these speculators are to be stopped, but it is supposed the ordinary state legislature, whose members are supposed to possess considerable knowledge of option trading, draw poker and other devices to obtain money easily, will in their wisdom provide some measure by which the whole trade of the country will scoot along in the proper grooves. Of course there may be some hitches as in the case of the interstate law, in which no mortal man can tell who is benefitted, unless it be the railroads; but there will be a general impression that it is all right. If anyone objects to a law of that sort, he may be informed that he (the objector) is in favor of gambling. This would effectually crush him, and make the law right. Under this proposed law if a miller who believes wheat will be twenty cents per bushel higher next October can legitimately contract any amount of wheat to be delivered at that time; but if he should make the purchase purely for speculation he would be a gambler and subject to a fine. The Globe-Democrat is interested in this matter; perhaps it could tell in a case of that sort what were the miller's intentions. We could not unless he were to tell us. It would be hard to find a more withering criticism of the type of editorial which Murdock, himself, was writing less than two years later.

The change in his viewpoint did not come gradually, however. As late as November of the following year Murdock was writing editorials of a very similar character. On November 27, 1888, he published an editorial called "Supply and Demand and Prices." In

9. Atchison Daily Champion, June 24, 1887. (John A. Martin was governor at this time, unable to overrule his paper, so that the Champion's editorials were without their usual authority.)

10. Wichita Daily Eagle, June 30, 1887.
it he argued that prices were actually determined by the economic laws of supply and demand. He wrote as follows:

... The question then arises as to how the complaints of those who sell at low prices and buy at higher ones, in proportion, are to be remedied? State or national legislation can avail but little, if anything, toward affecting the values of commodities, and such legislation, when enacted can be often avoided, for there are many loopholes through which escape can be had.

The cause of high and low prices, primarily, is supply and demand, which may be aggravated by manipulation, but the resources of the country are too great to permit the manipulation of prices for any length of time by any one man or any set of men. ... 11

The argument follows quite closely the laissez-faire of the familiar orthodox economic dogma, and is remarkable chiefly when compared to Murdock's argument of a later date.

It wasn't so very much later, however, that the break came—fifty-three days later, to be exact. On January 19, 1889, the Wichita Daily Eagle carried as its leading editorial, "There Would Be No Mortgages." Marsh Murdock had been converted. He stated flatly that the law of supply and demand was inoperative and had no effect upon the price of wheat. A few speculators fixed this price without reference to the rest of the population. The remedy was legislation, state and national. He took as his text a statement from the Newton Republican, "Wheat is worth a dollar a bushel in St. Louis." Murdock exploded:

Yes, and but for the manipulation of option dealers in the trade centers and their brother thieves and gamblers in Liverpool, who work in concert with them, wheat in the United States would be bringing, today, two dollars per bushel. This selling crops while yet unsown by the bears, this manipulation of "longs" and "shorts" controls the price of wheat and other commodities without any reference to the cost of their production or to the law of supply and demand. People can say what they please about such a system making cheap bread for the poor. The truth is few communities or classes are burthened on account of the price paid for bread, and the further truth is, if the farmers, the producers of this country, understood the hellish workings of this option dealing, really understood the power and far reaching influences of the tentacles of this devil-fish which sucks into its maw the profits of their labor, they would take every legislator in the country, including Congress, by the throat and never let go until the infernal business was wiped out. If the farmers of the United States were permitted to have their products subjected only to the law of supply and demand in three years a mortgaged farm would be the exception. ... 12

These were strong words, due to be repeated again and again, and we can only wonder why Murdock was prompted to reverse

11. Ibid., November 27, 1888.
12. Ibid., January 19, 1889.
his opinions so suddenly and so drastically. With this editorial the leadership of the campaign against “options and futures” passed from Peffer and the Kansas Farmer to Murdock and the Wichita Daily Eagle.13

During the spring the Wichita Daily Eagle reported the progress through the Missouri legislature of a bill designed to prohibit option gambling in that state. The character and prospects of this measure were lauded in an editorial early in May.14 Somewhat later Murdock viewed the new law with thorough approval, and perhaps a little envy. “It would be a matter of much conjecture,” he wrote, “if indeed it should now turn out that ‘poor old Missouri’ had taken the first step in the destruction of that most precious of all steals, option dealing.”15

In June he resumed the offensive, and on June 2, 1889, he published another violent editorial on the subject, “A Great Outrage.” This contained in particular one new argument (new to Murdock), one that was to be used again and again—the idea of “wind” wheat. This was based on the fact that the number of futures contracts vastly exceeded the number of bushels of grain actually exchanged through the market. “They (the ‘grain gamblers’) deal in ‘wind’ contracts,” he wrote, “and load down and depress all the markets of the country with millions upon millions of bushels of grain, and millions of pork and millions of lard which never existed in fact.” “Grain is not sold,” he concluded, “it’s wind; yet the competitive effect is the same on the price to the producer as if such ‘wind’ had actually turned into golden grain.”16

This ingenious (or “ingenuous”) argument, however fallacious, was easier to reconcile with his former statements concerning supply and demand, than was the argument in his editorial, “There Would Be No Mortgages.” Another interesting development was the greater emphasis which he now placed upon national legislation: “If the producers of this country really realized the cost to them of sustaining this line of high-handed gambling they would camp around the national capitol until Congress had wiped out the evil power, and camp in such numbers as would menace the life of every individual member who should fail to act promptly and resolutely.” In January he had spoken of taking “every legislator in the country,

15. Ibid., June 30, 1889.
16. Ibid., June 2, 1889.
including Congress." Now he expressed his doubts concerning the effectiveness of state legislation. "Ohio and Missouri," he stated, "have both made efforts of late to wipe out the bucket shop business, but it is not believed these efforts will amount to anything." 17

Throughout the summer Murdock kept hammering away at this subject, finally crystallizing his argument into a vehement appeal for national legislation:

This option dealing is sapping the life-blood of every Western farmer, and it is time that our farmers demand a national law to prevent a few gamblers from making a price on their products.18

He began trying to show that option dealing was responsible for other ills and asserted that the railroads were suffering from its baneful influence:

. . . It is time that the railroads take this matter up and demand a national law for this national evil, and stop the wrecking of values on farm products, which have destroyed a traffic of the railroads and is sapping the life-blood out of our Western farmers.19

At another time he wrote:

This species of gambling should be wiped out of existence. It is not benefitting the farmers, but it is injuring the railroads, and Chicago is growing rich at the expense of the whole country.20

This appeal to sectional interests was one of the most effective arguments that could have been made and it was frequently repeated. Stress was placed on Liverpool, Chicago, and Eastern boards of trade.

