

injurious effect to cause the friends of honest silver money who disagree with the gentleman to look with favor upon this present measure. Indeed, we have seen this effect already. I would like to warn gentlemen who, like myself, are opposed to the policy of demonetizing silver, that there is great danger in linking their cause with any proposition which, like the present one, has so many other objectionable features. Most of the arguments of the opponents of silver, like the able argument of Mr. HEWITT, delivered in this House several months ago, can be completely met by a re-adjustment of the ratio between gold and silver at the proper time. The history of silver as money does not present a history of frequent fluctuations, but of a few violent temporary fluctuations, followed by long periods of stability. Since the discovery of the South American silver mines, which created in the European money market convulsions like the present, there have been no violent fluctuations until quite lately. The present feeling is much in the nature of a panic. There was nearly as much of causeless fear for gold after the Californian and Australian diggings were found as there is now for silver; but many of the ephemeral writings of that period are now forgotten, and people seem to think that gold was always the same. An occasional re-adjustment of the ratio, happening perhaps once in a hundred years, is all the drawback that may be feared in retaining both metals as money.

I am in favor of a double standard. I think it is the true American policy to sustain the value of the silver which is produced by American mines. But I am in favor of giving a dollar's worth of silver for a dollar and have it coined into a dollar, and not eighty cents' worth. Gold and silver have been money as long as we have a history of civilized nations. They both have the requisite qualities for money. But we know that from time to time it has been necessary to adjust their relative ratio, as one or the other would fluctuate. Before the discovery of the South American silver mines the proportion of value in Europe was 11 to 1. It changed to 14 to 1, to 15 to 1, and in 1824 the United States made it 16 to 1, which proved to be too much and drove the silver dollars out of circulation.

There was no change since until lately through various causes silver has lost in value until the weight of silver in the dollar in 1834 would now only be worth about eighty cents and less. A change of standard is evidently again required, but it would be altogether hazardous and guess-work to attempt to establish that new standard in the midst of the present violent fluctuations. We are fortunately situated in not being now affected by these changes of value like the English in India and like the double-standard countries, and we can well afford to wait until the new ratio can be more definitely ascertained.

In my opinion it should be the work of an international commission in which all the governments participate who recognize silver as money.

But the idea of now declaring eighty cents' worth of silver a legal tender for a dollar is contrary to every dictate of strict honesty and of prudence. Why it is not honest it is not necessary now to argue. That it is imprudent and instead of alleviating the burdens of our taxpayers will increase them is the main and only practical argument now. If we had the money to pay off the principal of our bonds or any considerable part of them at eighty cents on the dollar, as this bill declares we have the right to do, then there might be an argument about the prudence of doing so, although the honesty would be very questionable; but when we have nothing to pay off our public debt or any respectable portion of it, even at such a discount, the only possible result of the present agitation is the proclamation of our bad faith and consequently a lowering of our credit. We say to our creditors: "We would cheat you now if we could pay you off, but as we have no money to do that, we must continue to ask you to extend credit to us and bide our time." Glorious way that of reducing the interest on our public debt. It seems to me that ordinary prudence would dictate that as long as we have nothing to pay with, it is useless to threaten what we would do if we could, and that we should rather feign the virtue honesty, even if we do not possess it, so as to obtain good credit, which means low interest.

If we had continually expressed ourselves in favor of strict honesty and a compliance with all obligations—which would have cost us nothing—our credit might be now so that we could fund our debt at 4 per cent. interest instead of 6. England pays 3 per cent.; we pay 6 only because we have a worse credit. Had we succeeded in inspiring the world with a belief in our honesty we might now save at least thirty millions a year in the gold interest on our bonds. But when one day this Congress votes to investigate the validity of the act of 1869, upon which our present credit rests, and if on another day it votes to declare that we have a right to pay our debt with eighty cents' worth of silver to the dollar, how can we expect to retain even our present credit, let alone improving it?

Gentlemen may say we need no credit now. What fallacy! I have said we might, if we had had statesmanship enough to improve our credit, save at least thirty millions per annum by refunding at a lower interest. But apart from that, do gentlemen reflect that only five years hence the principal of the twenty-year bonds of 1862 will begin to fall due? How shall we pay? We can only pay by selling new issues of bonds. What interest we shall have to pay for them depends solely upon what credit we establish in the mean time.

With prudence and honesty we might get it down to 4 per cent. at least, but with such proceedings as these we may have to pay 10 or 12 per cent.

Is this the way the champions of the tax-payers are going to lighten our burdens? To increase the annual interest of our public debt instead of reducing it?

The great and central heresy around which cluster all minor errors is the idea that government can create values by law. We must get clear of that before we can ever act understandingly.

When James II was expelled from England and established himself in Ireland he coined money of brass and made it a legal tender. He tried to extricate himself from his financial troubles, as Macaulay says, "by calling a farthing a shilling." I refer to Macaulay's pages for a description of the results. "Of all the plagues of that time," he says, "none made a deeper or more lasting impression than the plague of the brass money."

I confess my inability to perceive the difference in the principle of the acts of James and the schemes of the gentleman from Indiana [Mr. LANDERS] or the gentleman from Pennsylvania, [Mr. KELLEY.] The difference is in degree only. To call a lump of brass a dollar and stamp it so, or to call a promise to pay on a piece of paper a dollar and stamp it so, or to call seventy or eighty cents' worth of silver a dollar and force people to take either of the articles so stamped at their nominal value in exchange for real values, is all the same in principle and differs only in degree.

The arbitrary power which in any country can enforce and impose worthless paper or debased metal or an insufficient quantity of valuable metal on its own people under the fiction that the coinage or inscription gives it value ceases at once when it crosses its own border and is forced to fair dealing. But in modern times it has been considered shameful for a government to practice such impositions on its own people simply because it has the power, or on its creditors because by trusting in its honesty they have placed themselves in its power. Enlightened governments deal as fairly with their own people as they have to deal with strangers, and the stamp on a gold or silver coin should be a certificate of its weight and fineness, no more; not making the value nor adding to the value, but a ready proof of the value only. I am opposed to stamping a false certificate of value on our silver coins.

Bad faith in a government is a poison that tends to corrupt the whole body-politic, destroys confidence, and thereby paralyzes all the recuperative energies of the people.

I have a few moments left and will yield them to the gentleman from Massachusetts, [Mr. BANKS.]

Mr. MORRISON. I move that the House adjourn.

Mr. BANKS. The gentleman from Illinois wishes to make that motion; I do not object, and will yield the floor for that purpose.

The question was taken on Mr. MORRISON'S motion, and it was agreed to; and accordingly (at eleven o'clock and fifty-five minutes a. m.) the House adjourned.

IN SENATE.

MONDAY, August 14, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SPENCER, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

COAST SURVEY REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and that the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. W. Carhart, mayor of the city of Hot Springs, Arkansas, in the name of four thousand citizens living upon the Hot Springs reservation, praying for the passage of the joint resolution introduced by Senator DORSEY in relation to the collection of water and house rent by the United States thereon; which was referred to the Committee on the Judiciary.

CORRECTION OF ERRORS IN ENROLLMENT.

Mr. MORRILL. I ask once more that the House bill in relation to the pavement of Pennsylvania avenue be taken up for consideration.

Mr. SARGENT. I want to present a concurrent resolution in the nature of a report from the Committee on Appropriations. The passage of a concurrent resolution is necessary in order to correct the enrollment of the consular bill, and it ought to be passed at once.

Mr. MORRILL. Very well.

Mr. SARGENT. I submit the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Enrolled Bills of the House of Representatives be authorized in the enrollment of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, to insert in the bill, in the amendment numbered 14, after the words "fifty-two" the word "thousand," so that the amendment will read "\$52,500;" also, to insert in the bill, in the amendment numbered 114, after the word "nine," the word "thousand," so that the amendment will read "\$9,500."

This is not a change in the bill from what it was understood as it passed both Houses. From the fact that the Committee on Appropriations were thoroughly wearied and tired out, after working night and day, I am not surprised that these two unimportant errors occurred; but I suppose they would be important if not corrected. I ask that the resolution be passed.

Mr. EDMUNDS. Can that be done by a concurrent resolution?

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. Very well; let us take that for granted.

The resolution was considered by unanimous consent, and agreed to.

DISTRICT GOVERNMENT.

Mr. MORRILL. I now ask that the bill which has repeatedly been called up, in relation to the pavement of Pennsylvania avenue, be taken up for action.

Mr. EDMUNDS. Is the morning business through?

The PRESIDENT *pro tempore*. Morning business is not through.

Mr. MORRILL. There is no objection to this bill.

Mr. EDMUNDS. There is no quorum here. You cannot do any business. I do not object to taking it up, but there is no quorum.

The PRESIDENT *pro tempore*. The Chair will call for morning business.

Mr. SPENCER. I submit the following resolution, and ask for its present consideration:

Resolved by the Senate, (the House of Representatives concurring.) That there be appointed a joint committee of three members of the Senate, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the presiding officer of the House of Representatives, to prepare a suitable form of government for the District of Columbia, and to report at the next session of Congress; that said committee be authorized to sit during the recess and to employ the necessary clerical force, and that the expenses of said committee be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

Mr. EDMUNDS. I should like to look at the resolution before it is acted upon.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the resolution cannot be considered at this time.

Mr. SPENCER subsequently said: The resolution which I just offered was objected to by the Senator from Vermont. He now withdraws his objection and is willing that the resolution shall pass.

Mr. COCKRELL. I ask that the resolution be read.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to.

MISSISSIPPI ELECTION INVESTIGATION.

Mr. BOUTWELL. I submit a resolution, and ask for its present consideration. I suppose the Senator from Vermont will not object to it. I offer the following:

Resolved. That the Special Committee on the Mississippi Election be authorized to allow the clerk of said committee pay for preparing the index to the testimony taken by said committee for a period of time not exceeding thirty days after the adjournment of this session of Congress.

The Senate proceeded to consider the resolution.

Mr. EDMUNDS. How is the clerk to be paid?

Mr. BOUTWELL. Out of the fund appropriated for the expenses of the committee.

The resolution was agreed to.

CHARLES C. CAMPBELL.

Mr. MITCHELL. The chairman of the Committee on Claims [Mr. WRIGHT] is absent. He called my attention to a case which he became satisfied before leaving was a very meritorious one. It was called up a few days ago and some objection was made. I have in my hands a letter which I will read as a part of my remarks to show why the bill should be taken up now, and I think there will be no objection to its passage. The bill has passed the House, and it was reported favorably to the Senate by the late Senator Caperton. It has been considered by the chairman of our committee since that time, and I believe it to be a very meritorious case. I will read a letter from General Burbridge. The simple question of loyalty, I understand, was raised when the matter was up before.

Mr. EDMUNDS. Who is the man?

Mr. MITCHELL. Mr. Campbell, of Virginia.

Mr. EDMUNDS. You cannot pass that this morning. It was not a question of loyalty; it was a question of public law as to these mules, &c., belonging to the concern.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia.

Mr. EDMUNDS. That bill has been once under consideration. It may be that this gentleman was entirely loyal, but the question which was discussed in the Senate before was that of the relation of the property to the salt-works—of course I cannot go into the merits—the salt-works having been destroyed, and the property used in connection with it was carried away. This bill is to pay for that property, and it opens the whole question about the rights of war there, which has agitated us so many times. It is perfectly useless, in my opinion, at this late stage in the session to attempt to take up such a bill. I hope, therefore, that it will not be taken up, for it will not be lost; it will only stand over as it now stands. We may adjourn this afternoon, and here are the Hawaiian treaty bill and the constitutional

amendment, both of which we must act upon. If this bill is not taken up, I believe I shall move to take up the constitutional amendment, and let the debate go on upon that.

Mr. MITCHELL. I hope this bill will be taken up. I will state that it does not come within the list of cases that have been controverted. It is simply to compensate this man for certain commissary stores taken by General Burbridge for the use of the Army. I desire to read the letter which I was about to read a moment ago, which is addressed to the chairman of the Committee on Claims, and is as follows:

WASHINGTON, D. C., July 31, 1876.

MY DEAR SIR: I feel it to be my duty to attempt to correct the erroneous and unjust impression which seemed to prevail on the part of one or two Senators in relation to the loyalty of Mr. Campbell. I know Mr. Campbell to have been a truly loyal man. I destroyed his salt-works not because he had sold salt to rebels but because there was danger that his salt-works might be captured by the confederate army and then used in the manufacture of salt for the confederate forces.

I destroyed the property of many Union men for the same reasons. Mr. Campbell was loyal in a locality in which loyalty implied a sacrifice of every material interest and social relation, and now it seems both harsh and unjust that any aspersions should be made against his devotion to the Union. He claims nothing for the property destroyed—

I call attention to this—

he claims nothing for the property destroyed, but only for supplies taken and used by the Union Army. He is now sorely afflicted with sickness in his family, and his home, which is all that ravages of the rebellion have left him, is advertised for sale, and if Congress fails to do him justice he will be without a roof to protect himself and family. A feeling of delicacy on his part has prevented him from making known to you his distressing situation, and I at the risk of being regarded as troublesome feel it my duty to acquaint you with his situation.

I have the honor to be, very truly, yours,

S. G. BURBRIDGE.

Hon. GEO. G. WRIGHT,
United States Senate.

I hope this bill will be taken up and disposed of. It has been acted upon favorably by the House and reported favorably by the committee of the Senate.

Mr. EDMUNDS. Is that any reason why we should pass it, because the House acted favorably? That is a very extraordinary argument in reference to it.

Mr. MITCHELL. It is this much of an argument, that it is a House bill; and if it is a proper bill to act upon, it is an argument which should give it preference over a Senate bill.

Mr. LOGAN. If this question is debatable I desire to say but a word. I have no fault to find with Mr. Campbell or anybody else, but I propose to object, where my objection will avail anything, to every claim that is presented by a gentleman for property destroyed by the Union Army claiming to be a loyal man or a disloyal man. It is immaterial for what he claims—

Mr. MITCHELL. This is not to pay for property destroyed.

Mr. LOGAN. It makes no difference.

Mr. MITCHELL. It is for property used.

Mr. LOGAN. Very well, property used; mules, wagons, &c., assisting in making salt. I propose to object, while I am here in my seat, whether the claim is a proper one or not, until the Senate shall agree to pay the soldiers who put the rebellion down what this Government owes them. I object to the consideration of this bill.

Mr. MITCHELL. I am just as willing as the Senator from Illinois to vote to pay the soldiers, and I have voted with him every time the Senator has asked to take up the bounty bill.

Mr. LOGAN. I know that, but that is not the point. It is not whether the Senator votes with me or not, but whether the Senate will take up the bill.

Mr. MITCHELL. I think it is as great an outrage for the Congress of the United States to refuse to pay a loyal man for his private property taken by the Union Army and used by the Union Army in putting down the rebellion as it is to neglect to pay the soldiers who fought to put down the rebellion.

Mr. EDMUNDS. I should like to know if that is not going into the merits.

The PRESIDENT *pro tempore*. The Senator will confine himself to the question of taking up the bill. Debate is not in order upon the merits. The Senator from Oregon moves the present consideration of the bill.

The motion was not agreed to.

SALE OF SALINE LANDS.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 2260) providing for the sale of saline lands.

The Chief Clerk read the bill and the amendment of the Committee on Public Lands.

Mr. HARVEY. The amendment recommended by the committee—

Mr. WEST. I ask whether the bill is up?

The PRESIDENT *pro tempore*. The bill is not before the Senate.

Mr. WEST. Then we cannot have the merits of the bill discussed.

Mr. HARVEY. I simply wish to make a statement. The amendment recommended by the committee was made upon the recommendation of the Commissioner of the General Land Office.

Mr. WEST. I venture to inquire whether the Senator can discuss the character of the bill or the amendment before the bill is before the Senate?

The PRESIDENT *pro tempore*. The merits of the bill cannot now be discussed.

Mr. HARVEY. Can I call for the reading of the letter of the Commissioner of the General Land Office?

The PRESIDENT *pro tempore*. That can be read to show the necessity of taking up the bill; but the merits cannot be considered in debate.

Mr. HARVEY. I ask for the reading of the letter.

Mr. LOGAN. How long will it take?

Mr. HARVEY. Only a few minutes. I think there will be no objection to the bill.

Mr. CAMERON, of Wisconsin. Perhaps the Senator from Kansas will yield to me for a moment to call up another bill.

The PRESIDENT *pro tempore*. While the letter is being sent for.

Mr. HARVEY. Will it have the effect to displace my motion to take up the bill?

The PRESIDENT *pro tempore*. Not by unanimous consent. The paper has now come.

Mr. KELLY. While the paper is coming—

The PRESIDENT *pro tempore*. The Senator from Wisconsin now on the floor has asked the privilege to take up some measure.

Mr. CAMERON, of Wisconsin. It will take but a moment to consider my bill.

Mr. EDMUNDS. One thing at a time, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont insists on one measure at a time. The letter will be reported.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 1, 1876.

SIR: I have had the honor to receive your letter of the 28th ultimo, inclosing a copy of H. R. No. 2260, entitled "An act for the sale of saline lands," and requesting from this Office "information whether it is desirable and proper that it pass."

In reply, I have to state that as was set forth in a late decision of the Supreme Court of the United States, "the policy of the Government, since the acquisition of the Northwest Territory and the inauguration of our land system, to reserve salt springs has been uniform." Further, it has been a policy generally acted upon in admitting States containing public lands to make a grant to the State of such salt springs as might be found therein, with a limit as to number, the grant embracing also contiguous sections and making up an aggregate area usually equal to two townships of public land. The first case in which this was done is that of Ohio; the last that of the proposed admission of Colorado, as provided for in the act of Congress of March 3, 1875. (Statutes at Large, volume 18, page 476.) In view of this policy, which may be adhered to in admitting new States, I suggest that the act mentioned be amended by adding at the close of the twenty-third line the following words, namely: *Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant until either the grant has been fully satisfied or the right of selection thereunder has expired by efflux of time.

With such an amendment I think it desirable and proper that the bill pass.

Very respectfully,

J. A. WILLIAMSON, *Commissioner*.

Hon. W. R. BROWN,
House of Representatives.

Mr. HARVEY. The amendment reported by the committee is the same as that recommended by the Commissioner.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

Mr. DAVIS. I think we ought to proceed with the Calendar of unobjected cases. There are a number of bills on the Calendar that many Senators are interested in. We ought to proceed regularly with the Calendar, and every Senator will then fare alike. There are a number of bills on the Calendar which ought to be passed; and I therefore move that the bill under consideration be laid aside in order to proceed regularly with bills on the Calendar.

Mr. WEST. The bill has not been taken up yet.

The PRESIDENT *pro tempore*. The bill is not pending. The question is on proceeding to the consideration of the bill named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2260) providing for the sale of saline lands. It provides that whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of the register and receiver, under the regulations of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder for cash, at a price not less than \$1.25 per acre; and in case the lands fail to sell when so offered, the same shall be subject to private sale, at such land office, for cash, at a price not less than \$1.25 per acre, in the same manner as other lands of the United States are sold.

The bill was reported from the Committee on Public Lands with an amendment to add the following proviso:

Provided, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time.

The amendment was agreed to.

Mr. CLAYTON. I move to insert the following as an additional section at the end of the bill:

SEC. 2. That all executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, to be designated by the Secretary of the Interior.

Mr. HARVEY. I have no objection to that amendment.

The amendment was agreed to.

Mr. EDMUNDS. I move to amend by adding at the end of the amendment reported from the committee the following:

But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quitclaim of all title of the United States.

Mr. INGALLS. The Supreme Court, as I understand, have repeatedly determined that a patent is nothing but a quitclaim, and that it conveys merely the title of the United States; and therefore this amendment is unnecessary.

Mr. EDMUNDS. Ah, but let me suggest to my friend that although the Supreme Court has decided something such as he says, not that it is a mere release but that it conveys a title, yet if the United States does not possess the title, and the person to whom we give the patent fails to get a title, he can come back on us as he would on a private person in the nature of a warranty. That is the point. In relation to these saline lands where there are pre-emption settlers, State claims, and things of that kind, and we want to close them out, it appears to me that it would be the height of folly to give a patent under the decision of the General Land Office to a man who bought at a dollar and a quarter an acre at an auction sale when the land was already claimed by some one else, and we should have to pay the man we turn out or the man we gave the patent to, one or the other. We should lose a great deal more money than we should make by the operation, and my design is to protect the United States against double claims.

Mr. HARVEY. I think there is no objection to the amendment.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THE CALENDAR.

Mr. DAVIS. I move that the Senate proceed to the consideration of the Calendar of unobjected cases under the Anthony rule at the point where its consideration was last suspended.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar will be reported.

Mr. CRAGIN. Let me suggest to the Senator from West Virginia to apply the order to House bills alone.

Mr. DAVIS. It applies to unobjected cases. Anybody who desires to object can prevent action upon a bill.

Mr. CRAGIN. But it should apply only to unobjected House bills. There is no use in passing Senate bills now.

Mr. DAVIS. Oh, yes, it is; for we may have a very late session to-day.

Mr. LOGAN. There is just as much use in passing such bills as any others. I object to any proposition of that kind.

Mr. PADDOCK. Before the order is enforced, I should like to ask unanimous consent of the Senate to call up a little bill which has been considered before, Senate bill No. 705.

Mr. DAVIS. We shall reach all the bills in order. I object to anything out of order.

Mr. PADDOCK. I think the Senator from West Virginia will not insist on his objection when I make the statement which I shall make. This is a claim by a postmaster in one of the small towns in my State for internal-revenue stamps which were lost by him under the old law. A bill has passed re-implementing him for the loss of the postage-stamps, and the case has been carefully considered by two committees.

Mr. DAVIS. I do not object to this particular bill, but it will be reached in its order if we proceed with the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia object to the consideration of the bill named by the Senator from Nebraska?

Mr. DAVIS. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made, and the first case on the Calendar will be reported.

Mr. EDMUNDS. I think that it is due to the occasion to have these unobjected cases wait a few minutes; and I will therefore move to postpone the present and all prior orders and take up the constitutional amendment.

The question being put, there were, on a division—ayes 18, noes 10, no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The roll-call having been concluded,

Mr. HAMLIN. On this question I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If he were present he would vote "nay," and I should vote "yea."

Mr. WINDOM. On all questions in reference to this amendment I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present I presume he would vote "nay," and I should vote "yea."

Mr. HOWE. (After having voted in the affirmative.) On this question and all other political questions I am paired with the Senator from North Carolina, [Mr. RANSOM,] in case there is a quorum without my vote. I wish to withdraw my vote unless it is necessary to make a quorum.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

The result was announced—yeas 23, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Wisconsin, Christianity, Clayton, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Harvey, Hitchcock, Logan, McMillan, Mitchell, Morrill, Morton, Paddock, Sargent, Spencer, and West—23.

NAYS—Messrs. Boggs, Cockrell, Cooper, Davis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Conover, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Howe, Ingalls, Johnston, Jones of Nevada, McDonald, Merriman, Oglesby, Patterson, Randolph, Ransom, Robertson, Saulsbury, Sharon, Sherman, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Windom, Withers, and Wright—33.

So the motion was agreed to.

THE SCHOOL AMENDMENT.

The Senate proceeded to consider the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States, the pending question being on its passage.

Mr. FRELINGHUYSEN. Mr. President, before the vote is taken on this measure, I propose to state the principles involved in it, and to do so with great brevity.

There are only two principles involved in this article for the amendment of the Constitution, as passed by the House or as now amended by the Senate:

I. That there shall be no establishment of religion or prohibition of the free exercise thereof, and that there shall be no religious test as a qualification to office in the several States of the Union.

II. That the people shall not be taxed to promote the particular creed or tenets of any religious or anti-religious sect or denomination.

Let me remark that it is manifest that the people call for an amendment covering these two principles. This is manifest from the fact that the Representatives of the people of every religious and political persuasion, coming fresh from every section of the country, have by a vote of 166 out of 171 (only 5 negatives) declared that to be the will of the people.

Further, sir; on the passage by the House of this amendment, which undertook to affirm and to protect these two principles, and which the people and the press, and which I assume the House of Representatives thought was effective, great gratification was afforded to the whole country, not only because of their wish that these principles should be incorporated in our fundamental law, but also because this vexed question was to be removed from the arena of party politics. The great unanimity of the vote in the House shows how strong is the conviction of the Representatives of the people that this article of amendment to the Constitution is within the legitimate province of constitutional amendments, and is also in accord with the best policy and the soundest interests of the nation.

There is, sir, no room for two opinions on the two propositions that religion and conscience should be free, and that the people should not be taxed for sectarian purposes. The whole history of our country, from its origin to the present day, establishes and fortifies these positions. And nothing can be clearer than that these fundamental rights should be secured in a constitution ordained expressly to "establish justice" and to "secure the blessings of liberty."

Mr. President, while the two principles of religious freedom and exemption from taxation for sectarian purposes are plainly asserted in the article as it comes to us from the House, there are, unfortunately, in it defects and omissions that were it accepted without amendment by the States would render it nugatory and invalid. And the House should be gratified that a more careful scrutiny has discovered and corrected these defects, and should be ready to concur at once in the amendment of the Senate. I will point out these defects and their corrections.

I. The fifth article of the Constitution requires that Congress when proposing amendments to the Constitution shall state to the people in what manner the amendment shall be ratified; whether by the Legislatures of the States or by conventions in the States; the fifth article is as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

This article amending the Constitution as it came from the House failed to propose either mode of ratifying this amendment. It did not propose that it should be ratified by the Legislatures or that it should be ratified by conventions. Had the Legislatures ratified it, not being in conformity with the requirements of the Constitution, it would have been invalid.

I call the attention of the Senate to the first alteration the House amendment makes in our Constitution. The first amendment to the Constitution, enacted shortly after the adoption of the Constitution, provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

This is an inhibition on Congress, and not on the States. The House article very properly extends the prohibition of the first amendment of the Constitution to the States. But the sixth article of the old Constitution also provides that—

No religious test shall ever be required as a qualification to any office or public trust under the United States.

This provision in such close harmony with the first amendment of the Constitution, the House article entirely omits, and it has very properly been inserted by the Senate and made applicable to the States.

Nobody can object to the Senate amendment on account of these two positions contained in it.

Thus the article as amended by the Senate prohibits the States, for the first time, from the establishment of religion, from prohibiting its free exercise, and from making any religious test a qualification to office.

II. Now, as to the second division of the proposed article amending the Constitution relative to the use of the public money for sectarian purposes, let me say that there are six different modes by which the people can be taxed for sectarian purposes.

1. By appropriating money raised for school purposes to sectarian schools.

2. By appropriating money from the general Treasury to sectarian schools.

3. By appropriating public money to sectarian institutions other than schools, as theological institutions, sectarian colleges, monasteries, and nunneries.

4. By devoting schools or other institutions established by public funds, when so established, to sectarian purposes.

5. By making appropriations of public money to religious denominations, or to promote their interests.

6. By appropriating public money to an institution to promote infidelity or for the benefit of an anti-religious sect.

The amendment of the Senate guards against all these abuses, while the article as it came from the House only prohibited the first, to wit, the appropriation of public money, and only public money raised for schools, to sectarian schools or dividing it among denominations.

The Senate amendment only carries out the principle and cures the defects of the article as it came from the House, but it does so effectually.

Why, sir, provide that money raised for schools shall not be appropriated to sectarian schools and leave it lawful to appropriate to sectarian schools from the general Treasury?

Why should we prohibit appropriations to sectarian schools, and yet permit schools established by the public money to be made sectarian?

Why prohibit appropriations to sectarian schools and permit money to be appropriated to sectarian institutions of another character? Why prohibit appropriations to religious sects and permit them to be made to infidel sects?

There is no reason. And any one who could honestly and sincerely vote for the article as it came from the House should rejoice in the opportunity of voting for the Senate amendment.

Not only does the article as it came from the House merely apply to the appropriation of money raised for schools to sectarian purposes, but it omits to give Congress any power by legislation to prevent or punish the violations of the article.

The usual section conferring power on Congress by legislation to enforce an amendment is in these words:

Congress shall have power to enforce this article by appropriate legislation.

But as the committee were aware that some might argue that such a section would confer on Congress the power to interfere with public schools of the States, the committee, to avoid all possible objection, have—though they were satisfied that an article so phrased would not have the effect claimed—reported a section which gives no affirmative power to Congress, but simply provides that—

Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

This section takes the place of the strange provision of the article as it came from the House, which is in these words:

This article shall not vest, enlarge, or diminish legislative power in Congress.

Some have called this House article the Blaine amendment. No such provision was ever suggested by that distinguished man. He left the article to be enforced under the provisions of the original Constitution, which (article 1, section 9, placit 18) provides—

That Congress shall have power to make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or office thereof; and this article is to be part of this Constitution.

This article when adopted, by the very terms of the fifth article of the Constitution, becomes, in the language of the Constitution, "to all intents and purposes a part of the Constitution." Now the pro-

vision as it comes from the House prevents the provision of the old Constitution which I have read from operating, for it declares that "nothing in this article shall be held to vest, enlarge, or diminish any legislative power in Congress." So that Congress would have no more power over the subject after the passage of the article than it had before it was passed, while the section introduced in the Senate amendment limits the power of the old Constitution by making a specific provision that Congress shall have power over this subject so far as to prevent and punish violations of this article.

Mr. President, it has been said that this amendment will prevent religious instruction in our prisons and other institutions supported by the public revenue. The clause which is relied upon to maintain that position is this:

And no such particular creed or tenets—

That is, no particular creed or tenets—

of any religious or anti-religious sect or denomination shall be read or taught in any school or institution supported in whole or in part by such—

That is public—

revenue.

Sir, does that prohibit religious instruction in prisons? Does it prevent religious instruction anywhere? If the visit to those who are sick and in prison is for the purpose of reading to them or of teaching them the particular creed or tenets of a religious or anti-religious sect or denomination, this article does interfere with it, and is designed to. Institutions supported by the money of all persuasions, even though they be prisons, are not to be made schools for teaching presbyterianism, or catholicism, unitarianism, or methodism, or infidelity, or atheism, and this article says so. But this article goes no further. There is nothing in it that prohibits religion as distinguished from the particular creed or tenets of religions and anti-religious sects and denominations being taught anywhere.

That pure and undefiled religion which appertains to the relationship and responsibility of man to God, and is readily distinguishable from the creeds of sects; that religion which permeates all our laws, which is recognized in every sentence against crime and immorality, which is invoked in every oath, which is reverentially deferred to every morning at that desk and on like occasions at the capitol of every State of the Union; that religion which is recognized by our Presidents and governors every year in the thanksgivings of the people, to which one-seventh part of the century which has just closed has been devoted; that religion which is our history, which is our unwritten as well as our written law, and which sustains the pillars of our liberty, is a very, very different thing from the particular creeds or tenets of either religionists or infidels. And this article places no unhallowed touch upon that religion. While we punish the violations of the oath or other moral obligation, it would be monstrous by affirmative legislation to restrict religious instruction. On this subject let me briefly quote from Story and Webster and Washington. Story says:

It is impossible for those who believe in the truth of Christianity as a divine revelation to doubt that it is the especial duty of government to foster and encourage it among all the citizens and subjects. This is a point wholly distinct from that of the right of private judgment in matters of religion and of the freedom of public worship according to the dictates of one's conscience.

Webster says:

If we work upon marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble to the dust. But if we work on men's immortal minds; if we imbue them with high principles, with the just fear of God and of their fellow-men, we engrave on those tablets something which no time can efface, but which will brighten and brighten to all eternity.

Washington, in his Farewell Address, says:

Of all the dispositions and habits which lead to prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these purest props of the duties of men and citizens. The mere politician equally with the pious man ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Again, some one has said that he thought the Bible was a religious book. That remark arises, sir, from the provision in the article of amendment that sectarian creeds are to be excluded, but that this provision shall not be construed to exclude the Bible. Let me say that the saving clause in favor of the Bible is just, because it is a religious and not a sectarian book.

I have a few words more to say. There is one provision in the article to which I have not called attention. If the amendment to the Constitution is to answer any purpose, it is to exclude sectarian teaching from public schools, and this article says so. That expression might be perverted to effect the exclusion of the Bible, and the provision that it shall not be so construed was necessary to exclude that conclusion, so as to leave the Bible in its relations to the public schools and institution where it stands now.

It says that, while Shakespeare and Homer, Junius and Juvenal are not to be excluded, the Bible shall not, by reason of this article, be excluded. The Constitution of this country will never treat that book with disrespect. No party will ever have it tabooed. Who wants this article to exclude the Bible?

Not the Catholics. It is the rule of their faith and practice and they want more, not less, religious instructions. They were the first in this country when establishing the government of Maryland to provide in her fundamental law for religious freedom. The Protestants do not want it excluded, because it is their rule of faith. The Israelite does not want it excluded, because it is the guide to his conscience. The atheist does not want it excluded, for he recognizes no superior; he is a law unto himself. It is a matter of indifference to him whether the Bible or Dabold's Arithmetic or Hale's History of the United States is used in the school, so far as his conscience is concerned.

But then we are told that there are different translations of the Bible. True, and yet there is but one Bible; that is the revelation from on High. There are various translations, and the excellence of this article is that it prevents the exclusion of any. Nothing in this article shall be construed to exclude either the Douay or the King James version. I am for the broadest toleration, but I would never agree to a constitutional amendment that would exclude from the schools the Bible. The Constitution should neither say that it should or should not be read in the schools. To attempt either would be to mingle politics with religion, which all would deprecate. Make the Bible a political ensign, and a party spirit such as clustered around the white and red rose would be aroused, in which perhaps there would be no more piety than there was in the spirit that animated Richard the Lion-hearted and his followers when they rallied around the cross, or Saladin and his Mohammedan hordes when they fought for the crescent.

Into such a conflict, having forsworn all idolatry, even though the Bible be on the shrine, I will not enter. "Put up thy sword, my kingdom is not of this world," is the injunction of our religion. But this article of the Constitution must not exclude it unless we come to the conclusion that the narrative of the creation, that the maxims of Solomon, that the logic of Paul, and those truths that have lighted up the future to unnumbered generations, are injurious to public morals!