Murdock kept up his campaign, on through the summer, through the fall, and on into the winter. Editorials, letters to the editor, and exchange items kept the question constantly agitated. The Wichita Daily Eagle was everywhere recognized as the leader of the movement. Other newspapers, when they referred to the question usually paid tribute to the Eagle's campaign. Frequently they reprinted Murdock's heated editorials. The Topeka Capital, the Leavenworth Times, the Lawrence Daily Journal, and a number of the smaller weeklies gave favorable notice in their columns to Murdock's efforts.

The editors of the Atchison Champion were preoccupied with their attack on the "dressed beef monopoly," and were not very favorably impressed by Murdock's editorials. They commented:

17. Ibid., June 2, 1889. Murdock did not distinguish between bucket shop and exchange. "Exchanges and bucket shops are practically one and the same thing, only on different scales."
18. Ibid., July 20, 1889.
19. Ibid., August 4, 1889, under title "Score a Point For the Santa Fe."
20. Ibid., July 20, 1889.
The Wichita Eagle declares that "option dealing" is sapping the life blood out of every Western farmer. . . . There are "bulls" as well as "bears" in the grain boards, and last fall the "bulls" kept the price of grain up for months, giving farmers better figures for their corn and wheat. But the dressed beef monopolists are all "bears." . . . 21

Speaking of Hutchinson's corner during the preceding summer they had remarked tolerantly, "The old raider made heaps of money for himself and indirectly gave the wheat growers of this country a tremendous lift." 22

Either as a result of the criticism in the newspapers or as a consequence of general hostility to grain speculation many farmers refused to give information to the collectors of crop statistics. The Wichita Daily Eagle attempted to persuade the farmers to abandon such tactics. Murdock called the situation "An Unreasonable Scare":

The township assessors claim that they found it a very difficult matter to secure crop statistics from the farmers this year, especially of small grains, the farmers claiming that the statistics were used by speculators to bear the market. The wrong that they work their own county and therefore their own interests by such a course is much greater than any benefit that might possibly be derived from the other course. . . . 23

This admonition failed to stop the obstruction. Almost a year later the Emporia Daily Republican noted:

The farmers in a number of the counties of the state are refusing to give agricultural statistics to the assessors, upon the ground that it is furnishing information for the grain gamblers. 24

The farmers' organizations joined in the attack upon the exchanges. On the subject of crop statistics the Farmers' Alliance, the most vigorous of the farm bodies, made the charge that the federal and state reports were false, and were manipulated for the advantage of speculators. As a remedy it proposed to collect the statistics through the units of its own organization. J. Fount Tillman, secretary of the national executive board, explained this scheme when he mailed the brethren blank forms for acreage reports. Under the circumstances this effort could hardly meet with success, but it is tremendously significant that such an attempt should have been made. 25

In January, 1890, the Kansas State Grange and the Farmers' Alliance appointed representatives to a committee which was to seek

22. Ibid., October 4, 1889.
24. Emporia Daily Republican, March 15, 1890.
25. The Farmer's Friend, Iola, May 3, 1890. "To obtain such information as to farming statistics in reliable form," Tillman wrote, "we must depend upon such resources as are within our organization."
some basis for the union of the two organizations. This committee adopted a platform which expounded the grievances of the Kansas farmers. Its third "plank" denounced speculation:

We demand that Congress shall pass such laws as shall effectually prevent the dealing in futures in all agricultural and mechanical productions, preserving such a stringent system of procedure in trials as shall secure prompt conviction, and imposing such penalties as shall secure the most perfect compliance with the law.26

This was taken as a model by many of the local alliances, and a flood of similar platforms was issued during the first half of 1890.

These resolutions were soon followed by appeals to congress. On December 12, 1889, Sen. Preston B. Plumb, of Kansas, presented:

... a petition numerously signed by farmers of Kansas, representing that the present prices of agricultural productions are not only very low, but largely made so by reason of the speculation in those products carried on in different places in the United States, and praying for legislation whereby that practice may be prevented.27

During the next three months more than forty such petitions were submitted to congress by various groups in Kansas. Two of these were presented by Sen. John J. Ingalls on February 13, 1890, "praying for such legislation as will prevent the selling of futures in agricultural products."28 Vinland Farmers’ Alliance, Douglas county, and Bethel Alliance, Cowley county, were typical petitioners.29 The campaign against options and futures rapidly approached a climax. The people of Kansas had placed the problem squarely before their representatives in congress.

II. THE POLITICAL PREDICAMENT OF SENATOR INGALLS

John J. Ingalls secured a third term in the United States senate without much opposition. It expired in 1891, an unfortunate time for any office-holder who sought reëlection.30 The extended agricultural depression which had stimulated the farmers' interest in economic issues had also tremendously increased their political consciousness. All over the country the debtor classes were howling for financial legislation, and the mortgage-ridden farmers joined in the cry. A platform adopted by a joint committee from the Kansas State Grange and the Farmers’ Alliance stated:

Whereas, the financial policy of this government has been such that the

27. Congressional Record, 51 Cong., 1 Sess., p. 115.
29. Ibid., pp. 875, 154, 813, 296, 894, 528, 580, 727, 852, 864, 1045, 1045, 1057, 1165, 1455, 1456, 1457, 1753, 1791, 1888, 2064, 2165, 2165.
circulating medium has contracted until it is insufficient to meet the business demands of the country, causing a depression of agricultural industries and placing the wealth producers at the mercy of the money power; therefore . . .

The first demand was for the issuance of legal tender greenbacks, "sufficient to meet the demands of the business interests of the country," and the second was for the "free and unlimited coinage of silver." 31

Of more immediate importance in Kansas was the question of mortgage relief. The increasing number of foreclosures stimulated the popular demand for some sort of "stay law." Sen. Leland Stanford's bill, providing for the grant of government loans on real estate, was widely approved in Kansas but was reported adversely by the committee on claims. 32

The farmers, thoroughly aroused, demanded that congress act at once in their interest and pass the desired legislation. With an election approaching they examined critically the records of their representatives in congress. Senator Ingalls, they found, had been very active in securing the passage of pension bills, but he had sponsored almost nothing that was of general significance. He was celebrated for his speeches in behalf of civil rights for the Southern negroes, which usually contained considerable "waving of the bloody shirt." He had a national reputation for being a scholar and a good speaker. He was popular among his fellow senators and more than once had been elected president pro tem.