Mr. President, where shall we go for public morals? If you must exclude the Bible you must banish all our literature or expurgate it, for it would be the height of folly to say that it is lawful to drink from the conduits which human hands had made, but not from the pure fountain. Where shall we go? To the Koran? To Confucius? To the Mormon book of their lord? To the vain philosophy of the ancients? To mythological fables? No, sir; the people of this country want that book let alone. The Constitution must not touch it. It is to be forced upon no one and the Constitution is to make it unlawful to read it nowhere.

Mr. HAMLIN. Mr. President, I may not be in my seat when the vote shall be taken on this question. I wish to announce now, as I would if I were in my seat, that I am paired with the Senator from North Carolina, [Mr. MERRIMON.] I would vote for the amendment, and he would vote against it.

Mr. EDMUNDS. I wish to give notice that the moment the Hawaiian treaty bill is disposed of I shall ask the Senate to take up this matter again and stick to it until it is completed, without the intervention of any other thing.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate, being the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. LOGAN. I rise to call up the conference report which was objected to by the Senator from Kansas on Saturday.

The PRESIDENT *pro tempore*. Does the Senator from California yield for that purpose?

Mr. SARGENT. I understand that there will be debate on that.

The PRESIDENT *pro tempore*. It can be taken up subject to a call for the regular order.

Mr. LOGAN. I understand the conference report to be a privileged question.

Mr. SARGENT. Not to set aside unfinished business.

Mr. LOGAN. Not to set aside unfinished business, but I think Senators might at least allow the conference report to be taken up.

Mr. SARGENT. I assure the Senator that I have every desire to submit to the disposition of the Senate. I have been the victim of circumstances for a day or two, it must be confessed, and I really beg Senators to allow me to get off my hands the matter which has vexed the Senate now for the last two or three days. If this report would not lead to extended debate so as to interfere with the unfinished business, I should not object to it. It now appears that I have been troubling the Senate two or three days with the Hawaiian treaty bill, when in fact a large amount of other business has been transacted and political speeches injected. If the report is going to lead to lengthy debate, as I am notified it will, I must insist on the regular order.

Mr. LOGAN. I do not know what Senators notified the Senator that it would lead to debate. I do not know who wishes to debate it.

Mr. SARGENT. The Senator from Kansas, [Mr. INGALLS.]

Mr. LOGAN. Very well, let him make his speech. It will not be long.

Mr. SARGENT. I insist on the regular order.

Mr. LOGAN. Very well. I desire to say before the regular order is taken up, and I say it without criticism of the action of any Sen-

ator, that it is astounding to me that there has not been a proposition to take up a bill for the purpose of giving either pension or bounty, or now to give wooden-legged soldiers some kind of apparatus by which they may be aided, but what it is thrown aside by everything else; I should like to know why it is. There has not been a conference report offered in this Senate all this session by any Senator that has been laid aside except this one that I offered on Saturday. If there is any explanation of this, I should like to know what it is. If anything that pertains to a soldier in this country has become so obnoxious to the Senate that a little conference report on that subject has to be laid aside when every other conference report in the Senate has been considered at this session, I desire to let that be known. I only want to know why it is that nothing can come forward here that has any reference to matters of this kind but it must be laid aside.

As far as the Hawaiian treaty is concerned, it is up and will be acted on. My judgment is that the Senator will get his action just as soon by letting this conference report be agreed to now as he will by postponing it. That is my judgment, and I think the future will develop that fact.

Mr. SARGENT. I call for the regular order.

Mr. COCKRELL. I hope the Senator from California will yield to this report, and then I will mutually join him to determine the other matter. It will only take two or three minutes.

Mr. SARGENT. If it would only take two or three minutes I would not object; but I am notified it will lead to debate. I ask the Senator from Kansas if I am correct?

Mr. INGALLS. Undoubtedly.

Mr. SARGENT. Then the Senator from Missouri is mistaken in his premises. It will lead to a lengthy debate.

Mr. COCKRELL. I cannot see why it should.

Mr. SARGENT. That is my information. I merely state that to show that I am not unreasonable. I ask for the regular order.

Mr. ANTHONY. I think the Senator from California has peculiar claims on the Senate, although he does not urge them himself. He has been for the last six weeks engaged entirely in conference committees, and has been unable to assert the business which is particularly in his charge. I think, therefore, we ought to have what we Quakers call a very great tenderness toward him. There are several bills that must be disposed of before we adjourn; but if we make up our minds to sit here until we finish them, we shall get through by midnight to-night probably. We must dispose of the Hawaiian treaty bill; we must dispose of the constitutional amendment; and our constituents ought to send us back if we do not pass some bill for counting the electoral vote. There is also some executive business that we must dispose of, or we shall be called back again.

Mr. LOGAN. I desire to say in answer to the Senator from Rhode Island that there is always some great business to be disposed of when I attempt to call up any bill of this character. That has been universally said, not only by the Senator from Rhode Island but by other Senators. I have been on three conference committees myself that have taken up a good deal of my time and I have worked as hard as anybody else, but not so extensively as the Senator from California on appropriation bills. I have been on four conference committees, some connected with appropriation bills, such as the Indian bill, the Army bill, the West Point bill. These and other conferences that I have been on have taken up my time. It will take but a moment to have this conference report disposed of, and it is the only report that has been objected to this session.

Mr. SARGENT. I am willing to test the question. I am willing to yield for five minutes, which is five times the length the Senator says it will take. Is not that fair? But if a Senator rises and proceeds with a speech and states that he wishes to speak at length, of course that cannot be done in five minutes.

Mr. LOGAN. I do not think anybody will want to speak at any great length on the question whether you shall allow one-legged soldiers wooden legs or not.

Mr. SARGENT. I am in favor of the wooden leg to the soldier; but I also want the business in my charge disposed of.

MESSAGE FROM THE HOUSE.

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

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania; and

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap.

The message also announced that the House had passed a bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the resolution of the Senate authorizing the Committee on Enrolled Bills of the House to correct an error in the enrollment of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 515) for the relief of Floyd C. Babcock; and

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery.

The message also announced that the House had passed a resolution suspending the sixteenth and seventeenth joint rules for the remainder of the session.

Mr. HAMLIN. I want to say that we have no sixteenth and seventeenth joint rules to suspend.

THE HAWAIIAN TREATY.

Mr. SARGENT. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. NORWOOD. Mr. President, when the Senate adjourned on Saturday night I was endeavoring to demonstrate that the acquisition of the Hawaiian Islands was not necessary to the military defense of the United States.

Having said as much as I desire to say upon that head, I come now to consider the second point, which is whether we shall ever acquire the Hawaiian Islands under this treaty. There is no express provision in the treaty for their acquisition. We will have no more rights in those islands than any other nation, except that we will have occupation of certain ports for the term of seven years, if this treaty should go into effect. There is an inhibition upon the King of those islands to lease any port in them, but there is no inhibition upon him to sell them, and the possession of them therefore can pass beyond the reach of the United States at any time when the King sees fit to sell them. But, sir, that is not the strong reason why I think we shall never acquire those islands. The advocates of this bill and of this treaty place the prospect of their acquisition upon the ground that depopulation is going on in the Islands, and they cite us to the statistics to show us that that depopulation has been continued at the rate of 2 per cent. per annum, until the population now is about forty thousand natives. At the time those islands were discovered by Captain Cook, near a century ago, the population, according to his estimate, was about four hundred thousand, and that number has decreased to 10 per cent. Upon that fact is built the theory that this decrease will continue until the population will not be enough to sustain a government, and that they will naturally fall into the lap of the United States, because their inclination is toward this Government.

I desire to ask the Senator from California and the Senator from Oregon if they have considered this proposition in the light of mathematics. We are to acquire these islands by the depletion of the population. There is no other theory upon which a hope is based that we shall ever be able to acquire them. Now I desire to know whether they have considered how long, in the first place, it will take that population to die out at the rate of decrease that has been going on according to the census reports. If my friends will take the trouble to make the calculation, they will find that before the 40,000 native population now upon the islands shall be reduced down to 30,000, more than 14 years will have elapsed. That is calculating at a decrease of 2 per cent. per annum, whereas the actual decrease is about $1\frac{3}{8}$ per cent. But allowing 2 per cent. decrease, the native population upon the islands will not reach 30,000 within the period of fourteen years, which is double the time of the continuance of this treaty.

Now, then, if you will continue your calculations from 30,000 down, supposing there is no increase of foreign population meantime, you will find that more than fifty years must elapse before the population will be brought down to a number that will not be self-sustaining, and before you reach a point of depopulation at which there can be reasonably entertained a hope by the American people that they can acquire these islands either by annexation or by the voluntary gift of the inhabitants. This fact is worthy of the consideration of the American people. We are endeavoring to acquire these islands for strategic purposes, not for agriculture, not for commerce, except as they are a resting-point in the Pacific Ocean; and yet, according to this calculation we must wait and linger for fifty years before we can get them.

But, Mr. President, the next question in order is, will those islands be depopulated? Will this decrease go on? Will the native population of the islands die out? Upon that point it may be interesting to the Senate and to the country to consider the fact that the diseases which have produced the depopulation of the islands are diminishing. The sanitary system that has been adopted on the islands has decreased these diseases until we are told now that the native population is diminishing very slowly.

But that is not all. That population will not diminish, because there is an element being introduced into the islands that is arresting the debility that seems to pertain to the constitutions of the native inhabitants. The Chinese are taking possession of the Hawaiian Islands; they are rapidly increasing, and we know that there is not a more prolific race and probably a more healthy race, considering their sanitary system, on the face of the globe. The immense population of their kingdom shows that they are a prolific and a healthy people. Upon this point I beg to call the attention of the Senate to an authority that has been quoted on this floor, that has been used by the Committee on Foreign Relations, and which commands con-

sideration and very high respect from the intelligence of the author and from the opportunities which he had for making his observations, because he visited all these Islands. On the question of whether there will be a depopulation, let us hear what Mr. Nordhoff says in his work on Northern California, Oregon and the Sandwich Islands, on page 74:

Of the foreigners the Chinese are the most numerous, outnumbering all the other foreign nationalities together except the Americans. Chinese have been brought over here as cool laborers on the plantations. They readily intermarry with the native women and these unions are usually fruitful of healthy and bright children. It is said that the Chinese insist upon taking better care of their children than the native women, uneducated, usually give them, and that therefore the Chinese half-caste families are more thrifty than those of the pure-blooded Hawaiians.

So we see that there is being introduced into these islands a foreign element, a prolific, industrious, healthy race, and that by the intermarriage of that race with the natives of these islands there is being produced, in the language of Mr. Nordhoff, "a fruitful and healthy progeny."

Now, sir, is it probable that, with an increase of the Chinese population in those islands, there will be a decrease of the native population from this time forth? It is impossible, because all authorities concur in the statement that there is not a healthier climate on the face of the globe than that of the Hawaiian Islands.

But, again, on page 76 Mr. Nordhoff says:

In fact, they have died out pretty fast, though there is reason to believe that the mortality rate has largely decreased in the last three years—

I invite the attention of my friend from Oregon to this statement—and careful observers believe even that in the last year there has been an actual increase rather than a decrease in the native and half-caste population.

He then gives the following statistics:

In 1832 the islands had a population of 130,315 souls; in 1836 there were but 108,579; in 1840, only 84,165, of whom 1,962 were foreigners; in 1850, 69,500, of whom 3,216 were foreigners; and in 1860, 62,939, of whom 4,194 were foreigners. The native population has decreased over 60 per cent. in forty years.

That is a decrease, as I stated a while ago, of less than 2 per cent. per annum.

In the same period the foreigners have increased very slowly, until there are now in all 5,366 foreigners and persons born here, but of foreign parentage, on the islands.

This authority shows two facts. The first is, that there is no decrease going on in the native population on those islands, but that in the last year there has been an actual increase. But the other fact is much more significant, and it is, that the Chinese and American population on the islands is increasing. You will observe from the authority I quoted that in 1840 there were only 1,962 foreigners; in 1850 there were 3,216; in 1860, 4,194; and in 1874, when this book was written, there were over five thousand foreigners on the islands.

But now, Mr. President, under what circumstances has this increase in population taken place? Under what disadvantages has it occurred? With the exception of the salubrity of the climate and the fertility of the soil, there has not been a single advantage in favor of the increase of population. Labor is scarce and is unskilled. The rate of interest on money used for the production of rice and sugar is 12 per cent. per annum, and under all these disadvantages the population has increased, and increased for agricultural purposes.

As to the agricultural difficulties under which these islands have been laboring for some time, I read from page 59 of Mr. Nordhoff's book:

But I am persuaded that, as there are planters now who are prosperous and contented and who make handsome returns even with the sugar duty against them, so, if that were removed, there would be planters who would continue their regular and slow march toward bankruptcy, and for whom the remitted duty would be but a temporary respite, while it would deprive them of a cheap and easy way to account for their failure. Wherever on the islands I found a planter living on his own plantation, managing it himself, and out of debt, I found him making money, even with low prices for his sugar and even if the plantation itself was not favorably placed; not only this, but I found plantations yielding steady and sufficient profits under judicious management which in previous hands became bankrupt. But, on the other hand, where I found a plantation heavily encumbered with debt and managed by a superintendent, the owner living elsewhere, I heard usually, though not always, complaints of hard times. If a sugar planter has his land and machinery heavily mortgaged at 10 or 12 per cent. interest; if he must, moreover, borrow money on his crop in the field to enable him to turn that into sugar; if then he sends the product to an agent in Honolulu, who charges him 5 per cent. for shipping it to San Francisco; and if in San Francisco another agent charges him 5 per cent. more on the gross returns, including freight and duty, for selling it; if, besides all this, the planter buys his supplies on credit, and is charged 1 per cent. a month on these, compounded every three months until it is paid, and pays almost as much freight on his sugar from the plantation to Honolulu as from there to its final market—it is highly probable that he will, in course of time, fail.

There are not many legitimate enterprises in the world which would bear such charges and leave a profit to the manager. But it is on this system that the planting of sugar has been, to a large extent, carried on for years in the islands. Under it a good deal of money has been made, but not by the planters.

Thus we see that the cultivation of sugar upon the Hawaiian Islands is subject to the following embarrassments: First, a scarcity of labor; second, a high rate of interest; third, a high rate of freight to get their sugar; and, fourth, an exorbitant commission. The planter pays 5 per cent. to his home agent and 5 per cent. to his foreign agent in the market where his produce is to be sold. Then if they buy upon a credit, they pay at the rate of 12 per cent. per annum, and the interest at the end of three months is compounded against them; so that the production of sugar in those islands is weighed down by difficulties that do not exist in any other agricultural district of which I have ever read, and I invite the Senators from Ore-

gon and California to cite a parallel. And yet, sir, with all these difficulties, as I have said, not only is the foreign population of the islands increasing, not only is the depopulation of the half-castes and natives diminishing, but the cultivation of sugar under all these embarrassments is profitable.

Mr. President, if under all these embarrassments the sugar-planters of the Hawaiian Islands can produce sugar with profit, what will be the case under the stimulus that will be given to that production by the passage of this bill? I have said that they are making a profit, and I propose upon that point to give the statistics:

In 1860 they exported 1,444,271 pounds of sugar; in 1864, 10,414,441 pounds; in 1868, 18,312,926 pounds; and in 1871, 21,760,743 pounds of sugar.

And in 1875, without going through the other years, they exported 25,082,182 pounds. So the export of sugar from those islands within twenty-five years has increased about 2,000 per cent.

Mr. MITCHELL. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. NORWOOD. Yes, sir.

Mr. MITCHELL. The Senator is mistaken in that. I see it stated in the majority report of the House committee, which is, according to my understanding of the other figures and the whole information, that the Pacific States for the fiscal year ending June 30, 1875, imported 17,888,000 pounds.

Mr. NORWOOD. That is correct, but the Senator has misapprehended my point. I am not speaking of what they exported to the United States; I am speaking of their total exports.

Now, Mr. President, I put the question to the Senate, if that be so, what will be the increase of the production in these islands under the hot-bed process that this treaty bill will apply? Considering what they have accomplished without the advantages which will accrue after this bill has passed, what limit can be placed to the production of these islands? There is but one limit, and that is the area of the islands. Within the seven years that this treaty will exist, with the thrift of our people, with their mechanical arts, with their superior husbandry, with their enlarged industries, with a low rate of interest, I say that the limit of the production of sugar and rice upon the islands will only be found in the extent of territory upon which they can be cultivated.

It is a noticeable fact that when this bill was under consideration by the Committee on Foreign Relations the minister who represents that foreign government at Washington was before the committee, and the main question that agitated the minds of the committee at that time was as to the capacity of those islands to produce sugar and rice. Upon that question there was no definite information, and the honorable minister who had lived in Honolulu for a quarter of a century, as he stated, was called upon not only by those who were representing the opposite side before the committee but by members of the committee to give information as to the quantity of land on the islands that could be made available for the production of rice and sugar, and the noticeable fact that I have made reference to is that that minister was unable to come within 100,000 or even 200,000 of the correct number of acres. He knew nothing upon the subject whatever. He was simply a know-nothing. They could get nothing out of him except that it would be a great advantage to the United States that annexation should take place. And right here I would remark in passing that it is the most singular fact connected with any treaty that I have ever heard of, that the king of the country who is seeking to negotiate the treaty should have a minister at the seat of the foreign government urging the passage of a bill to carry the treaty into effect upon the ground that the ultimate result would be to destroy the kingdom which he represents.

It requires great credulity to come to the conclusion that King Kalakaua and his minister plenipotentiary—and, I might say, in some respects "extraordinary"—entertain the idea that the result of this treaty will be the destruction of his kingdom. On the contrary, they desire the enactment of this law and the enforcement of this treaty for their pecuniary advantage, and they will reap all the benefits and the United States will be the loser.

Upon this point I desire to read from the Commercial Relations of the United States and Foreign Nations, page 707, to show what these people desire and are working for. The report that I now read from is authentic and official.

What we lack are not land and quality of soil, but population and a free market to encourage immigration and products.

Do they expect that their islands will be so far depopulated that they will naturally fall into the hands of the United States? Are they looking to that result? What they want is population and a free market. They do not lack land; they do not lack fertility of soil, but they do lack population and a free market, and the United States Government, with a liberality unsurpassed in the history of any Government, now proposes to give them exactly what they want.

Mr. President, is it a reasonable hope on the part of the American people that when the population of these islands shall increase and they become wealthy and proud they will then propose to annex themselves to the United States or that they will be willing to surrender their government? Does anybody suppose that King Kalakaua after awhile will be wandering on those bald mountains, monarch of all he

surveys, without a subject and offering his crown and scepter to anyone that will accept it? No, sir; King Kalakaua has far more kingcraft than the United States Government. He sees what his necessities are and he sees exactly what are the appliances to be brought to bear in order to meet them. And with a free market for his sugar and rice, with the abundance of land which he has to cultivate, with the fertility of that soil, he knows that population will flow in upon him and that it will not be long before the depopulation will be checked and the increase of population will be vast.

But is there any likelihood that he would ever propose to be annexed to the United States? On that subject let me refer again to Mr. Nordhoff. Mr. Nordhoff considers the question as to whether there is any probability of this king surrendering his scepter; and as to whether even his subjects will ever consent that it shall be done. He says there is no desire on the part of the inhabitants to be annexed to the United States; even the half-caste population and the Chinese in their poverty and squalor are unwilling to be annexed to the United States. But when we shall give them the means to have wealth, and an annual tribute of from half a million to a million and a half of dollars in duties, which they would otherwise pay, we will defeat the purpose we have in view, and make it, by our own act, utterly impossible that we shall acquire these islands except by force of arms.

Now I call attention to the fact that the estimated area of sugarcane lands on these islands is 100,000 acres. There are thirty-two sugar plantations now under cultivation. Those thirty-two plantations embrace less than ten thousand acres. I make a liberal estimate; and those plantations produce now about twenty-five million pounds of sugar, to say nothing of the molasses. The Commercial Relations, which I hold in my hand, says:

This group is capable of sustaining a population of at least half a million souls, and of producing for export a hundred million pounds of sugar, and fifty million pounds of rice; an equal amount of manila and ramie-herp, and other products.

The product of an acre in those islands, we are told by several authorities, on the average is two and one-half tons of sugar; that six tons of sugar can be raised, and in one instance upon seven acres of land fifty tons of sugar were raised. In this country an average crop of sugar per acre is one ton.

Mr. WEST. That is a very liberal average.

Mr. NORWOOD. I put it in order to show that upon these islands they can produce two and a half times as much as we can on an average yield, and that when they bring their 100,000 acres of land into cultivation they will produce 400,000,000 tons of sugar.

The next proposition is, suppose that we acquire these islands, what will they cost the United States? I have shown that even if the population were so diminished that we can have the hope of acquiring the islands, it will take fifty years. At the beginning of this treaty we will surrender a half million of duties annually on rice and sugar, and it is but reasonable to assume that the increased production and consequent increased importation into the United States will soon swell our loss to between one and two millions annually. So that at the end of fifty years the cost to the Government of the United States would be between fifty and a hundred millions of dollars. Putting it at \$1,000,000 a year, it is \$50,000,000; putting it at \$2,000,000 a year, which would be a reasonable allowance upon the production of these islands, we should pay \$100,000,000.

Mr. DAVIS. While the Senator is on that point I should like to have him state what amount of revenue he thinks would be lost by the treaty. I did not hear the Senator's statement.

Mr. NORWOOD. I will repeat, although I have stated it and so has the Senator from Louisiana, [Mr. WEST.]

Mr. DAVIS. I heard the statement of the Senator from Louisiana, and I want to see whether the two statements agree.

Mr. NORWOOD. The amount of revenue that is derived by the imports of the Hawaiian Islands is about half a million dollars. Am I correct?

Mr. WEST. Yes, sir.

Mr. NORWOOD. And the amount of trade, I will state, as I am now passing on that subject, that the United States Government has with those islands upon which we make a profit, I mean the gross trade, is about \$800,000, so that we are now paying five-eighths of the amount of trade that we have for the privilege of this treaty.

Mr. WEST. Will the Senator yield to me?

Mr. NORWOOD. Certainly.

Mr. WEST. I wish the Senator to allow me to contribute somewhat to the reply which the Senator from West Virginia desired in regard to the commerce that is to accrue to this country if this treaty is ratified. I read from an official presentation of this case as made by the commissioners of the Sandwich Islands as an inducement for the ratification of this treaty:

The total value of articles imported into the Hawaiian Islands, included in the treaty of 1866, which are proposed to be admitted into the Hawaiian ports free of duty, amounted to \$1,003,424.86, of which \$483,711.76 came from the United States, and \$519,713.10 came from other countries; but under such a treaty—

Meaning the treaty under consideration—

with its advantages favoring American productions, most, if not all, would come from the United States.

In other words, that we may expect to get most, if not all, of a trade of \$500,000.

Mr. NORWOOD. Mr. President, when I was interrupted by my friend from West Virginia I was showing that we are endangering the interest of a helpless people. There are about a half million of colored people in the State of Georgia, and yet their aggregate wealth is only about \$7,000,000.

But, Mr. President, suppose we should acquire the islands, what will they be when we get them? Upon this head the inconsistency of the Senator from California strikes me as remarkable. He made a long and able argument here not long ago to satisfy the American people that the importation of the cooly labor upon the Pacific coast and the immigration of Chinese should be stopped. The Americans on the Pacific slope are driving the Chinese away. But where do we find them when they leave California? Have they gone back to China? No, sir. They have lodged just where we should naturally expect them to drift—upon the Hawaiian Islands—and lodged there because the production of sugar and the production of rice have invited them.

Now, suppose that the treaty be carried into effect, and suppose—which I never believe will occur—that we shall acquire these islands, what do we get? Do we get American population? Do we get the thrifty and hardy sons of New England, or of the South, or the West? On the contrary, we shall acquire the native population of the Hawaiian Islands, and the cooly population that would be introduced there as laborers, and the half-breeds that will be produced by the intermarriage of these two classes of people; and who will be the capitalists, the people who will be the masters of the islands? They will be Americans, it is true; but their proportion to the laboring population on those islands will not be as 1 to 50. The capital will be carried there by them, the profits will be reaped by them, and all the interests upon those islands will be owned by them; but the people will be but a cooly colony.

The honorable Senator from California is very eager in his endeavors to have this bill pass; but his endeavors are tending to the consummation of a result which I dare say he does not desire. He does not want even by immigration any more Chinese in the United States. He certainly would not advocate the admission of a cooly colony as one of the United States; and yet we can acquire no benefits from it further than we have now in our commercial relations or had under the treaty existing before this treaty was negotiated, unless we do annex them to our Government.

Mr. President, I have shown that the Government of the United States in an economical point of view would not be benefited by the passage of this bill. I have shown, I think, that the acquisition of these islands is of no very great importance to our Government in a military point of view. The Government of the United States, therefore, I say is in no sense interested in this treaty. The people of the United States will not be benefited by it. On the contrary we are paying out a vast amount of revenue in grasping after a shadow.

But, sir, there are some who will be benefited by the passage of this bill, but the number is very small. They are a few capitalists who reside in Boston and New York and San Francisco. The class in Boston and New York are those who own the sugar plantations upon the islands. I have the statistics here which I will quote. There are upon the islands in operation now thirty-two sugar plantations, and of that number twenty-five are owned by American citizens. There are in San Francisco a few sugar refiners who are investigating this treaty for their own advantage.

With the duty off, they can make a profit upon their sugars that cannot be thought of by the producers of sugar in the United States, and they can finally run the sugars that are produced in Louisiana and other points in the United States out of the market. This will appear by a very easy calculation. It is said by our friends that the sugar will never pass beyond the Pacific coast; that it will never reach the Atlantic coast. This is a mistake. At the present time sugar, molasses, and rice are imported from the Hawaiian Islands into the Atlantic ports. In one notable instance a small shipment of molasses came around the Cape, went to New York, thence to New Orleans, and was sold at a profit. Over sixty-seven thousand pounds of rice within a short time were imported from those islands into the Atlantic ports.

I mention these facts simply to show that the assumption that the rice and sugar from the Hawaiian Islands will never interfere with the rice and sugar produced on the Atlantic Coast is entirely without foundation. With a duty of two and one-half cents on rice and an average duty of about three cents upon sugar and of five cents a gallon upon molasses, those articles have already been imported and sold at a profit in our Atlantic ports.

The sugar and rice planters in Hawaii and the refiners in California will be benefited by this treaty. There are no other persons who are interested in it. Are the people of California interested in this bill? If you will except the sugar refiners, they are not. And why do I say so? The cost of transporting sugar from the Atlantic States and California is about equal to the duty upon sugar imported into the United States, so that when the producer of sugar comes from Honolulu with his cargo to San Francisco and puts it upon the market for sale the only competition he will have will be the sugars that have been introduced from other countries subject to duty or sugars that may be shipped from the Atlantic coast over the continent with the freight added, so that he will be enabled to command his own

price, which cannot be affected except by the price of other sugars with the duty or the freight added.

A word as to who will be injured by carrying this treaty into effect; and this is the saddest part of this question. There is a class of people who will be injured by it, and that class I in part represent. The Senator from California hoped that this question would not be considered in a sectional light. I do not propose to treat it in a sectional light at all; but I do propose to say a few words in reference to a class of people who live mainly in but one section of this country, which class of people are more interested in the defeat of this bill and the non-fulfillment of this treaty than all the United States besides, because upon the duty that now is imposed upon sugar and rice their livelihood depends. The production of rice in the South has gone on increasing, until its production from 1865 to 1875 has increased, in round numbers, from 11,000,000 pounds to 82,000,000 pounds? Why has that increase taken place? Simply because two and a half cents a pound duty was imposed upon rice, and but for that there is not a single rice plantation in the whole of the South that would not have been abandoned at the close of the war. Rice-planters have been here before the Committee on Foreign Relations, and on a former occasion before the Committee on Finance, and they have shown that their profits lie within the duty that is imposed on rice. The price of rice from eleven and a half cents in 1865 has fallen to five and a half cents. Take two and a half cents from five and a half cents and you reduce the price of rice below the cost of production. It cannot be produced at three cents a pound.

I hold in my hand a memorial that was laid before the Committee on Foreign Relations. It is signed by delegations from South Carolina, Georgia, and Louisiana, and sets forth the merits of this question. I call attention to these facts, that dependent upon the production of rice and sugar in South Carolina, Georgia, and Louisiana, there are over two hundred and fifty thousand people, and of that number the whites are so small a proportion that they are not worth considering in the estimate. There is invested in the State of Louisiana a total of \$80,000,000 employed in producing sugar and rice. If this treaty is carried into effect, to put the question in the simplest form to prevent all exaggeration, the interest of these people will be hazarded by the Government of the United States. I go further and say that we are not only periling the interests of those people, but I have shown you that the stimulus of those products in these islands will be such that those products will be brought in competition with the sugar and rice produced in the United States, and will finally bear down the prices of those products until they will go below the cost of production; and when that occurs the cultivation of sugar and rice in the United States must be abandoned. My honorable friend from Connecticut [Mr. EATON] smiles at the idea of the production of rice and sugar in this country ever being abandoned.

Mr. EATON. No; but that it should be abandoned owing to the production in the Sandwich Islands.

Mr. NORWOOD. If my honorable friend had done me the honor to listen to the statistics which I have given, showing how large an amount of rice and sugar can be produced in those islands, he would not smile. He would have observed that rice already has been imported into this country from those islands with a duty of two and a half cents a pound on it and sold at a profit, and he would have observed that the production of sugar in those islands can be brought to such a point, as appears from the statistics of Mr. Pierce, who was the minister to Hawaii, that they can export conveniently 100,000,000 pounds of sugar.

I was speaking of the injury that would be sustained by the colored people of the South. I appeal to those who claim to have been humane to them that they shall continue their humanity, to those who have been philanthropic to the colored people to continue their philanthropy. They have in their wisdom made them citizens of the United States. They have taken them from a condition of mental darkness, that no other people on this continent has ever been under, and have placed them on a common platform with all other American citizens. I ask that those who have done this work shall continue in what they consider their good work; that they shall not now, after lifting these people up by one hand, strike them down with the other; that they shall not when they ask them for bread give them a stone; but that they shall continue to sustain them, to maintain them, and prevent them from retrograding into barbarism. Suppose that capital and labor within the Southern States should be divorced, and the interest of one should be adverse to the interest of the other. Then my honorable friend from Connecticut says there would be anarchy, and he is correct. It would be different from the condition of affairs in any other section of the Union, and why? Because the races are nearly equally divided; one is black and the other is white. The black is the laborer and the white is the capitalist. To-day they are mutually dependent, but if to-morrow you should divide them and say that capital and labor are no longer dependent upon each other in these States, that the white man has no further interest in the black man than that dictated by humanity, you would organize anarchy; and you, Mr. President, [Mr. SPENCER in the chair,] know as well as I do that such would be the result. There is no greater calamity that can befall a people than that capital and labor should be antagonized. When that day shall come the governments in ten States in this Union will return to their original elements, and you will have to reconstruct, and reconstruct when you will have a discordant element that no power can control. You never can unite in close bonds of sympathy two races

as diverse as the white and the black when you separate their mutual interests. With the white race it is different; with the Mongolian race it might be different; but between those races which are the antipodes of the human family such can never be the result. Therefore I appeal to those who have been philanthropic to this race not now to turn their backs upon them. What kind of humanity is that which will deny sustenance to this people? What kind of philanthropy is that which will now turn its back upon them and legislate for the heathens in the Pacific Ocean? What kind of statesmanship is that which will strike down two of the great industrial interests of this country, rice and sugar, for the purpose of stimulating them in the far-off islands of the sea?

I say that there is not only imminent danger of your destroying the rice and the sugar interests of the South and turning loose three hundred thousand blacks to run as savages through the wilderness and of desolating a rich and a fruitful tract of country which has hitherto bloomed and blossomed under cultivation by the black race managed by the white race, but that you will reduce that population to a condition of starvation; for when the white man of the South shall withdraw his helping hand from the black man, he will be helpless and will go back to a state of barbarism.

Mr. President, if it was only a conjecture and a reasonable conjecture made to the mind of this Senate that it would imperil the interest of this people, it should give them pause. This Hawaiian treaty is a matter of no great consideration. I have shown that but few people are interested in it. I have shown that the Government will lose revenue by it annually. I have shown that there is no prospect of ever acquiring those islands and if we should that it will be at the end of fifty years, long after all who are within the sound of my voice will be sleeping beneath the sod. I have shown that instead of acquiring them we are now setting upon foot a process by which we will make it impossible that we shall ever acquire them, because we are now building up a kingdom, that otherwise would perish. We are stimulating a kingdom, whereas, if we hold our hands off, the probability is that, unless immigration shall increase there without this stimulus, that population would gradually die away, and then they might make application to become a sister-republic instead of continuing as a kingdom. I have shown these things; and I say that the bare suggestion that we may destroy the interests of the black race should make us recede. What greater cruelty can be practiced by this Congress than to impose upon the ignorant colored men of this country? When I say impose upon them I do not mean hoodwinking them, deceiving them, cheating them; but I mean that imposition which carries them to the earth beneath a weight which they cannot bear. Yet those who have set them upon their feet propose now to strike them to the earth again and put them in a far worse condition than they were in before. Then they had masters; those masters had an interest in them; they cared for them; they healed them when they were sick and ministered to their wants. They did it not only from interest, but humanity; but if you break the bond of interest that holds the white and the black together in the South, the end will be want first and destruction after to the blacks.

Wisdom suggests that we should foster our own people rather than the heathen in the isles of the sea. Enlightened statesmanship looks first to home, and then looks abroad. Philanthropy can do no better work than to care for the heathen at its own door; and that political economy is the best which provides for the domestic general welfare.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by U. S. GRANT, jr., his Secretary, announced that the President had on the 12th instant approved and signed the act (S. No. 1007) concerning the employment of Indian scouts.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes;

An act (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal;

An act (S. No. 852) for the relief of Elisha E. Rice;

An act (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships; and

An act (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I ask the Senator from California to yield to me to present a conference report.

Mr. SARGENT. Certainly, if it does not displace the regular order.

Mr. WINDOM. I present the report of the conference committee on the Indian appropriation bill.

Mr. EDMUNDS. There is no need to read it at this present moment. Let it be read when we act upon it.

The PRESIDENT *pro tempore*. Does the Senator desire the present consideration of the report?

Mr. EDMUNDS. I do not wish it read at this moment, until we consider it. I do not ask it to go over until to-morrow, but that it be laid aside for the present.