In one important respect, however, his record appeared fatally deficient. The Emporia Daily Republican included this item among its editorial briefs:

Ingalls Speech

The other day, an opportunity presenting when there was no other business before the senate, Senator John J. Ingalls arose and delivered the following speech in behalf of the depressed agricultural interests of Kansas and the West:

A quarter of a column, completely blank, followed this introduction! 33 C. V. Eskridge, the Republican's editor, elaborated on his subtle gibe:

"The farmers are down on Ingalls," says an exchange, "because he has failed to secure any legislation in their behalf." This is not exactly the truth. The

31. Topeka Daily Capital, January 31, 1890.
32. Congressional Record, 51 Cong., 1 Sess., p. 5049. Ingalls was particularly vulnerable on the mortgage issue. He was president of the Kansas Loan and Trust Company, referred to by his enemies as a "mortgage lined deluxe." The papers supporting him pointed out that his was the only loan company in Kansas that had extended overdue mortgages from year to year and had furnished good wheat to needy farmers.—Streeter, Floyd Benjamin, The Kaw (New York, 1941), p. 312.
33. Emporia Daily Republican, March 26, 1890.
farmers are down on Ingalls because he has not attempted to secure any legislation in their behalf. 34

Such was the cry, repeated in almost every attack upon the senator, “Ingalls has not even tried to get anything done for the Kansas farmer.” At a time when the “Kansas farmer” was interested in politics more than ever before in his life, it was a complaint that was extremely embarrassing to his candidacy.

Senator Ingalls’ political misfortunes did not end here. His party was weakened by great factional dissensions that had been increased by recent political blunders made by the senator. Just before the meeting of the last Republican Presidential convention Ingalls had written a private letter which contained his caustic criticism of almost every possible Republican candidate (including the successful one, Harrison). Unluckily, the “Bonebrake letter” was made public, and many “good Republicans” were infuriated by Ingalls’ nasty comments about their favorite candidates.

He was noted for the successful straddle he had hitherto maintained on the delicate question of prohibition. But in August, 1889, The Forum published an article, “Prohibition and License,” written by Ingalls. 35 It failed to win the favor of either side. The extremists among the Prohibitionists were infuriated by his admission that:

. . . The sale of bitters, elixirs, and other concoctions containing alcohol, has undoubtedly increased. Malaria, indigestion, and other disorders have developed in localities previously considered salubrious, and there is probably no town of one thousand inhabitants where a bibulous but discreet inquirer, if properly vouched for, cannot find, at his hotel, or the club, or in the cellar of a friend, a bottle of beer or a flask of whiskey. . . . 36

These critics voiced their suspicion of the senator’s sincerity, and recalled a time when Ingalls allegedly had characterized teetotalers as the “capon and epicenes of society.” 37

The Resubmissionists, on the other hand, looked upon him as a traitor to the cause and bitterly accused him of presenting a grossly falsified picture of the status of prohibition in Kansas. The senator had written:

. . . But the habit of drinking is dying out. Temptation being removed from the young and the infirm, they have been fortified and redeemed. The liquor-seller, being proscribed, is an outlaw, and his vocation is disreputable. Drinking being stigmatized, is out of fashion, and the consumption of intoxicants has enormously decreased. Intelligent and conservative observers

34. Ibid., April 1, 1890.
36. Ibid., p. 672.
37. Kansas Democrat, Topeka, August 5, 1889.
estimate the reduction at ninety percent; it cannot be less than seventy-five. . . .38

The opponents of prohibition challenged his facts and his figures and called his conclusions "erroneous and enigmatical." 39

To top this controversy there came the publication of the "Coney letter." It was another private letter of Ingalls which was used by his enemies in an attempt to show that The Forum article was entirely hypocritical, written only for the satisfactory check involved.40 Although there was actually nothing in the letter to justify this charge, it was used with considerable effect in the campaign to discredit Ingalls. As a result of all this agitation there were many Kansans in 1890 who agreed with the stranger in Ware's "The Kansas Bandit":

I'm down on Ingalls now, for his position
I do not think real sound on prohibition.41

In the fall of 1889 Senator Ingalls made an even greater mistake. He gave to reporters from the New York World his famous interview on politics:

The purification of politics is an iridescent dream. Government is force. Politics is a battle for supremacy. Parties are the armies. The Decalogue and the Golden Rule have no place in a political campaign. The object is success. To defeat the antagonist and dispel the party in power is the purpose. The Republicans and Democrats are as irreconcilably opposed to each other as were Grant and Lee in the Wilderness. They use ballots instead of guns, but the struggle is as unrelenting and desperate and the result sought for the same. In war it is lawful to deceive the adversary, to hire Hessians, to purchase mercenaries, to mutilate, to kill, to destroy. The commander who lost a battle through the activity of his moral nature would be the derision and jest of history. This modern cant about the corruption of politics is fatiguing in the extreme. . . .42

These were strange words from a senator who had been chosen to his first term because his predecessor had been suddenly exposed as politically corrupt. This interview was a magnificent blunder, which was capitalized both by the enemies of Ingalls in his own state and by the opponents of Republicanism throughout the nation.

These issues and these blunders, however, were insignificant in view of the furious discontent among the farmers and their overwhelming demand that the government act immediately to relieve

40. Ibid.
41. Connelley, Ingalls of Kansas, p. 280.
42. "The Interview" (copyright, 1890, by the Press Publishing Company, the New York World), in A Collection of the Writings of John James Ingalls, William E. Connelley, ed. (Kansas City, Mo., 1902), pp. 496, 497.
their condition. Early in 1890 the Farmers’ Alliance approached the peak of its strength. Established daily newspapers turned over columns and pages to alliance news, and alliance papers—The Farmer’s Friend, The Alliance Herald, The Alliance Gazette, etc., etc., were founded in communities all over the state. In the last week of March, 1890, the county presidents of the Farmers’ Alliance held a meeting at Topeka, to determine the policy of the organization. Care was taken to secure secrecy for these deliberations, but an “enterprising” reporter from the Topeka Daily Capital penetrated the defenses, and that paper published a full account of the proceedings of each meeting. Delegates were present from sixty-two counties, representing all sections of the state. B. H. Clover, president of the State Alliance, was chairman, and Dr. S. McLain, editor of the alliance Advocate, was secretary. 

After some discussion the assembly passed, by a vote of forty-three to nineteen, a resolution declaring against the re-election of Senator Ingalls. It stated:

Resolved, Notwithstanding the fact that John J. Ingalls has represented Kansas for eighteen years in the United States senate, it is a difficult matter for his constituents to point to a single measure he has ever championed in the interests of the great agricultural and laboring element of Kansas, and that we will not support by our votes or influence any candidate for the legislature who favors his re-election to the United States senate.

The simple argument in this resolution had been used all over the state, with increasing emphasis, for the preceding three months. It remained as the basic issue all through the campaign.

III. LEGISLATIVE HISTORY OF THE AMENDMENT

The problem of the “grain gamblers” was taken to Washington at the first session of the fifty-first congress. On January 20, 1890, Rep. Benjamin Butterworth of Ohio introduced a bill defining “options” and “futures” and imposing special taxes on dealers therein. It was referred to the house committee on agriculture, where it was amended slightly and returned with a favorable report. Although the measure was never debated it was widely indorsed by farmers’ organizations.

44. Topeka Daily Capital, March 26, 1890.
45. Wichita Daily Eagle, March 28, 1890.
46. Congressional Record, 51 Cong., 1 Sess., p. 706.
47. House Report No. 1921, 51 Cong., 1 Sess., p. 2182. The chairman of the committee on agriculture was Rep. Ed. H. Funston of Iola. The committee was holding hearings on the Butterworth bill at the time.
When Senator Ingalls introduced an amendment to the Sherman Anti-Trust bill, covering the same subject, he seems simply to have copied the Butterworth bill. The language and grammar of the amendment were severely criticized during the course of debate. Ingalls answered:

... In exculpation I have to say that it was drawn and prepared by an eminent member of the House of Representatives. It seemed to me to carry out more clearly and more accurately and more thoroughly than anything I had seen the purposes I had in view, and I offered it as an amendment to the pending bill. ... 49

The provisions of the amendment, furthermore, tally almost exactly with those of the Butterworth bill.

Ingalls offered his amendment on March 21, 1890. The Sherman Anti-Trust bill was coming up for debate.50 The question of trusts and monopolies had been closely linked to the problem of option-dealing in much of the popular agitation. Murdock declared that any man who cornered the grain market “is doing more to injure the country than the combined forces of any power put together.” 51

Nevertheless, Ingalls recognized that his amendment was of the second class, and went far beyond the purposes of the Anti-Trust bill, as stated in its title. He moved, therefore, that the title of the bill be amended 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.” 52

Several other changes were being made in Sherman's bill at this same time, March, 1890. Amendments were added to give labor unions and farmers’ organizations exemption from the measure.53 Criminal punishments, as well as civil, were specified in the John H. Reagan amendment.54

The Ingalls amendment, which proposed “to prevent dealing in options and futures,” began by defining those two terms. An “option” was understood to mean any contract or agreement by which a party acquired the right, without being thereby obligated, to deliver to another at a future date any of the articles named in the act. A “future” was defined as any contract whereby a party agreed to sell and deliver at a future time, any of the articles men-

50. Congressional Record, 51 Cong., 1 Sess., p. 2462.
51. Wichita Daily Eagle, August 18, 1889.
52. Congressional Record, 51 Cong., 1 Sess., p. 2463.
53. Ibid., pp. 2611, 2612, 2654, 2655.
54. Ibid., p. 2690.
tioned in the act, when that party was not yet the owner of the article.

The specified articles were "wheat, corn, oats, rye, barley, cotton, and all other farm products; also beef, pork, lard, and all other hog and cattle products." Dealers in options and futures were required to pay an annual tax of $1,000, and a further tax of five cents per pound for every pound of cotton, beef, pork, lard, or other hog and cattle products, and twenty cents per bushel for every bushel of the other products mentioned.

Dealers in options and futures were required to obtain a license for their trade from the collector of internal revenue. In addition to the annual tax of $1,000, paid in advance, they were required to post a bond for $50,000 with the collector. He was directed to keep a register, open for public inspection, listing every application for a license, together with the action taken upon it. The dealers were required to make a complete report of their transactions each week, paying at this time the additional tax on each pound or bushel.

The penalties provided were: (1) A fine not less than $5,000 nor more than $10,000 for dealing without a license; (2) A fine of this same amount, or imprisonment for not less than six months or more than two years, or both fine and imprisonment, for making a fraudulent report. The act expressly provided that compliance with its provisions would not exempt any person from obedience to a state law. 55

Senator Sherman was not pleased by the additions to his measure. He complained that they were being offered as a means of defeating the whole bill:

Mr. President, all I desire is that this bill, the object of which I believe is approved of by more than three-fourths of the Senate, should be treated like all other bills that have been carefully considered by a committee of this body and reported to the Senate. To attempt to defeat this bill by offering various other bills from other committees or from the other House on different branches of the same subject or on entirely different subjects, is not the proper way to deal with the work of a committee.

He defended his own bill, as it had been reported from committee, and then attacked the amendments offered by Reagan and by Ingalls. They dealt with matters which were not germane to the original proposition, especially the Ingalls amendment:

... the Senator from Kansas [Mr. Ingalls] offers a bill which was framed by one of my colleagues in the House of Representatives, and the fact that it is pending there is a matter known and shown by the record, and it is

55. Ibid., pp. 2462, 2463.
still being considered by a committee of that body. It proposes to deal with a class of contracts that do not have to do with production, that are based upon the idea that there is no production at all. . . . They are gambling contracts. If the Senator from Kansas wishes to introduce a proposition to prevent gambling in property that does not exist, to prevent agreements to deliver property without any intention to deliver it, that is one question and an entirely different matter from the one covered by the bill. That is a question to be considered by itself, and it ought not to be attached or annexed to this bill.

There was, in addition, a constitutional difficulty, so serious as to be fatal: . . . The Senate has no power to originate any form of taxation, and yet here is a proposition to tax in various ways these illegal contracts, with a view to deter them from being made, just as we imposed the tax upon the issue of State bank paper, in order to drive it out of existence, but still we levied it in the form of a tax; it was part of a tax bill, and the proper place for this proposition, so far as it attempts to levy a tax, is upon a tax bill. It would be proper upon the tariff bill when it comes to us, but it has no relation to the subject-matter of the pending bill.