The PRESIDENT *pro tempore*. The report will lie on the table for the present.

SIXTEENTH AND SEVENTEENTH JOINT RULES.

Mr. EDMUNDS. May I ask the Senator from California to allow to be taken up, as a matter of courtesy to the House, a resolution the House has sent here suspending, as they supposed, the sixteenth and seventeenth joint rules?

Mr. SARGENT. If it will not lead to debate.

Mr. EDMUNDS. It should not lead to debate. If it does, we can lay it over.

Mr. SARGENT. I will yield subject to a call for the regular order.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the sixteenth and seventeenth joint rules be suspended for the remainder of the session.

Mr. EDMUNDS. On that subject I offer the following resolution:

Resolved, That the resolution of the House of Representatives presented this day in the following words: "*Resolved by the House of Representatives, (the Senate concurring.)* That the sixteenth and seventeenth joint rules be suspended for the remainder of the session," be respectfully returned to the House of Representatives, with the statement that as the House of Representatives has not notified the Senate of the adoption of joint rules for this present session, as proposed by the resolution of the Senate of the 20th day of January last and transmitted to the House of Representatives on the 22d day of the same month, there are no joint rules in force.

By unanimous consent, the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution offered by the Senator from Vermont.

The resolution was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes; and it was thereupon signed by the President *pro tempore*.

THE HAWAIIAN TREATY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

Mr. MORRILL. Mr. President, I should deem myself wanting in my duty if I consumed at this late hour any considerable time of the Senate in debating the question now under consideration; but I should consider myself more wanting if I were to allow the measure to pass in silence. The Senator from California seems to have taken the charge of this bill, and the Committee on Foreign Relations appear to have abdicated all control over it. I regret that this seems to indicate that there is a greater local interest than general interest in the bill. It was argued by the Senator from California that there was something of honor involved on the part of the Senate in passing the bill at the present time. I hold that the Senate is as independent of the Executive as it is of the House, and in this bill, where it was especially provided in the treaty from which it originated or which was the cause of this bill, that the treaty should not go into operation until the laws necessary to carry it into effect should be passed by Congress, it is clear that the Senate transcend nothing beyond their ordinary duty in giving this bill a thorough scrutiny, and may pass or reject it solely. I am quite ready to concede that a body that passed upon a treaty by a two-thirds majority is quite capable of passing the bill carrying it into effect by a majority; but so far as our powers or duties are concerned we are as free to pass upon the merits of this question now as we were originally; as free as Adam when he left Paradise with all the world before him where to choose.

I only desire to consider this question in relation to its national and political aspects for a moment, not in its local bearing, but to ascertain whether it is in harmony with American institutions or not. I say for one that it is wholly un-American. It is in conformity with the traditions of monarchy, and not in harmony with the idea of a republican form of government. Under monarchical forms of government it is true that the executive holds almost omnipotent power in relation to treaties, and often in relation even to taxation; but not so under a republican form of government, and especially not so in relation to this bill. Our Constitution provides that all revenue bills shall originate in the House of Representatives. Where did this bill really originate? Clearly it originated in the State Department, where the treaty was made, and not in the House of Representatives. It is therefore, in my judgment, not only a plain violation of the spirit of the Constitution, but it is of the most vicious character; for if the Executive and the Senate may interfere and make a treaty with so unimportant a kingdom as the Hawaiian Islands, we may make it with all other powers. If we may make it with Hawaii in relation to sugar and rice, why not with Norway in relation to iron,

or with Switzerland or Italy in relation to silks? There is no stopping-place when you once enter upon this policy; therefore I say it is a policy clearly un-American and anti-republican.

Then, in addition to that view, when we come to look at its financial aspect, in its effects upon the country, taking a broad view of it, I hold that it is clearly our duty not to do anything that would greatly injure the sugar-producing interests of this country. It is an article that we consume so very largely and which we pay for mainly in coin to other countries, that by every possible means we ought to encourage the growth of both the cane sugar and of beet sugar; but this is a measure which is calculated to act disastrously upon both of those interests. It may be asked how. I assert that the effect will be precisely the same that it would be if the same amount of sugar should be smuggled free of duty into the country. What would be the effect of smuggling 25,000,000 pounds of sugar into this country? We all know that it would operate to the great injury of all those who are engaged in the business of importing sugar into this country. Take the port of Portland; and I am sorry not to see my friend, the Senator from Maine [Mr. HAMLIN] in his seat. The port of Portland, Maine, has been built up by the molasses and sugar trade of the West India Islands, and its present prosperity largely depends upon that interest. How will his constituents like it to have that interest seriously embarrassed, as it will be, by this measure? We know that at the present time Cuba has raised or is about to raise her export duties upon sugar. Of course that increases the profits upon the importation of Hawaiian sugar, and if it operates upon the interests of sugar importers on the Atlantic coast as the large frauds in the smuggling of silks a year or two since operated in New York, it will confuse and destroy the profits of the whole year's business. While I am disposed to hold treason as a great crime, yet I am the last man who would strike down the national interests of our southern brethren—prosperity makes good citizens—and I regard this as a measure affecting great and vital interests of the South. Instead of doing anything to discourage the growth of sugar and of rice in the Southern States we ought by every possible means with any, even ordinary, statesmanship to increase the products, both as a profit to that community and to prevent the large annual exportation of coin for the payment of our imports of foreign sugar and rice.

This measure will not be likely to operate much to the benefit, as my friend from California thinks, of California. The cost of sugar to consumers will be diminished but very little. There are but a small number there engaged in sugar refineries, and they are the only class of people who will be largely benefited by it. If they have not already made bargains with the sugar producers of Hawaii by which they are to share some portions of the profits which will be derived from the entrance of the sugars free of duty, their profits will not be very large, and in the end the Hawaiian sugars will rise in grade and no longer need much refining. There are none of the sugar plantations which are owned by Hawaiians. They are all owned by Americans and other foreigners. If this was to benefit the people of Hawaii we might look upon it with more tolerance, but the people of Hawaii are unwilling to labor; they love idleness and dissipation, and they have already by the action of their Legislative Assembly sent out agents in order to obtain Chinese coolie laborers to supply their expected wants. I find in a Hawaiian paper which is upon my desk that they appropriated in the Legislative Assembly \$5,000 to send to China for Chinese laborers, and the act of the agent was criticised in their legislative halls because instead of going to China for these coolies he went to San Francisco, and obtained four hundred of them. This shows how little interest the people of Hawaii have in this matter.

When this treaty was under consideration it was represented that it would cost the Government of the United States in its Treasury Department but \$370,000. I want to show that, basing the estimate upon the returns of last year, ending December 31, 1875, the loss would have been \$530,000. For the last four months the loss would have been \$200,090.04, and showing that even for the present year it will be over \$600,000. There is no one who is acquainted at all with the facts who does not estimate that this product will not only be largely increased, but whatever they have heretofore sent to other countries or consumed themselves will be at once sent here; because instead of consuming their own sugar they will import sugars from abroad in order to obtain the profit of duties that are relinquished upon whatever they may send here, where they will obtain the same prices received on duty-paid sugars.

In addition, no one can soberly deny but what the amount of the sugar products and rice products in Hawaii may be largely increased. Unquestionably they can be very largely increased, at least to four times their present amount, which would amount to something like a loss of two million and a half dollars of revenue annually. We are to pay this to a sugar-producing country where our trade is now in a more healthy state than with any other sugar-producing country in the world. It is a little singular that in selecting this country with which to make a reciprocity treaty in relation to sugars we should have selected the very place in all the world where our trade is in a healthy condition. Instead of going to some other country to which we export but a small amount in comparison with the amount of our importations, we go to Hawaii, where the only balance that we really paid last year in coin was \$40,000 of silver.

It seems to me very extraordinary that this should have been done. We are not to gain anything in trade with Hawaii, as we already nearly monopolize it. The only increase of their population in con-

sequence of this treaty will be the increase of the coolly population which does not and cannot, as is quite notorious, consume any large amount of our manufactures. The amount of gain that we are to have in this affair is the relinquishment of only about thirty or forty thousand dollars of Hawaiian duties now levied upon the American manufacturers. If there is any member of the Committee on Foreign Relations here I should like to ask him what is the Hawaiian duty upon lumber. I think it is a matter that the Committee on Foreign Relations ought to know and probably do know something about.

Mr. SARGENT. Ten per cent. *ad valorem*.

Mr. MORRILL. I think it is not that. I know that a very considerable amount of our exportations are now free, and there is but 10 per cent. levied upon anything that I am aware of. They must have provisions, breadstuffs, and meat, and they must also have lumber. I do not know what the amount of duty upon lumber is, but that is one of the largest items that is in the trade. For this petty sum that they are to relinquish, thirty or forty thousand dollars, we are to relinquish somewhere about \$600,000 this year, and more hereafter, increasing year after year until the expiration of the treaty.

I consider this one of the worst possible bargains that ever was presented to the American Senate. Usually it has been claimed that the Americans in diplomacy have been the equals of other nations; but here we allow ourselves, by long importunity touching a measure that has been pending and pushed for ten years, at last to be cheated more than 10 or 20 to 1 in a matter of dollars and cents, and much more than that as a question of national economy. In relation to these poor people out there, I see an account in this paper, already referred to, as to their legislature, composed of nobles and representatives. This paper says:

A month has elapsed since the Assembly met, and the policy of the government, as it may be gathered from the budget—the only tangible utterance that has come from the ministry—may be summed up in these words: "More Chinese," "Increased expenditures and increased debt."

Mr. EDMUNDS. What paper is that?

Mr. MORRILL. It is The Pacific Commercial Advertiser, published at Honolulu, Hawaii, under date of June 3, 1876. Then again, I find in looking over it, several matters of interest:

During the discussion upon the resolution, as is usual in the assembly—

That is, upon the discussion of the vote of the want of confidence in the ministry, I believe—

a great deal of irrelevant talk was introduced about the useless nature of the treaty, some declaring it would do no good to the poor natives, but only to sugar-planters, and others who were already rich.

I think they were pretty sensible. Then there was a discussion in relation to the consideration of the treaty, and a claim that it should be sent to them to pass judgment upon it; but the ministry would not allow it, but claimed they had this whole power, almost as much as my friend from California who thinks we should ratify this law and vote for it at once because the treaty has been negotiated.

On Thursday, Mr. Preston offered the following resolution: "That a select committee be appointed to inquire into and ascertain upon what terms L. Aseu was sent to China by the government to obtain immigrants and why he is returning from San Francisco with Chinese, and upon what terms and conditions these Chinese were taken on board the vessel chartered, and on what terms they are to be landed here," &c.

So that it appears the negotiation of this treaty is to make the business of importing Chinese into Honolulu a lively affair, and that, I suppose, would not be very disagreeable to my friend, the Senator from California, who uttered one of the most vehement philippics against the importation of such persons into San Francisco that I remember ever to have heard. Still the Senator it is fair to presume is in favor of having this sort of population increased there, and in the end we are to take the island under our flag with its population and whatever incumbrances may exist.

Mr. President, I do not feel authorized to consume any great length of time on this subject; but, as I feel that this treaty is destined to be terminated at the very earliest opportunity that the Congress can lay hands upon it and with more alacrity even than was the reciprocity treaty with Canada terminated, I desire to prevent, as much as possible, some of the mischiefs likely to arise in consequence of insufficient laws upon the statute-books to punish fraud in relation to any importations from Hawaii not entitled to the benefits of this reciprocity tariff. It is obvious that there will be a very large temptation to fraud when they send their sugar here, not worth perhaps but a little more than the amount of the duty imposed upon it and they will be likely to send what are not strictly the products of Hawaii. We have no rules or regulations now which would authorize our consuls there to ascertain about that fact and to punish any attempt that might be made fraudulently to take East India sugars and send them here for the products of Hawaii. I merely desire to offer an amendment to the bill that shall remedy this defect. Otherwise you leave the door open to the introduction of any amount of rice and sugar in a fraudulent way, for you cannot distinguish the different kinds of rice, whether one is the product of Hawaii or the product of China, nor can Hawaiian sugar be distinguished from that of India. It need not be said, as it may be by some who are very zealous for the sudden and instant passage of this bill, that the House of Representatives will not be willing to pass an amendment that shall bar out this opportunity for fraud. I therefore ask the candid judgment of the Senate upon an amendment which I shall propose and which Senators, if they will examine the subject, will

find is indispensable, if they would prevent these frauds. We have now a law, section 1737 of the Revised Statutes:

If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than \$10,000.

I want to impose a fine; that, if he shall certify that any sugar or rice is the product of Hawaii when it is not, there shall be a law to punish the offense. I will say to Senators that while the Secretary of the Treasury has power to issue rules and regulations, he has no power to punish for a violation of such rules and regulations. Therefore while I know that my friend from California will be impatient at the slightest reference to any amendment, though it is merely to prevent a large amount of frauds, yet I do insist that in point of even decent legislation such an amendment is indispensable and will not in the least hazard the passage of the bill. I present the following amendments and ask that they be read.

The PRESIDENT *pro tempore*. The Senator from Vermont proposes amendments, which will be read.

The CHIEF CLERK. In line 22, after the word "force," it is moved to insert "subject, however, to be suspended whenever the conditions and stipulations contained in articles 2 and 4 of said convention shall not be faithfully observed by His Majesty the King of the Hawaiian Islands."

Mr. MORRILL. That is in accordance with the usual practice under such treaties, and there is no provision by which this treaty can be terminated short of waiting until Congress should convene, provided the Hawaiian government should at any time fail to execute it according to its terms. I wish to leave power in the Executive to terminate this treaty if they shall so fail at any time. That is one amendment. There are others. Let them be read.

Mr. BOUTWELL. There are three reasons in way of objection to the amendment, either of which in my opinion is fatal to it or sufficient to show that the amendment itself is unnecessary. The first is that the Hawaiian government, if this treaty be at all favorable to the people of that country, and especially if it be favorable to that people in any degree proportionate to the representations made by Senators upon this floor who oppose the bill, will prevent by their own policy and their own conduct any fraudulent practices in their custom-houses. That first reason is connected with the second, which is—

Mr. MORRILL. Let the other amendments be read. You have only heard part of them.

Mr. BOUTWELL. I thought I had heard the whole.

Mr. MORRILL. No.

Mr. BOUTWELL. Then it is worse, probably, than I supposed.

The CHIEF CLERK. It is also proposed to insert as additional sections the following:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized from time to time to make and prescribe, in addition to requirements for the verification of invoices under existing laws, such rules and regulations and conditions relative to the evidence, which shall include the declaration under oath of the owner, shipper, or manufacturer, and the certificate of the consul, vice-consul, commercial agent, or vice-commercial agent, that any articles of merchandise proposed to be exported from the Hawaiian Islands and to be admitted into the ports of the United States of America free of duty under the first article of the convention aforesaid are the growth and produce or manufacture of the Hawaiian Islands, as may be necessary for the protection of the revenue and in conformity to article 3 of the aforesaid convention.

SEC. 3. That if any consul, vice-consul, commercial agent, or vice-commercial agent shall falsely and knowingly certify that any merchandise about to be exported from any port of the Hawaiian Islands to any port of the United States is of the growth and produce or manufacture of the Hawaiian Islands, he shall on conviction thereof in any court of competent jurisdiction forfeit and pay a fine of not exceeding \$10,000, at the discretion of the court, and be imprisoned for any term not exceeding three years.

Mr. BOUTWELL. Mr. President, those supplementary clauses seem to relate to the main proposition which is first stated in the amendment, and would not therefore change the views which I entertain concerning the proposition itself.

First, then, it is not necessary, because the Hawaiian government has a reason for fulfilling the treaty in its precise intent, which is strong in proportion to the advantages which the people of that country are to derive from the treaty; and just as strong as is the opinion or the representation of the Senator from Vermont or his associates who oppose this treaty that it is advantageous to the people of Hawaii, just in that proportion is the strength of our security that they will maintain inviolate the treaty in this particular.

Mr. MORRILL. If the Senator will excuse me, I have not represented that this was going to be any advantage to the people of Hawaii, but only to the planters. I think it will not be of any advantage to the people.

Mr. BOUTWELL. I will ask the Senator by what process he supposes this treaty has been attained on the part of Hawaii; that is, what influences in the islands have induced the Government to assent to the treaty?

Mr. MORRILL. I would rather not discuss the influences that have brought about this treaty.

Mr. BOUTWELL. Then I will assume one of two influences, either derived from the people of whom we speak on the one hand, who as is said by the Senator from Vermont are not to derive any advantages from this treaty, and therefore it follows that they had no power in making the treaty and will have no interest in keeping it,

and hence will have no capacity to annul it. But if there are people in the Hawaiian Islands who are interested in this treaty, the probability is that they had some agency in the process on the part of the Hawaiian government by which it was secured, and the influence of that body of people in the Hawaiian Islands will remain and their influence will be exerted to secure the faithful performance of the stipulations contained in the treaty, and they will exert themselves in that direction just in proportion to the advantages they derive from it.

Further, the amendment is entirely unnecessary from the circumstance that it proposes that when the Hawaiian government violates the treaty the treaty shall be abrogated. We do not need legislation to secure that. By the well-understood and uniformly practiced law of nations, whenever a treaty is violated on the part of one of the contracting parties the other contracting party has a right to annul the treaty; and therefore we do not need to legislate, because we have better security than legislation can furnish. If the treaty is not faithfully kept by the Hawaiian government, we shall have the right in good faith and according to the law of nations to annul it.