He repeated that to put such an amendment on to his bill was not treating the subject fairly, "unless the Senate wants to defeat the original proposition." He announced that he would vote against all amendments which did not seem to carry out the object defined in the original bill. He protested that he was not opposed to the purpose of the Ingalls amendment, but that he felt its provisions should first be perfected and matured by the judgment of a committee. "When they are so considered," he concluded, "we shall have time enough to act upon them." 56

On the following day, March 25, 1890, Sen. J. Z. George of Mississippi suggested that the whole bill be referred to the judiciary committee. Sherman opposed this motion, stating that a majority of that committee was notoriously opposed to his measure. He asked only that the senate should vote on the bill as it stood. The amendments, he said, could be considered separately:

. . . I believe that in a half-hour we can take the vote on the proposition of the Senator from Texas [Mr. Reagan]. If that be adopted, well and good. We can vote then upon the proposition of the Senator from Kansas [Mr. Ingalls] and then adopt the amendments that are suggested on either side. Correct this bill as you will, and we can have a bill which, while it may not be perfect . . . we shall have a tangible proposition that we can send to the House of Representatives for their consideration, and in that way we can dismiss from the Senate of the United States, for this session at least, this question and controversy about trusts and combinations. . . . 57

56. Ibid., pp. 2562, 2563.
57. Ibid., p. 2606.
Although he remained opposed to the amendments he agreed to accept the senate's decision. "Let the judgment of the Senate," he said, "be carried out when expressed." 58

Sen. Z. B. Vance of North Carolina also objected to the motion made by Senator George. He stated:

Mr. President, I never have a bill in which I feel any interest referred to this grand mausoleum of Senatorial literature, the Judiciary Committee, without feeling that I have attended a funeral. . . 59

The motion was defeated without a roll call.

The Reagan amendment was the first to be considered and was adopted by a vote of 34 to 12. Ingalls supported it, although his colleague, Plumb, voted with Sherman and the handful of senators who opposed it. 60

Next in order was the amendment of Senator Ingalls. He obtained permission to modify it slightly, in order, apparently, better to meet the objection to the bill as a revenue measure originating in the senate. The fourth section had opened with the simple statement: "That special taxes are imposed as follows . . . ." He changed the whole emphasis by adding a short preamble to that section:

That for the purpose of preventing and suppressing, as far as may be, the dealing in options and futures as herein defined, special taxes are . . . 61

Sen. George F. Hoar offered an objection to the all-inclusive nature of the measure:

Literally construed, this . . . would prohibit a man's grocer from engaging to deliver any farm product or articles in common family use. It seems to me there should be some limit in amount. . . .

He suggested an amendment to solve this difficulty:

Provided, That this act shall not apply to contracts for the delivery at any one time of articles less than $50 in value. 62

This change was accepted and the amendment as amended was agreed to, without a yea and nay vote. 63

On the next morning, March 26, 1890, Ingalls made a few unimportant changes in the wording which had been rendered necessary by a different enumeration of the sections. (Joined to the Sherman bill, section one of the amendment became section six of the combined measure.) 64

58. Ibid., p. 2604.
59. Ibid., p. 2610.
60. Ibid., p. 2611.
61. Ibid., p. 2613.
62. Ibid.
63. Ibid.
64. Ibid., pp. 2639, 2640.
The debate on the Sherman bill in the committee of the whole opened that morning. Sen. George G. Vest of Missouri, denying that he was opposed to the purpose of the proposed legislation, attacked "some of the particular measures which had been included in it." The varied supporters of the bill made strange company, he said, charging that some of them were deserting the principles of their party:

... Mr. President, we have had a remarkable winter. The warm breezes of summer have kissed the flowers during all the winter months, and we have now in public affairs a phenomenon equally as startling: a combination in loving embrace between the Senator from North Carolina [Mr. Vance] and the Senator from Ohio [Mr. Sherman], while my venerable friend from Texas [Mr. Reagan], in a patriarchal and benedictory mood, stands by and blesses the alliance, and says, "Love each other, my children, and be happy." Why I remember a very few years ago, when the oleomargarine bill was before the Senate, the Columbian eloquence of every Senator on this side of the Chamber—if I mistake not, including the Senator from North Carolina—was heard denouncing the use of the revenue power of the government as a police power...

But what have we here to-day? Here is a bill that upon its very face says, as it stands now before the Senate, that it proposed to use the revenue power for the undisguised purpose of effecting police purposes...

"That for the purpose of preventing as far as may be the dealing in options and futures as herein defined special taxes are imposed."

No pretense that it is to collect revenue, no pretense that it is anything else but the bald, naked use of the revenue power of the government for police regulation;

The Ingalls amendment, Vest charged, licensed and legally recognized an illegal combination which it denounced as opposed to the laws of the United States and all the states. The true reason for the senate's support of this unconstitutional measure was fear of the Farmers' Alliance:

For myself I shall say nothing more about the Constitution. I am prepared to join the procession. I heard once of a hunting party who went into camp and made an agreement that the first man who complained of any dish set before him at the camp table should cook for a week. One happened to kill an old and very tough crow, and as he was acting as cook for the mess, he prepared it for the table, and every man swore it was the most delicious morsel that ever went into his mouth. The Farmers' Alliance are cooking now, and there is no dish that can be put on this Senatorial table which will not go down with a gusto that will astonish any gourmand from the restaurants of Paris.

Sen. James B. Eustis of Louisiana objected to the measure in the interests of the New Orleans Cotton Exchange:

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65. The Ingalls amendment had been adopted without much discussion. Most of the criticism of it was made in the course of the general debate on the Sherman bill.
66. Congressional Record, 51 Cong., 1 Sess., p. 2644.
I should like to know what the Congress of the United States has to do with the Cotton Exchange, for instance, in New Orleans dealing in futures. I notice that all the articles which are referred to with regard to future contracts are things that people consume: wheat, corn, oats, rye, barley; but the authors of the measure have included cotton. If we are going to include cotton why do we not include steel rails? People are as liable to eat steel rails as they are to eat cotton.

He was particularly indignant that a Northerner and Republican should have presumed to offer legislation which affected cotton and protested that the bill was a step toward centralized government:

Why do we not include lead or salt? Why do we not include everything? Why do we not include manufactured cotton goods, a subject with reference to which there are very large operations in futures in Boston and in New York, Philadelphia, and elsewhere? If the broad proposition be that Congress should declare its policy upon the question of gambling, of which I confess I know very little; if the States have become so debilitated and emasculated and if the people of the State have become so demoralized that we are to surrender the whole question of police, of policy, and of public morality to the Congress of the United States, for one it will not be done with my vote.