Mr. SARGENT. Will the Senator allow me a moment to call his attention to the fact that the bill which is pending is an exact copy of the law found in volume 10 of the Statutes at Large to give effect to the reciprocity treaty with Canada, where the subject was articles which were the growth or produce of Canada, New Brunswick, Nova Scotia, &c. We have followed the exact precedent. In regard to the penalties, the other portion of the amendment, section 5442 of the Revised Statutes provides:

Every consul, vice-consul, commercial agent, or vice-commercial agent who knowingly and falsely certifies to any invoice or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than \$10,000 and by imprisonment for a term not more than three years.

It applies to this; it applies to everything.

Mr. BOUTWELL. But I beg to say to my honorable friend from California that a reference to the proceedings of Congress in regard to the reciprocity treaty with Canada would be the most unwelcome precedent for my friend from Vermont that could be offered.

Mr. SARGENT. That I am aware of.

Mr. BOUTWELL. I imagine that his chief reason for objecting to this treaty is the apprehension he entertains that it may be a precedent at some future time for another reciprocity treaty with Canada or some other country on some side of our own territory.

But the third reason is that the amendment is for the time being fatal to the bill. We know perfectly well that at this stage of the session to adopt an amendment to this bill and send it to the House is to dispose of it for this session of Congress.

I do not claim that because this Senate by a two-thirds majority has ratified a treaty it is bound to pass such laws as are necessary for the execution of the treaty; but I do say that having ratified a treaty by a two-thirds majority, and the facts remaining substantially as they were when the treaty was ratified, this Senate cannot take a different position or fail to carry into effect its own treaty ratified after debate and due consideration. If there were new facts, if there was any disclosure of any improper proceedings concerning the negotiation or the ratification of the treaty, if in any sense it was calculated to produce results different from those anticipated at the time the treaty was negotiated, then the Senate might take advantage of its "sober second thought," supported by new facts and new information. But in this case nothing has occurred, and nothing, I may say, has been stated on the floor of the Senate in the debate upon this bill that was not stated substantially, and I think indeed with more elaboration and detail when the treaty itself was under consideration.

I accept this treaty and the consequences of this treaty not on account of the mere advantage one way or the other of the slight trade that is going on between these islands and the United States, and if the losses of revenue were twice what they are shown to be it would not disturb me in my opinion that as a measure of public policy this is one of the best opportunities the country has had for the enlargement of its trade and the advancement of its commercial influence in the Pacific and toward the great nations that lie upon the other side of the Pacific Ocean. If there be any reason which can be assigned that has substance in it as tending to show the cause of our present financial difficulties, the depression of trade, the loss of work, it is that as a great producing country, with immense intellectual resources applied to inventions and improvements, we have advanced in production beyond the capacity of the markets we command; and the country will, I believe, enter upon a new career in this respect looking to the hundreds of millions of people in China and Japan who are not our equals in the capacity to produce, but who still have the means of purchasing and consuming vast quantities of the products of the labor of our people and of our machinery. Now this is one step in the right direction. It is not a very long step, but it is half way toward the four or five hundred million people on the other side of the Pacific Ocean.

Another reason to my mind is that while we do not desire, and certainly for one I do not design, to annex these islands to the United States, I still desire to see them in such a condition that when the ruling class in that country shall disappear there shall be established in the place of the present government a republican Government under the control of Americans and animated by the ideas of Americans; and if we thrust these people away they must

now seek aid and protection somewhere else. If we reject this treaty we transfer these islands either to France or to Great Britain, and we diminish our markets, we diminish our political power, we limit the influence of our institutions, we circumscribe American ideas, we retard the progress of American civilization in its advance westward. Any one of these considerations is worth more to the people of this country than the one-half million or more dollars that you say will be lost by this treaty.

Mr. HITCHCOCK. I move that the Senate lay aside the pending order informally that we can take up the concurrent resolution for adjournment.

Mr. SARGENT. I understand we can have a vote on this proposition in a very short time. I believe there is only one other speech to be made. I make this suggestion to the Senate: that by going on without taking a recess we can adjourn the Senate by midnight. If we waste time in the discussion of the order of business we cannot do it. Now let us run on smoothly, and I have no doubt we can adjourn by that time.

Mr. HITCHCOCK. I have been waiting patiently nearly all day. I have no disposition to interfere with the passage of the bill of the Senator.

Mr. SARGENT. I understand that; I make the suggestion in perfect good faith. I think we can adjourn to-night.

Mr. HITCHCOCK. If we take up the resolution of adjournment and fix a time—

Mr. SARGENT. That very thing may prevent our adjournment, because things may arise and Senators do not like to talk against time.

Mr. HITCHCOCK. If the time was fixed it certainly could be changed if a change should be found necessary.

Mr. SARGENT. I insist on the regular order.

Mr. HITCHCOCK. I suppose the regular order is my motion.

Mr. LOGAN. I insist on the regular order.

Mr. HITCHCOCK. That is my motion. I should like to test the sense of the Senate. I feel as unwilling to interfere with this bill as any one—

Mr. SARGENT. We can get this out of the way in twenty minutes, I hope.

Mr. MORTON. I suggest to the Senator to let the vote be taken on the bill.

Mr. HITCHCOCK. If the vote can be taken, I shall not interpose.

Mr. SARGENT. I understand that one Senator wishes to state his views merely, not occupying much time. Then I believe we can have a vote. I hope the Senator will withdraw his motion.

Mr. HITCHCOCK. I withdraw it for the present.

Mr. LOGAN. Mr. President, I desire to detain the Senate but a very few moments in reference to this question. I look upon the measure as one of very great importance to this country, and I differ with the views of certain Senators whose ideas seem to be in reference to a question of this kind merely dollars and cents. I fear that our statesmanship of to-day apertaining to all of us differs very materially from what American statesmanship was in times gone by. It was once considered good statesmanship to look somewhat to the future and the great development of this country and at that which would aid in its development and advancement; but nowadays it seems to be statesmanship whenever a question arises to take out a pencil or a pen and cipher up how many five-cent pieces the United States of America will lose at the present time if some measure shall be enacted into a law.

The idea that this proposition should be ciphered and figured on in reference to dollars and cents, when the amount is a mere bagatelle at best, is something that strikes me as unsound in statesmanship. My friend from Georgia, [Mr. NORWOOD,] who has great sympathy for the laboring people of Georgia, the colored people—and I admire his sympathy for them—is very much alarmed, if this bill should pass, for fear that some poor colored man will not be employed to do a day's labor in the cultivation of rice. Therefore he says this bill is inhumanity itself, because it destroys the labor of those people in the South that are now engaged in rice cultivation. It was very amusing to me. I do not know how it affected other Senators. The idea that the rice landed from the Hawaiian Islands in San Francisco, or on the coast of California, should have an effect on rice-raising in Georgia, taking into consideration the great distance of travel, the manner of transportation, and all the items that must be taken into view, does strike me as something very extravagant. It would have just about the same effect upon rice production in Georgia, or in any other State, that the tariff on a hand-saw would have on the price of pigs in Illinois; just about the same.

So it is with my friend from Vermont, [Mr. MORRILL.] He is terribly alarmed too for fear the importation of a few hogsheds of sugar from the Hawaiian Islands will affect the sugar crop or the price of sugar in Louisiana or some other southern district of country—Texas, or somewhere else. Now, when we discover that the amount of duties on all the articles received in our Pacific ports from Hawaii is about \$300,000, how is that small amount of importation of sugar to affect Louisiana and affect Texas and affect the sugar-producing portion of the country? That is an argument of course on a certain line, but it is an argument in a narrow groove, one of the most narrow grooves that any man's mind can possibly act in. What possible effect could the importation of this small amount have upon the sugar production of our country? I do not want to get into it; it is too small a

business. I do not wish to take out my pencil and count the five-cent pieces that might be accumulated in future ages by continuing these duties. I will say to my friend from Vermont, who represents an agricultural people, that the effect upon his constituents of the taking off the tariff on sugar landed from the Hawaiian Islands on the coast of California will be just about the same that the tariff on wool would have on the price of tobacco. If any man can calculate that, that is about the influence it would have, and that is about the value of the arguments that have been made in reference to this proposition.

What is the proposition? The proposition to my mind is something of more magnitude than this. It is a proposition having at least grandness in it so far as the future is concerned. It strikes my mind the same as a question of this kind would if the Senator from Georgia or the Senator from Vermont were in command of an army to-day moving on an enemy and they were approaching close to one another and they found a stream of water and but one stream to furnish the soldiers with water; the question would arise which one should get possession of that stream first, and there the fight would occur, as all men know who are conversant with these things. The question then for the benefit of the army is the question of that water, the one that gets possession first. So when armies opposed to each other find a hill in advance, either one, two, or three miles, of the valleys where they are they naturally seek possession of that hill as an outpost, to which the army can be moved for defensive purposes. That is one of the rules we always find closely adhered to when we are moving in matters of that kind. So it is between the governments of France, England, and the United States. These islands in the North Pacific are the outposts of the western coast of the United States of America; and in time of war they are like the hill or the stream of water that I have described to the United States of America, and there the battle would occur for the possession of the islands as a coaling station, and every man who has thought on this question knows it to be a fact. Then, the man who looks at this matter, not as to the effect on this country in the future, but as to the number of five-cent pieces we may lose or might lose by our action, is looking at it as I said in a very narrow groove.

Mr. WEST. Will the Senator yield to me to ask him a question?

Mr. LOGAN. Certainly.

Mr. WEST. How will the ratification of this treaty contribute to the military possession or the naval possession of these islands?

Mr. LOGAN. I will answer the Senator as best I can. It will contribute to it in this particular and in this way: If we do not ratify the treaty and pass a law carrying out the existing stipulations of the treaty, and by that means have the friendly relations existing between that government and ours that would naturally give us that right, and would naturally cause it, like the ripe apple on the tree, to fall into the hands of the one who first shakes the tree, we are prevented from finally getting possession of that which is desirable to this country. If we strike this down and allow other nations to take the position we have now a chance to get by commercial treaties of the same character, they would cause these people to desire friendly relations with them more than with us, and they would affiliate with them and not affiliate with us. If affiliation and sympathy and feeling exist between the two governments, that naturally will in time to come give us possession of the islands which are desirable to us at this or at any other time. That is my answer.

Mr. WEST. As the Senator has kindly answered that question to his satisfaction, will he tell me how the Government of the United States by ratifying this treaty can hold these islands against a struggle with Great Britain, without fortifications and defenses; and must we not necessarily after consummating this treaty so fortify these islands that we may make a stronghold there?

Mr. LOGAN. That is a question that the Senator himself knows has nothing on earth to do with the passage of this bill.

Mr. WEST. That may be, but I should like to have the Senator's answer to it.

Mr. LOGAN. Very well; I will give the Senator this answer: It would not necessarily at all require us to fortify the islands. Our friendly relations are a fortification in our favor to a certain extent and give us the right of occupancy in a time when we might be in danger. It is the fortification of good-will toward this Government which is as strong a fortification as that that may be made by military science, and the only kind of a fortification that exists between governments having friendly relations is the fortification of good-will, of kindly relations between the two. That is all the kind of fortifications that can exist between governments. That is my answer to that question, and if the Senator has another I will try to answer that.

It does seem to me that my friend from Vermont and my friend from Georgia are trying to demonstrate the necessity in this country of adopting the Chinese-wall system, having no relations whatever with any other nations of the earth; walling yourselves in until the time of peril comes and then the walls must fall; walling yourselves in from that which every man by looking on the map can see is of vast importance to us now and will be in the future. Without going over the history of the recent war we find that vast importance was attached to these islands at that time, and certainly it is not expected that they will not be of the same importance in future years if the same state of things should exist, and the same state of things may exist that did at that time.

Now, sir, my theory in reference to these islands and all other contiguous islands to the United States of America dotted around our coasts that stand as an outpost, that stand merely as the little company of advance guard that you send out in front of an army to look-out and spy out the enemy, is that we ourselves in times gone by have not looked as well to our interest as we should have done. If we had, the outposts surrounding us to-day would have been in the possession of the Government of the United States, and with these outposts in our possession this Government might defy the combined power of all the nations of the earth. When I say "outposts" I mean all those outposts which approach our borders either east or west. I am for that kind of statesmanship that does look to the future and that does not wait until the time comes when we are called upon unprepared to make that exertion which the nation cannot without great preparation make. We have had some experience in reference to preparations that are necessary to be made when a surprise comes upon us, and the tale is told in the annals of this country in the last few years, in the annals in reference to its blood, in reference to its failures, in reference to its successes, in reference to its expenditures. The tale is amply unfolded there, giving warning to us that the necessity exists at all times to be ready for that which cometh at the hour we know not of.

Mr. WEST. Mr. President, the concluding remarks that have just been submitted by the Senator from Illinois meet my sanction; there is no difference of opinion between us on that subject; but I contend in furtherance of that very idea, that the step that you are now about to take will defeat it virtually and positively; that you are about to so subsidize these islands as to actually remove them beyond your domain or your possible occupation or ownership of them at a future and a proper time.

The Senator said in response to a question that I put to him a while ago that this treaty would so Americanize these islands and so contribute to our influence upon the spot that it would be an easy matter at all times to maintain friendly relations and profit by them. Does he know what the history of our relations with the islands is at the present time? Does he know that to-day they are as much Americanized as if the American flag flew over the islands? If he does not, here is the only authentic history we have on the subject, and I will read it to him.

Mr. LOGAN. I have read it. You will not add to my information by reading it.

Mr. WEST. It is very difficult ever to give the Senator from Illinois any information; but perhaps it may benefit some others. Mr. Nordhoff says:

It is plain that the island trade is so largely in our hands that no other nation can be said to dispute it with us. If our flag flew over Honolulu we could hardly expect to have a more complete monopoly of Hawaiian commerce than we already enjoy. Moreover, almost all the sugar plantations, the most productive and valuable property on the islands, are owned by Americans, and the same is true of the greater number of stock farms.

Our political predominance on the islands is as complete as the commercial. In the present cabinet all the ministers except one are Americans.

I submit what possible advantage do you gain, what possible advance do you make toward the possession of these islands by subsidizing them for the period of seven years. I repeat again, does it plant one gun, does it raise any fortification, or contribute in any way to our military or forcible maintenance of the islands against any European power? Does not the Senator know that immediately upon the outbreak of hostilities between this country and Great Britain, to use his own figure of speech, that would be "the very stream of water," that would be the very vantage-ground which would be sought to be occupied by both countries? If we want these islands as a military protection, let us buy them, let us fortify them and make them useful, but not give away the money of the people of the United States in a useless piece of speculative diplomacy.

The Senator from Massachusetts [Mr. BOUTWELL] spoke of the great advance that this country had made in production beyond the capacity of consumption. He said that this was a step, but not a very long step, toward the commerce of the 400,000,000 or 500,000,000 people of the East. Yes, "it is a step, but not a very long step." What are you reaching out and grasping for? The commerce of 50,000 people, I repeat again, and that is all. What becomes of this magnificent vision that looks to the increasing and growing industries of this country to be promoted by this measure? It is a mere vision, and embraces no greater commerce than pertains to one-third of the population of this city. He said he did not care if it cost twice the treasure, twice the estimate that was put upon it at the expense of this country so long as we could acquire possession. Then we are to understand that according to his estimates he is willing to spend \$4,000,000 a year to get a treaty with these islands; \$28,000,000 frittered away in seven years for what? At the end of that time that people and those enriched sugar-planters on those islands will turn to you and tell you, when they have had the benefit of your subsidy for seven years, they will endeavor to maintain their independence.

Sir, the Senators on this floor who desire the acquisition of these islands by the ratification of this measure present the only stumbling-block that appears to my vision in the way of that acquisition. We cannot acquire them under this proposition; it is idle to talk of it, and due reflection would bring us to that conclusion.

May I be permitted to say one word in connection with the amendment that has been offered by the Senator from Vermont, and that is in regard to smuggling. There can be no question but what foreign

sugars will be introduced into these islands to the extent of their consumption by all the native population, and perhaps more. Every pound that they can produce will be sent to this country. There you will have side by side with their native production the foreign import, and I ask you when such an inducement as will be held up to them or to their merchants or to those engaged in commerce to adulterate that sugar and adulterate that rice with a foreign product whether they are not likely to succumb to temptation? You can adulterate Sandwich Island sugar and Sandwich Island rice 20 per cent. with the production of India and nobody can detect it, not the most efficient expert that we have in our employ.

Then the Senator from Massachusetts argued that the people there would be interested in preventing this smuggling. Are not the honest people all over this land interested in preventing smuggling? Does not the illegal introduction of smuggled goods into this country immediately conflict with the legitimate profits of your honest trader? Do the efforts of the honest trader in this country prevent illegitimate productions, and will it not do so there? The amendment that has been offered is eminently proper.

This treaty, as it reads in the third article, says:

Under such rules and regulations and conditions for the protection of the revenue as the two governments may from time to time respectively prescribe.

I ask what has this Government prescribed for the protection of the revenue in that case? Can the Secretary of the Treasury, under existing laws, make the needed regulations? I think not.