He coupled with the state's rights argument an outright defense of future selling, as practiced on the New Orleans Cotton Exchange:

Where are we going to stop? If the State of Louisiana, for its own interest and from its own motives, owing no apology to any other State or to the Government of the United States, chooses to legalize contracts in futures with respect to cotton, by which a large and most respectable portion of our population make a living, which many and many a time have enabled the planter to get a much higher price for his product than he would get in the absence of a cotton exchange, when the planter many and many a time has been able to protect himself against flood and unfavorable seasons by making a future contract in cotton—if the State of Louisiana chooses to consider that a perfectly proper and legitimate business . . . where is the authority of Congress to step in and tell the State of Louisiana . . . that those contracts are illegal and immoral and shall be suppressed by the power of Congressional legislation?

Eustis concluded by denouncing any interference from the federal government with the police power of the state, "which is the supreme attribute of its sovereignty." 67

Senator Ingalls took the floor to answer these critics. He denied that the amendment had been dictated by the Farmers' Alliance. He said it was not directed against sales, by farmer or broker, of any commodity to be delivered at a future time, unless the party making the sale was not the owner of the commodity. It was, he said, directed against:

67. Ibid., p. 2646. No senator, from Illinois or elsewhere, made a similar defense of the use of futures contracts on the Chicago Board of Trade.
. . . that gigantic modern invention known as dealing in futures, conspiracies artificially to raise the prices of products, to change the value of products, to create artificial scarcity of products, to juggle with values irrespective of ownership by processes that are just as reprehensible as those of the poker-table or the faro bank, in which there is no pretense of ownership, in which there is often an agreement to sell ten or fifty times more than the annual product of what is offered in the market, the sole purpose being to enable those "who neither toil nor spin" but who are clad in purple and fare sumptuously every day, to settle up on the 1st day of October, or the 1st day of November, if it may be, the difference between the price that they had bet a certain product would bear on that date and the price at which the product is compelled to sell on that day. . . .

This definition was a trifle vague, especially for legal purposes, but it was good campaign oratory.

Ingalls sought to meet the constitutional objections. He argued that the amendment was not a violation of the privilege and prerogative of the House of representatives. There was a distinction, he said, between the revenue power and the taxing power. The Constitution, Article I, Section 7, provided that "all bills for raising revenue shall originate in the House of Representatives." In Section 8, however, Congress was given the power to "lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States." The oleomargarine bill, Ingalls said, had been an exercise of congressional power under this latter clause. "Everybody who voted for that bill or against it," he asserted, "knew that it was not a bill for raising revenue." He quoted from Story On the Constitution, and decisions of the Supreme Court, to support his argument.

The Constitution, he insisted, was a growth and not a manufacture, and the Constitution of 1890 was vastly different from the Constitution of 1789. "The people of the United States have a reasonable degree of respect for the Constitution," he said, "but they are not afraid of it." He met the objections of the Southern defenders of state's rights with ridicule and contempt:

Mr. President, I can not conceive of anything that is more humorous, more grotesque, more qualified and competent to make the sides of the nation shake with derisive laughter, than for the Senator from Louisiana, and the Senator from Mississippi, and the Senator from Missouri, and their associates, to rise with terror upon every occasion and plead the Constitution with a simulation of terror as if the minutest abrasion of that sacred instrument would, as we are told at the death of Kosciusko, make "freedom shriek." If I recall
aright, those gentlemen spent a considerable portion of time in endeavoring to destroy the Constitution. What is the secret of this new-found reverence for the Constitution? Did they bear it away in the ark of the covenant for four years and then bring it back to us as its chosen guardians, and be permitted in that same instant to taunt those who endeavor to carry out the ideas of national growth and progress with being the violators of the Constitution? There is a constant pleading of the oath that was taken to support the Constitution, as if those who differed with them in their interpretations of the Constitution were perjured and oblivious of their moral obligations.

It seems to me it will be a little more becoming for those men who are scourging us, who hold us up to public castigation, if they possess the modesty of opinion to recollect that their views of the Constitution have not been maintained by the people of this country. There has been no step in the national progress in the last thirty-five years against which the Senator from Louisiana, and the Senator from Mississippi and the Senator from Missouri have not arisen and declared that it was against the Constitution. . . . We were told that the abolition of slavery was without warrant in the Constitution, but we found it, and when it could not be found in the letter it was amended by the sword. . . .

"The people of the United States," he continued, "do not regard the Constitution with superstition or awe." The Democrats, however, were furious. "Marse Henry" Watterson, of the Louisville (Ky.) Courier-Journal, wrote a long and indignant editorial, asserting that the growth of the Constitution which Senator Ingalls cited was merely a growth in the "determination to disregard it." 72

Eustis replied, in the senate, reiterating his opposition to the amendment:

. . . no such stride has been made in the direction of centralization, absolutism, tyranny, as has been made by this bill as amended to regulate the private contracts of individuals in the States . . .

If the people of Kansas dislike contracts in futures, if they think they are obnoxious and odious, if they think these contracts are injurious to morals and against public policy, let them appeal to the Legislature of the State of Kansas to remove that evil, if it exists; and if this blow is aimed at Chicago . . . which is said to be the great center of gambling in wheat, and corn, and barley, and oats, and bacon, and cattle—if the Senator from Kansas seeks to correct the morals of the State of Illinois, that over looks his border, and is ashamed of that people because they countenance that species of gambling, if he is to assume the role of censor mores, instructor of the youth, guardian of public morals, the archangel that looks down and weeps for the depravity of his fellows living in the State of Illinois, I ask him, in the name of Heaven, to leave out Louisiana, and let us, if we choose, engage in future contracts. 73

Another slight change was made in the bill at this time. Senator Hoar proposed an addition to his amendment of the amendment,

71. Ibid., p. 2649.
73. Congressional Record, 31 Cong., 1 Sess., pp. 2061, 2062.
exempting “articles to be consumed by the person to whom they are delivered or in his establishment.” He said:

The Senator will observe that the bill as it is now drawn . . . will be open to the criticism that it prohibits contracts for the delivery to large establishments like hotels of beef, or lard, or milk for the daily use of their customers, and that class of contracts which have no sort of connection with those aimed at; but it is better, I suppose, to have the phraseology of the bill clearly exclude that intention. . . .

Unanimous consent was given for this revision.74

The important question, hinted at in this discussion, of distinguishing between “legitimate” business contracts and the “gambling” contracts, now came to the front. Senator Ingalls had confidently asserted that his amendment would apply only to the gambling in agricultural products, but he had not substantiated the statement. The amendment as it stood, Sen. Henry W. Blair, of New Hampshire complained, would unquestionably interfere with the legitimate basis of the cotton and woolen manufacturing in his state, which generally required contracts for future delivery of the raw materials. He demanded exemption for the “legitimate business of the country in the cotton manufacture.”75

Senator Sherman, troubled by the dilemma, said:

I do not care what words are used, but it is one of those cases certainly where words ought to be found to define exactly the difference between a gambling contract and a contract made by a broker.

Blair aroused laughter by retorting that the dictionary was “right over in the corner.”76 The senators continued, nevertheless, to hunt for such a distinction.

Senator Hoar suggested, as protection for legitimate business contracts, a proviso excluding “bona fide contracts for the actual delivery of the property contracted for.” Sen. John H. Mitchell of Oregon, pointed out another difficulty. Under the terms of the amendment, he argued, farmers would be unable to contract for sale of their crops until harvest, for until then they would not own the product of their labor. A remedy was offered by Sen. William B. Allison of Iowa. He proposed that the words “owner or producer” should be substituted for “owner” in all the terms of the amendment. Sen. Joseph N. Dolph of Oregon asked that “owner or producer” be changed further so as to include “any lawful agent of the pro-

74. Ibid., p. 2650.
75. Ibid., p. 2652.
76. Ibid., p. 2653.
ducer.” Ingalls offered two amendments which embodied these suggestions and they were adopted by unanimous consent.77

While the senate was in a mood for accepting changes, the critics of the bill tackled on what became known as the “encumbering amendments.” Sen. Matthew C. Butler of South Carolina proposed that the list of products taxed in the act be extended to include stocks and bonds. Senator Eustis offered an amendment to cover cotton prints, steel rails, salt, boots and shoes, lumber and lead. Senator Blair made a motion to add woolen goods, whisky, and all kinds of intoxicating liquors to the list. All of these amendments were adopted amidst laughter and joking. Ingalls inquired whether the stocks and bonds were to be taxed by the bushel or by the pound. “I think by the bushel,” Butler replied, “or the ton if the Senator would prefer it.” 78

Sherman was more than ever outraged by the treatment accorded his bill. He denounced the senate’s horseplay:

... Mr. President, the amendments which have been put upon this bill in the last few minutes are such as simply bring it into contempt, and the manner in which this has been done tends to bring the whole bill into contempt. But the bill is worth preserving. . .

... We ought not to allow this bill to be defeated under these circumstances. If we do, the people of the United States will feel that the Senate . . . is playing with a question which affects nearly and dearly the vital interests of our country.

He promised to try to strip the bill of anything that was objectionable to a majority of the senate and then to pass “what there is of virtual good in it.” The Ingalls amendment, he thought, might well be discarded:

There is some question as to the amendment proposed by the Senator from Kansas. Although it is wise in its purpose and in the main its provisions are wise, yet, as it has not been considered by a committee, it may very well possibly be postponed and be treated of in another and separate measure.79

Ingalls, of course, dissented:

Mr. President, so far as the suggestion of the Senator from Ohio about the abandonment of my amendment is concerned, I beg leave to say to him, with great deference and profound respect, that my amendment is the best thing there is about his bill. It is the only substantial proposition that offers definite, palpable, and tangible relief against what is acknowledged to be one of the gigantic evils of this century. . . .

In a long tirade against “grain gambling,” he included many of the

77. Ibid., pp. 2655, 2654.
78. Ibid., p. 2665.
79. Ibid.
arguments that Murdock had used in his crusading editorials. In its course he took a dig at Vest and paid his respects to the Farmers' Alliance. He continued:

... Sir, although the farmers of this country have been sneered at today, although we have heard disparaging allusions to the Farmers' Alliances and associations, and suggestions that this legislation was being brought about at their dictation, they are intelligent, they know what the purpose of this amendment is, they know the cause of the evils under which they labor and of which they complain. There is no one thing which they have more imperatively and more unanimously demanded than the enactment of some law which will put a stop to the gambling in the products of their labor.

He spoke tolerantly of the "encumbering amendments":

I ask that the bill may be reported to the Senate, and I shall demand a yea-and-nay vote in the Senate upon agreeing to those amendments that have been humorously inserted while the bill has been in Committee of the Whole. I know that sometimes the Senate has to unbend itself; the bow cannot be always stretched. These amendments, I am confident, have been put on in a spirit of jocularity and refreshment. There has been a little time of recreation from labor. I feel confident that when the bill is reported to the Senate and such amendments are reserved they will, upon a yea-and-nay vote be voted down.80

Several times that afternoon the motion was made to have the bill referred to the judiciary committee. Each time it was rejected, and at a late hour the bill was declared reported to the senate from the committee of the whole. The senate refused a motion to refer it back to the finance committee by a vote of 31 to 17, and another motion to commit it to the judiciary committee failed by a vote of 29 to 24.81

On the next day the senate proceeded to consider one by one the amendments which had been adopted in the committee of the whole. This procedure continued until the proviso offered by Senator Sherman, exempting labor and farmers' organizations, was reached. The debate which this precipitated was carried on for a short time until Sen. O. H. Platt of Connecticut arose. He criticized the whole bill and said that large parts were probably unconstitutional:

I am sorry, Mr. President, that we have not had a bill which had been carefully prepared, which had been thoughtfully prepared, which had been honestly prepared, to meet the object which we all desire to meet. The conduct of this Senate for the past three days—and I make no personal allusions—has not been in the line of the honest preparation of a bill to prohibit and punish trusts. It has been in the line of getting some bill with that title that we might go to the country with. . . .

80. Ibid., pp. 2655, 2656.
81. Ibid., pp. 2657, 2659-2661.
The distinguished author of the bill, the Senator in charge of it on this floor, when the Senator from Texas proposed his amendment, opposed it, and when the Senator from Kansas proposed his amendment opposed it and said that it ought to be voted down; and yet the moment they were put on the bill he seemed to be as anxious for the passage of the bill with those amendments upon it as he had been of his own. We should legislate better than that. Every effort to refer this bill to any committee that would give it careful and honest consideration has been voted down in this Senate, and it is better to vote the bill down than it is to go to the people with a measure which shall resemble the apples which grow in the region of that fated plain on which once stood the city of Sodom. . . .