Mr. SARGENT. He did so under the reciprocity treaty with Canada.

Mr. WEST. There never was any attempt there, that I am aware of, to evade them, and the proposition is idle that because a certain number of honest men are interested in seeing the laws faithfully administered that is an insurance that they will be, without penal provisions for their violation. I think the amendment is eminently proper, and without it you will not only be obliged to pay this revenue to these islands, but you will be defrauded by one-fifth of it at least.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. MORRILL. I merely wish to say that there is a provision in the treaty that the Hawaiian Islands shall not concede similar privileges to any other country. If that should be violated, then it would be in the power of the President to terminate the treaty under my amendment. I think that the time between our adjournment from March and the next succeeding session of Congress might sometimes be too long to wait. Of course Congress can terminate the treaty whenever they please.

The PRESIDENT *pro tempore*. Does the Senator desire action on all the amendments at once?

Mr. MORRILL. No; on the first one by itself, to insert in the first section the power of suspension on the part of the Executive.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Senator from Vermont.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment proposing to insert additional sections.

Mr. MORRILL. In spite of all that has been said, I do insist that there will be no power to punish fraud that may be committed unless this proposition shall be adopted. I therefore ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to state that on this bill, and, as I understand from my friend from Oregon, [Mr. MITCHELL,] also on these amendments, I am paired with the honorable Senator from New York, [Mr. CONKLING,] who is now necessarily absent from the Senate. I wish to say also while I am up, not to take any time, that while I agree to what the Senator from Illinois [Mr. LOGAN] has said about the desirability of political control or friendship at least with these islands and all others, the gravity of the question as it will ultimately result is in the circumstance that under our particular form of government when any of these islands become a part of the United States it will almost necessarily be followed by their being introduced into the government of the country and they will assist in making laws for the people of the United States, and unless their populations are homogenous with our own and their local institutions are similar to ours, it will be an element of unhappiness and discord and injury rather than of public benefit. I should, therefore, hesitate a long time before I took any step that would look to the incorporation into the American Union of these outlying islands on either side of the continent, for that involves too much for republican liberty dependent upon considerations that have often been mentioned. But on this particular topic, as I have stated, I am paired.

I wish to say also that I do not agree with what has been stated by the Senator from California, [Mr. SARGENT,] that we are under any more obligation to pass this law than we were to agree to the treaty. We agreed to the treaty with the express stipulation that it should not take effect until the legislative department of the Government, the Senate and House of Representatives and the President acting in that character as a check upon legislation, should also pass the necessary laws to carry it into effect. I do not hold, therefore, that we are bound to carry this treaty into effect by law unless in our judgment we believe it right in itself that it should be carried into effect.

There is no point of honor or of public faith, that I can see, that is involved in it. If it were otherwise it would be perfectly useless to incorporate into a treaty such a limitation; and it would be just as absurd to my mind as it would be where an agent is making a contract for his principal without authority to stipulate that the contract should not have force until the principal should agree to it, and then to assume that the principal was bound to agree to it because the agent had made that conditional arrangement.

I am not by any means prepared to say that the President and Senate would not have had absolute power under the Constitution to make this treaty without any such provision for legislation. I am not going into that. But it being in it, it appears to me to be perfectly plain that the legislative branches of the Government are under no obligation except the obligation to do right in respect of the subject.

Mr. STEVENSON. I should vote for the amendment if I did not believe the matter was already provided for by law. I think section 5442 of the Revised Statutes provides for it expressly. It renders it criminal for any false invoice to be made in regard to any foreign merchandise whatever. Believing, therefore, that it is already provided for, I shall vote against the amendment.

I voted for this treaty before; and when the Senate by two-thirds ratify a treaty, while I will not say they are compelled to act upon it, it at least puts us in a false position unless some change in public affairs has taken place after such action of solemn ratification of a treaty not to vote for the legislation to carry it into effect. I shall, therefore, vote for the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) I am paired with the Senator from New York, [Mr. CONKLING.] I should vote in favor of the amendment.

Mr. MORTON, (when his name was called.) Some few hours ago, supposing I was going out of the Senate for a while, I paired with the Senator from California [Mr. BOOTH] on this question. He is not now here and perhaps has gone out supposing that I would be absent. If he were here he would vote for the amendment and I think I should vote against it. I shall not vote.

Mr. MCCREERY, (when his name was called.) I am paired on this Hawaiian treaty with the Senator from Iowa, [Mr. WRIGHT.] He favors the treaty and I am against it.

Mr. KELLY, (after first voting in the negative.) On Saturday I paired with the Senator from Virginia [Mr. WITHERS] and as I thought the pair would expire this morning, but he has gone away understanding that he is paired all the session. I shall have to withdraw the vote I gave against this amendment.

The PRESIDENT *pro tempore*. The vote will be withdrawn, if there be no objection.

Mr. KELLY. I understand the Senator from Virginia went home on account of sickness in his family.

The roll-call having been concluded, the result was announced—yeas 7, nays 30; as follows:

YEAS—Messrs. Cockrell, Gordon, Key, Morrill, Norwood, Patterson, and West—7.

NAYS—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Davis, Dawes, Eaton, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Maxey, Mitchell, Oglesby, Paddock, Randolph, Sargent, Saulsbury, Spencer, Stevenson, Wadleigh, and Windom—30.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bogy, Booth, Bruce, Cameron of Pennsylvania, Conkling, Conover, Cooper, Dennis, Dorsey, Edmunds, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Kelly, McCreery, Merrimon, Morton, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, Whyte, Withers, and Wright—34.

So the amendment was rejected.

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

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. MORRILL called for the yeas and nays, and they were ordered.

Mr. GORDON. Mr. President, it was my purpose to have spoken upon this bill at some length. I am physically unable, however, to do so this morning, even if I thought it advisable; but after the last vote, which has so overwhelmingly defeated the important amendment proposed by the Senator from Vermont, the object of which was to protect the interest in behalf of which I intended to speak, it would be a sheer waste of time to attempt an elaborate argument. I shall therefore content myself with protesting against this proposed legislation to carry into effect a treaty so partial in its operations and so unjust to one section or one portion of the people of this country. There were a number of objections to this treaty to which I proposed at one time to address myself. One objection is local; another is general in its character. One objection lies against its policy, another against its principle. It aims a death-blow at important interests in one large section of the country without any corresponding benefit to other sections, and therefore it ought not to pass. It is at least of doubtful constitutional sanction; it places in jeopardy the good name of the Government for fair dealing with other nations with whom we have treaties, and on these accounts ought to be rejected.

But, as I said, I propose simply to offer my protest, and not only

mine, but the protest of the people whose interests are involved, most lamentably involved, by this partial and short-sighted policy. Sir, I know the southern rice and sugar planters, and it is not too much to say of them that no portion of the American people are more capable of self-sacrificing patriotism; and if you will propose a measure which shall admit duty free or upon light duty all articles of foreign manufacture which the people of this country consume, they will yield to it as cheerful support as the people of any other section. They have inherited by birth and have maintained through their entire lives the doctrine of free trade, or rather the imposition of duties for revenue alone; but, sir, is it surprising that they should antagonize with all their feeble power a bill which proposes to single out from all importations those productions upon which all their prosperity depends? I myself am a free-trader in the sense of a tariff for revenue alone, and whenever there shall be introduced into the Senate a bill to open our ports to English iron, to English steel, to French manufactures, to Great Britain's manufactures, and to the manufactures of all the world, I shall go as far toward its support as is consistent with the security of needful revenues and as far probably as those who now so actively support this partial, one-sided, obnoxious measure.

I am here to vote for general laws, for equal burdens, and equal rights, and I can never, though I should stand alone, give my sanction to any bill which discriminates against the interests of any portion of the American people. It is not just, Mr. President, and begging the pardon of the majority of the Senate who choose to force this legislation at a heavy cost to the people of my section, I must say that it is not only unjust, but it is inconsistent with that mutuality of interest and that equality of burden which was guaranteed by the Constitution and by the very organism of the Union itself.

Is it just to experiment for the benefit of the whole people and for the benefit of a foreign people in the South's productions and the South's cost? Much less is it just or politic or statesmanlike to try that experiment at the hazard of the sole material interests of that portion of the southern people who by the vicissitudes of war have been made poorer than any people in all the history of the past.

Senators tell me that this legislation will not interfere with the interests of the rice and sugar planters. But, sir, when Senators tell me that they are better advised of the interest of these planters than the planters themselves, who are intelligent, cultured, capable—the peers of any who hold seats upon this floor; when legislators thus answer arguments, then debate is useless. I repeat, sir, these planters know their interests, and they feel that upon this bill hangs not only their future interests, but may involve their ability to gather their growing crops. They feel that the passage of this bill may involve the possibility and even the strong probability of having their plantations abandoned on the very eve of their harvest. Yet Senators tell us that they are to be the judges, and that all these apprehensions are groundless. I trust they may be; but I will never consent to legislation which is of such doubtful constitutional support, of uncertain effect upon the general revenues, and which by its discriminations fills with alarm so large and intelligent a body of citizens, whose whole fortunes, already palsied by disease, are to bear all the burden of the change. I do not expect the Senate to heed these admonitions; for it has just voted a proposition to so amend this bill as to make it certain that no other rice or sugar shall be admitted free except that grown upon these islands. Sir, what guarantee have you that there will be admitted into San Francisco and the Pacific ports only the productions of those islands? Is there anything in the law, is there anything in the character of the people with whom you are treating, is there anything in your ability to enforce this law by spies and informers, by ships and cruisers, that guarantees to us that these islands will not become a great funnel through which will be emptied into your ports free of duty the productions of Cuba and India and China? We are not dealing with Canadians or Englishmen; but with semi-savages, whose moral sense would be less shocked by a violation of the treaty than by the loss of the profits which gigantic smuggling will insure. I am not a merchant; but a shrewd trader with capital could organize an establishment in the city of San Francisco, another on the island of Hawaii, and another in Cuba, and another at Hong-Kong, and could pour into your Pacific ports year by year free of duty more rice and sugar, in spite of all your laws, than the Hawaiian Islands are worth or ever will be worth. Will enterprising gentlemen be wanting in such a scheme? How will you prevent it? Are you going to send your men-of-war to enforce your law in these far-off islands, and make this great western ocean Pacific only in name? Is this the price we are to pay for so contemptible results as are promised or can be secured by this treaty? Sir, I am amazed that the proposition submitted by the Senator from Vermont [Mr. MORRILL] received but seven votes in this body. It will not be twelve months before we shall have hogsheads of sugar by the thousand grown on the island of Cuba, tierces of rice by the myriads grown in China, entering our ports with the *frank* of Kink Calico (Kalakaua) upon them.

But, Mr. President, as I said, it is idle to discuss this measure. I will not take the time of the Senate any longer. Let me once again repeat, however, that you are proposing a grave injustice—injustice to the southern planter of rice and of sugar; injustice to the laborer who produces these commodities; injustice even to the West, whose productions of wheat and corn and meat these planters are now able to consume, but which they may no longer be able to purchase when

this bill shall become a law. It cost originally \$100 per acre to redeem these rice lands from the swamps; they have cost since the war \$50 to \$70 per acre to resubdue and refit them, and they now cost from \$10 to \$20 per acre per annum to cultivate them. And when they shall become no longer valuable because the product which has made them valuable becomes itself almost valueless, then these laborers must abandon these fields, and these lands themselves be abandoned to the waters from which they have by the labor of generations and so great an expenditure of money been redeemed.

One word more and I shall close. These planters, intelligent, well-informed, and honest, believe that they are in absolute danger, if this bill shall pass, by reason of the panic which it will create in the minds of their laborers of having their plantations abandoned and their present crops lost.

Now, Mr. President, I appeal to fair-minded Senators to postpone the consideration of this bill until the present crop shall have been gathered. Then, if the panic shall come, let it come when these burdened and paralyzed people shall be better prepared to meet it. But do not bring upon them this disaster after they have engaged their labor and planted their crops upon the supposition this great Government would be incapable of such partial law-making or of making them an exception to its rule of protection. Sir, what would Pennsylvania say if it were proposed to introduce iron free? What would Connecticut say if her products were brought into competition with free imports from some other nation? Georgia, Louisiana, South Carolina, Alabama, and Texas only ask that the consideration which has been shown to other States shall be shown to them; and, if nothing more, that they at least shall be spared this blow until their harvest is ended. I therefore move to postpone the further consideration of the bill until the second Tuesday in December next.

The PRESIDENT *pro tempore*. The Senator from Georgia moves the postponement of the bill until the second Tuesday in December next.

The motion was not agreed to—yeas 8, noes not counted.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. CONKLING.] He would vote for the bill, and I should vote against it.

Mr. HITCHCOCK, (when his name was called.) On this bill I am paired with the Senator from South Carolina, [Mr. ROBERTSON.] If he were here he would vote "nay," and I should vote "yea."

Mr. KELLY, (when his name was called.) I was paired with the Senator from Virginia, [Mr. WITHERS.] but the Senator from Arkansas [Mr. CLAYTON] has kindly agreed to pair with the Senator from Virginia for me, so that I am at liberty to vote. I vote yea.

Mr. CLAYTON, (when Mr. WITHERS's name was called.) As has been stated by the Senator from Oregon, [Mr. KELLY,] I am paired with the Senator from Virginia, [Mr. WITHERS.] If he were here he would vote "nay," and I should vote "yea."

Mr. MCCREERY, (when Mr. WRIGHT's name was called.) I am paired on this question with the Senator from Iowa, [Mr. WRIGHT.] He would vote for the bill, and I should vote against it.

The roll-call was concluded.

Mr. GORDON. On this bill I am paired with the Senator from Connecticut, [Mr. BARNUM.] If he were here he would vote "yea," and I should vote "nay."

The result was announced—yeas 29, nays 12—as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Wisconsin, Christiancy, Cragin, Dawes, Eaton, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Kelly, Kernan, Logan, McDonald, McMillan, Mitchell, Morton, Ozleshy, Paddeok, Randolph, Sargent, Saulsbury, Spencer, Stevenson, Wadleigh, and Windom—29.

NAYS—Messrs. Boggy, Booth, Cockrell, Cooper, Davis, Jones of Florida, Key, Morrill, Norwood, Patterson, West, and Whyte—12.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Clayton, Conkling, Conover, Dennis, Dorsey, Edmunds, Goldthwaite, Gordon, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, McCreery, Maxey, Merriam, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, Withers, and Wright—30.

So the bill was passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes;

A bill (H. R. No. 2017) for the relief of Lizzie Irons, sister of Lieutenant Joseph F. Irons, late of the First United States Artillery;

A bill (H. R. No. 516) for the relief of Floyd C. Babcock; and

A joint resolution (S. R. No. 24) providing for the postponement of the publication of the Army Regulations.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting, in answer to a resolution of the Senate of July 24, 1876, a statement of the number of civil officers employed in the Treasury Department from 1859 to 1875, inclusive; which was ordered to lie on the table, and be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 4093) granting a pension to Eliza Jane Blumer was read twice by its title and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. CLAYTON. Mr. President, for the purpose of submitting a few remarks, which will not take more than ten or fifteen minutes, I move that the Senate now take up the resolution to print the President's message in relation to the Hamburg massacre.

Mr. SARGENT. Cannot the Senator make his remarks on the report of the committee of conference on the Indian appropriation bill?

Mr. CLAYTON. I shall take no more time on the one than on the other, and I may as well make my remarks now.

Mr. EDMUNDS. I wish to appeal to the Senator from Arkansas. I gave notice this morning that as soon as this Hawaiian matter was finished I should again ask the Senate to take up the House resolution proposing an amendment to the Constitution of the United States.

Mr. CLAYTON. I can finish my remarks while Senators are discussing this question, if the Senate will allow me to take it up.

Mr. EDMUNDS. But somebody else may want then to say something on the same question. I hope the Senator will withdraw his motion and let me call up the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

Mr. LOGAN. If the Senator will give way, I will ask to take up a conference report, and he can make his speech on that just as well as on anything else; and it is a conference report that ought to be taken up.

Mr. CLAYTON. Very well; I am willing.

Mr. LOGAN. I move—

Mr. EDMUNDS. I was wishing to make a motion.

The PRESIDENT *pro tempore*. The Senator from Illinois has the floor.

Mr. LOGAN. I move to take up the conference report on the subject of artificial limbs for crippled soldiers.

Mr. EDMUNDS. The Senator from Kansas objected to that report to-day.

Mr. LOGAN. I move to take it up; it was reported on Saturday.

Mr. INGALLS. I made no objection to-day.

The PRESIDENT *pro tempore*. It can be taken up on motion.

Mr. EDMUNDS. I hope the motion will not be agreed to, for it will lead to considerable debate; and now while the Senate at this time in the day is somewhat fuller than it is at any other time, I wish to get a straight vote on the question of the constitutional amendment. I shall not occupy the floor myself, if I do at all, for exceeding ten minutes, and I am advised that very little is to be said on the other side as very little could be as a matter of course as everybody understands, and therefore I hope my friend will not insist upon that but will let me get a vote on the amendment.

Mr. LOGAN. I wish to ask the Senator a question. He says the report will lead to considerable debate. I ask him why it will lead to debate?

Mr. EDMUNDS. Because I have understood my friend from Kansas to say that it would, and that it changes the state of the law as it has hitherto been understood to be. It may be a correct change. I say nothing about that.