When Platt had finished, Sen. Edward C. Walthall moved to refer the bill and all its amendments to the committee on the judiciary with instructions to report in twenty days. The motion carried by a vote of 31 to 28, although Sherman and Ingalls both voted against it.

It is interesting to note that Senator Ingalls was a member of the judiciary committee. Perhaps he was permitted to embalm his own proposition, for the committee lived up to its reputation as a “grand mausoleum of Senatorial literature.” When the committee made its report, a week later, the amendments of Sherman and N. W. Aldrich, exempting labor unions and farmers’ organizations, had disappeared. The amendment of the senator from Kansas, likewise was nowhere to be found. The coroner’s verdict must be: “Buried in Committee.” Thus was ended the legislative career, brief but hectic, of Ingalls’ belated attempt to “do something for the farmer.”

IV. CONCLUSION

Did Senator Ingalls honestly desire legislation to prohibit the practices he denounced? This question of sincerity cannot be answered positively. Consideration must be given to other possible motives for his sponsorship of the measure. Political expediency had dictated some demonstration of action for the relief of the farmers. “. . . There is no one thing which they [the Farmers’ Alliances] have more imperatively and more unanimously demanded,” Ingalls said, “than the enactment of some law which will put a stop to the gambling in the products of their labor.” In a desperate effort to stave off defeat he apparently hoped to win the support either of the alliances or a sizeable faction within them.

82. Ibid., p. 2731.
83. Ibid.
84. Ibid., p. 2901.
85. Ibid., p. 2656.
He tried to counter the deadly argument, "Ingalls has done nothing for the Kansas farmer."

On March 28 three newspapers which were supporting Ingalls for reelection to the United States Senate, printed similar editorials. The Wichita Daily Eagle exulted in the near success of its campaign. In "Ingalls and the Gamblers" Murdock remarked that he had been urging national legislation to prohibit "pretended buying and selling of wind wheat," for more than a year. He continued:

... We did not dream that it was possible that within a year's time the matter discussed would become a national question. But it undoubtedly is. The question is before both Houses of Congress. The editorials of the Eagle were sent to Butterworth, of Ohio, whose bill is going to become a law in some shape. Senator Ingalls' speech was a forceful declaration showing an honest reflex of the conclusions reached and held by the thinkers among the farmers of the west. . . .

Murdock criticized the alliance for its resolution against Ingalls:

... the resolution sets out that the senator has been derelict as to the agricultural and labor interests of this state. We ask how so, and since when? ... can any member of that alliance point to a single instance wherein, or to a man who ever made a stronger or more pointed demand, a demand bristling with earnestness, than that made by Ingalls in behalf of the producers of Kansas, and that in which he denounced the methods by which they are being robbed, on the very day that the above resolution was pulled from a side pocket and forced upon the Topeka convention?

Do not the Alliance presidents know that that effort of Mr. Ingalls in the United States Senate on Wednesday will be just as well known to the people of Kansas, and far more so to the people of the world, than their resolution, and that Mr. Ingalls' speech will go a thousand times further in restraining and finally crushing the option gamblers and labor robbers of this country than the combined voice of that convention which denounced him? 86

The Topeka Daily Capital said in part that Senator Ingalls is making a great attempt to further the farmers' interests by putting a stop to gambling in agricultural products, and he deserves their support. 87

Dan Anthony wrote in the Leavenworth Times:

While Mr. Ingalls has been bitterly criticized by some within his own state as having done nothing for the people, he has been making a strong fight in the Senate for the passage of a law which many of our wisest farmers believe will be of the greatest benefit to them. Against the combined forces of those who are in the interest of the grain gamblers Senator Ingalls has been making a gallant effort for the passage of a law prohibiting dealing in futures. It is claimed by those who ought to know, if anybody, that the law of supply and demand does not govern the prices of wheat and corn and

86. Wichita Daily Eagle, March 28, 1890.
87. Topeka Daily Capital, March 28, 1890.
other grains and that grain gambling is responsible for the low prices of these commodities. If this be true the battle that Senator Ingalls is waging in the Senate is of vital importance to the farmers of Kansas. Whether it be true or not cannot be known until the experiment is tried but in endeavoring to secure the passage of such a law Senator Ingalls shows that he is alive to the interests of his own state. The fact is that no senator is more anxious than Mr. Ingalls to serve his state, no one has a clearer insight into the effects of a proposed measure and no one can wield a greater influence than he in procuring the passage of a desired law. Our people would make a very great mistake to put an unknown and untried man in his place. What Ingalls cannot do for Kansas cannot be done in the Senate of the United States.\textsuperscript{88}

Not all the comment was favorable. The Kansas City (Mo.) \textit{Times} remarked:

Ingalls' fight against option dealing is satisfactorily explained by the fact that the next Kansas legislature, which will be composed of farmers, will elect a United States Senator.\textsuperscript{89}

The campaign to congratulate Ingalls for his valiant struggle in behalf of the farmer backfired. The Emporia \textit{Daily Republican} picked up Murdock's challenge. It commented sarcastically:

The Wichita \textit{Eagle} takes the Alliance sharply to account for its assertion that Senator Ingalls during his eighteen years in the senate had never done anything for the farmers' interest. Why, it was only last week, says the \textit{Eagle}, that Mr. Ingalls made a pointed demand in behalf of the producers, in his amendment to the anti-trust bill. True; there is his effort last week, and—er—er—what were Mr. Ingalls' other efforts?\textsuperscript{90}

A few days later it said:

The papers that are defending Senator Ingalls have gone through his eighteen years record with a microscope and discovered two things he has done that are constructively in the interest of the farmers. One was twelve years ago when he made a speech in behalf of silver, and the other was twelve days ago when he offered Ben Butterworth's bill as an amendment to the anti-trust measure.\textsuperscript{91}

If, as some charged, the Ingalls amendment was a political device, it failed, for he went down to defeat before the Populists. The people of Kansas, his opponents asserted, felt that it was "too little and too late."

\textsuperscript{88} Leavenworth \textit{Times}, March 28, 1890.
\textsuperscript{89} Kansas City (Mo.) \textit{Times}, March 30, 1890.
\textsuperscript{90} Emporia \textit{Daily Republican}, March 29, 1890.
\textsuperscript{91} \textit{Ibid.}, April 5, 1890.