Mr. LOGAN. I will state what the proposition of the conference report is. The law has been for years that every soldier, sailor, or marine who had lost an arm or a leg in the service of the United States should have every five years either a leg or arm supplied or commutation therefor. The last Congress gave to the soldiers who had lost an arm above the elbow or a leg above the knee \$24 a month pension, and provided that they should not receive commutation for an artificial limb. This bill re-instates that provision that they shall have it, and they ought to receive it more than any other men. That is all there is of it.

Mr. EDMUNDS. Do not debate the merits.

Mr. LOGAN. I am not going to debate the merits, but I am stating the proposition so that the Senate shall understand it. Now I move to take it up, and we shall see whether it leads to debate or not.

Mr. EDMUNDS. I hope we shall not take it up until we dispose of the constitutional amendment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The question being put, there were on a division—ayes 24, noes 8; no quorum voting.

Mr. LOGAN. I call for the yeas and nays.

Mr. EDMUNDS. I may as well give up the constitutional amendment. I can neither get the floor nor a majority of the Senate.

Mr. GORDON. I think if we take the division over again there will be a quorum.

The PRESIDENT *pro tempore*. There is no objection, the Chair understands. The ayes have it, and the report is before the Senate.

Mr. EDMUNDS. I hope the Chair will count the Senate. I do not want to make any disturbance if a majority of the Senate is opposed to taking up the constitutional amendment, but I wish the Chair to count the Senate and see whether there is a quorum present.

The PRESIDENT *pro tempore*, (after counting.) There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 897) granting a pension to Andrew Evarts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1042) to provide for the publication of the report of the impeachment trial of William W. Belknap;

A bill (S. No. 1006) authorizing the Secretary of the Treasury to use the surplus of certain moneys heretofore appropriated for a site for public buildings at Harrisburgh, Pennsylvania; and

A bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

ARTIFICIAL LIMBS TO DISABLED SOLDIERS.

Mr. LOGAN. I ask for the reading of the report.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others, having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the first and second amendments of the Senate, as follows:

In line 1 strike out "persons" and insert "officer, soldier, seaman, and marine." In line 5, after "application," insert "or commutation therefor as provided and limited by existing laws."

The House concurs also in the proviso added to the end of the bill with an amendment of the word "not" inserted between the words "shall" and "be" in the first line; so that it will read: "That this act shall not be subject to the proviso of an act entitled 'An act to increase pensions,' approved June 18, 1874."

JOHN A. LOGAN,
J. B. GORDON,
NEWTON BOOTH,

Managers on the part of the Senate.

J. M. RUSK,

A. V. RICE,

JOHN C. BAGBY,

Managers on the part of the House.

Mr. CLAYTON. Mr. President, I favor the adoption of this report. I believe that this Government ought to furnish aid to these disabled soldiers. I am not right sure whether the Government ought not to furnish aid to some of the soldiers who have been disabled since the war in some of the Southern States. I am not right sure whether this Government ought not to furnish aid to some of the widows and orphans who have been made widows and orphans because the Government would not give them that protection which it has given to its citizens in foreign countries; but upon this subject I shall make no further remark. I have risen for another purpose.

Mr. President, a duty which I owe to the State of Arkansas impels me, even at this late day in the session, to refute certain erroneous statements which have been made in this Capitol and elsewhere concerning its State debt. It has been asserted by democratic speakers, democratic newspapers, and within the past few days by an honorable member of the other House, that the debt of the State of Arkansas has been under republican rule increased to the extent of about \$15,000,000. How erroneous these assertions are, I shall now proceed to show. I send to the Clerk's desk a copy of the RECORD of August 10, containing a speech delivered by Hon. THOMAS L. JONES, of Kentucky, and ask that so much of the same be read as is marked:

The Chief Clerk read as follows:

But as the American mind, especially in these degenerate days, is apt to inquire how the money is handled, how collected, and how disbursed, whence it cometh and whither it goeth, and the answer to these questions makes up the verdict of the American people as to the honesty and morality of their public servants or rulers, perhaps no better illustration can be given of the condition of the Southern States and of the character of their rulers than the table which I submit, showing the debts of those States at the end of the war when their governments were in their own hands, and what they were at the end of reconstruction when their governments were in the hands of others.

Virginia.—Debts and liabilities at the close of the war, \$31,938,144.59. Debts and liabilities January 1, 1872, \$15,450,542.21.

North Carolina.—Debts and liabilities at the close of the war—principal, \$9,690,500; interest, \$1,261,316; whole amount, \$10,951,816. Debts and liabilities January 1, 1872, \$34,887,467.85.

South Carolina.—Debts and liabilities at the close of the war, \$5,040,000. Debts and liabilities January 1, 1872, \$39,153,914.47.

Georgia.—Debts and liabilities at the close of the war, nominal. Debts and liabilities June, 1871, \$50,637,500.

Florida.—Debts and liabilities at the close of the war, \$221,000. Debts and liabilities January 1, 1872, \$15,763,447.54.

Tennessee.—Debts at the close of the war, \$20,105,606.66. Debts and liabilities January 1, 1872, \$45,683,263.46.

Arkansas.—Debts and liabilities at the close of the war, \$4,036,952.87. Debts and liabilities January 1, 1872, \$19,761,265.62.

Louisiana.—Debts and liabilities at the close of the war, \$10,099,074.34. Debts and liabilities January 1, 1872, \$50,540,306.91.

Texas.—Debts and liabilities at the close of the war, nominal. Debts and liabilities January 1, 1872, \$20,361,010.61.

Alabama.—Debts and liabilities at the close of the war, \$5,939,658.87. Debts and liabilities January 1, 1872, \$32,382,967.34.

Thus it will be seen that the republican Legislatures, composed in the main of negroes and carpet-baggers, elected at the dictation of the party in Federal power, involved the ten States enumerated in the enormous aggregate debt of more than \$284,000,000.

Mr. CLAYTON. Mr. President—

Mr. PADDOCK. I ask the Senator from Arkansas to yield that I may move that the concurrent resolution sent from the House for the adjournment of Congress be taken up. I wish to move an amendment to it.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas yield for that purpose?

Mr. MORRILL. I hope not at the present time.

Mr. CLAYTON. Very well.

Mr. PADDOCK. I move to take up the concurrent resolution.

Mr. WINDOM. I hope it may not be taken from the table. The Indian appropriation bill has not passed yet, and cannot pass if there be a single objection to it until to-morrow. Certainly it is not expedient to pass the adjournment resolution fixing a time prior to that to which the Indian appropriation bill may be postponed.

Mr. PADDOCK. Do I understand the Senator from Minnesota to say that the Indian appropriation bill cannot be reported this evening.

Mr. WINDOM. It cannot be passed until to-morrow if there be a single objection to it. One objection carries it over. It was reported from the conference committee to-day and a single objection carries it over until to-morrow. It certainly would not be prudent to pass the resolution until we know that that important bill can be passed.

Mr. BURNSIDE. Will the Senator from Arkansas give way to me to move for a recess from half past five until eight o'clock?

Mr. WEST. No, we had better sit it out.

Mr. PADDOCK. On the statement of the Senator from Minnesota, I shall withdraw my motion for the time being.

Mr. WINDOM. I want to say that I reported the bill some time ago and would be very glad to call it up, but an objection has been made and I am unable to do so at present.

Mr. PADDOCK. I wish to give notice that at the earliest practicable moment after the Indian appropriation bill is disposed of I shall call up the concurrent resolution for adjournment, because I believe this Congress ought to adjourn.

Mr. BURNSIDE. Will the Senator from Arkansas yield to a proposition for a recess from five o'clock to half past seven, or whatever time may suit the Senate?

Mr. WEST. That will involve a session to-morrow.

Mr. CLAYTON. After the conclusion of my remarks I will yield. The honorable gentleman after undertaking to give a statement of the *ante bellum* and existing debts calculated up to January 1, 1872, of ten southern States, winds up by saying:

Thus it will be seen that the republican Legislatures, composed in the main of negroes and carpet-baggers elected at the dictation of the party in Federal power, involved the ten States enumerated in the enormous aggregate debt of more than \$284,000,000.

Now, Mr. President, a gentleman who undertakes to deal in figures affecting the credit of ten States ought to be at least correct in his arithmetic. Let us see whether he is or not. By adding together the amounts stated of the debts of each of the ten States at the close of the war it will be found to aggregate \$88,333,000, and by adding together the entire debt existing, as stated, on the 1st of January, 1872, it will be found to aggregate \$360,661,686.01; deducting the *ante bellum* debt from the entire debt we have what is claimed to have been created under republican rule, amounting to \$272,328,433.63, instead of over \$284,000,000, as stated by Mr. JONES; a difference of about \$12,000,000. If in the simple matter of addition and subtraction the honorable gentleman is so inaccurate, what must we expect from him when he undertakes to ascertain down to the very cent the exact debt of each of the ten States alluded to?

To show that he is as unreliable in the detail of his figures as he is in his sum-total, I need only expose the error in his statement of the debt of Arkansas, which he fixes at \$19,761,265.62 on the 1st day of January, 1872, and of the creation of which he attributes \$15,725,312.75 to republican rule. Mr. President, I hold in my hand a copy of the Little Rock Daily Herald of August 10, 1876, one of the organs of the democratic party in Arkansas, which contains a tabulated statement* "showing the bonded and floating debt of the State of Arkansas to June 30, 1876," for which the editor states he is indebted to the courtesy of Gen. W. R. Miller, the present auditor and democratic candidate for governor in the State of Arkansas. I find this statement also published in the Gazette, another democratic organ, and vouched for as accurate. In this statement the total debt of the State is given at \$17,306,823.50, being \$2,454,442.12 less than the amount stated by Mr. JONES. It will be seen by reference to this statement that the debt has been increased since 1872 as follows:

*Statement showing the bonded and floating debt of the State of Arkansas June 30, 1876.

Character of bonds.	Principal.	Interest.	Total.
5 per cent. State Bank bonds 1837.....	\$10,000 00	\$19,750 50	\$29,750 50
6 per cent. State Bank bonds 1838.....	108,000 00	215,400 00	323,400 00
6 per cent. Real Estate bank Bonds 1838, letter A.....	538,000 00	953,815 53	1,491,815 53
6 per cent. Real Estate bank Bonds 1838, letter C.....	45,000 00	85,500 00	130,500 00
6 per cent. funding bonds 1869.....	944,000 00	253,975 00	1,197,975 00
6 per cent. funding bonds 1870.....	2,265,000 00	516,600 00	2,781,600 00
10 per cent. ten-year bonds 1874.....	276,500 00	26,996 00	303,496 00
7 per cent. levee bonds.....	1,986,773 74	625,335 45	2,612,109 19
6 per cent. bonds 1875, (Loughborough Bonds).....	256,000 00	11,760 00	267,760 00
	6,429,273 74	2,709,222 48	9,138,496 22
RAILROAD-AID BONDS.			
	Principal.	Interest.	Total.
Memphis and Little Rock.....	\$1,200,000	\$270,000	\$1,470,000
Arkansas Central.....	1,350,000	366,960	1,716,960
Little Rock, Pine Bluff and New Orleans.....	1,200,000	326,175	1,526,175
Little Rock and Fort Smith.....	1,000,000	288,000	1,288,000
Mississippi, Ouachita and Red River.....	600,000	167,235	767,235
	5,350,000 00	1,418,460 00	6,768,460 00
	11,779,273 74	4,127,682 48	
Outstanding Treasurer's certificates redeemable with ten-year bonds.....			1,354 65
Total bonded debt.....			15,908,310 87
6 per cent. State scrip.....		21,433 77	
5 per cent. State scrip.....		1,300,389 54	
No interest-bearing State scrip.....		76,689 32	
			1,398,512 63
Total debt.....			17,306,823 50

In September, 1869. Real-estate bonds, No. 1 to 500, inclusive, dated January 1, 1840, amounting, principal and interest, January 1, 1870, to \$1,370,000, were converted into funding bonds, dated January 1, 1870, and numbered 401 to 1860, inclusive.

The indebtedness of the State on these bonds is as follows:
 Thirteen hundred and twenty bonds* outstanding June 30, 1876..... \$1,320,000 00
 Interest from January 1, 1872, to June 30, 1876..... 356,400 00

Total due as funded..... 1,676,400 00

Of the above 338 Real Estate Bank bonds, letter A, are held by the Treasurer of the United States in trust for the Smithsonian Institution. Principal... 538,000 00
 Interest to June 30, 1876, after deducting amount credited from the 5 per cent. fund and all payments through the State treasury..... 953,815 53

Total..... 1,491,815 53

One hundred and sixty-eight funding bonds of 1870 are held by the Secretary of the Interior in trust for various Indian tribes. Principal... 168,000 00
 Interest to June 30, 1876, after deducting amount credited for keeping United States convicts in the State penitentiary and all payments through the State treasury..... 25,200 00

Total held by the United States as trustee..... 1,685,015 53

Treasurer's certificates, redeemable with ten-year bonds, bear interest at the rate of 10 per cent. per annum.

* NOTE.—Fifty of the 1370 bonds have been received into the State treasury in payment for swamp and internal improvement lands, leaving outstanding 1,320 bonds.

Ten per cent. ten year bonds, issued in 1874	\$276,500 00
Six per cent. bonds, issued in 1875	256,000 00
Total	532,500 00
To this should be added bonds issued in aid of the construction of railroads since 1872	900,000 00
Also the accumulated interest on the State debt since that time, which I find amounts to about	3,000,000 00
Making a total increase of debt	4,432,500 00
When we add to this	2,454,442 12
Which is the difference between the actual debt as shown by the statement just referred to and the amount stated by Mr. Jones as existing in 1872, we find an error in his statement amounting to..	6,886,942 12

In other words, he has simply fallen into an error of about \$7,000,000 in stating the debt of Arkansas alone. The error which may exist in his statement of the debts of other States I will leave for others to say, though I do not doubt that it will be found that they are equally extravagant and erroneous. When we deduct these erroneous figures from the figures given by Mr. JONES, which are \$19,761,265.62, we find the actual debt of the State to be \$12,574,323.50. This was the actual debt at the time he states. Deducting from this amount \$5,051,265.62, which was the *ante bellum* debt, we have \$7,823,057.88, which is the amount of debt contracted under republican rule at the time to which the gentleman refers, a difference of about \$3,000,000 between his statement and the correct figures.

Now, Mr. President, I desire to say a few words in relation to the character of this debt. Over \$5,000,000 of it was entailed upon the people by *ante bellum* democratic administrations, and grew out of the State loaning its credit to two worthless banks which failed soon after receiving the loan. The history of their transactions, if I had time to detail them, would in comparison make the worst case of carpet-bag financing respectable. Four million three hundred and fifty thousand dollars of the debt of the State arose from the issue of bonds to aid in the construction of railroads under an act of the Legislature which was submitted to the people and ratified by them almost unanimously, only about five thousand voting against it.

Whatever may be said as to the impolicy of issuing bonds to aid in the construction of railroads will apply to other States of the Union and to the United States itself, and in this case the responsibility must attach to the people of Arkansas without regard to party; for they not only favored it, but ratified it with their votes. Under this law the railroad companies were required to pay both the principal and interest, and the people never were taxed one cent for that purpose. While the republican party were in power the railroad companies were made to pay the interest, but since the democratic party have come in power they have been relieved from that requirement by a repeal of the law. This rather saddles this debt upon the people or repudiates it altogether.

Three million dollars of bonds were issued for the construction of levees, and were based upon the swamplands of the State and made receivable for the purchase of the same, in which manner about one-third of the issue has been liquidated. The people of the State were not taxed one cent for the payment of interest on these bonds.

Of the floating debt of the State nearly one million was created to pay the expenses of the militia which were called into the field during my administration to suppress the Ku-Klux rebellion of 1869. Had the democratic party in Arkansas obeyed the laws under republican rule as we do under democratic rule, this debt would never have been incurred, and much valuable property and many still more valuable lives would have been saved.

Mr. President, it has been charged for several years, and more especially of late by democratic orators and democratic newspapers, that in the States of the South where the republican party has been and is in power the governments have been and are characterized by robbery, peculation, and all manner of fraud and corruption. But I assert as a fact which I think cannot be denied, especially so far as relates to my own State, that since the democratic party has come into power they have not through their courts been able to fix upon a single republican formerly holding official position the crimes and corruptions they have charged upon them. What is true of Arkansas I believe to be true of other Southern States which were formerly under republican rule and now under democratic.

What does this prove? Either one of two things, that their charges have been false, or that the democratic party does not punish crime. That it does not punish crime in many instances where the criminal is a democrat and the victim a republican I am well assured; but I do not believe that the democratic party in the South would be very loth to punish crime when perpetrated on the people of those States by those they call the thieving radicals.

Now, Mr. President, does it not seem, in the interest of good government, to protect the people in the future against crimes, that if these crimes were perpetrated by republicans in the South they should have been fixed upon their authors, who should have been brought to condign punishment. Are we to believe that southern democrats are so enamored with southern republicans as to shield them from the just punishment of such great offenses? I think not, but rather that when brought to the test they are unable to substantiate the charges they have so industriously circulated.

A few words upon another subject, Mr. President. It is asserted of late, and our democratic friends take great pleasure in it, that

wherever the republicans are in power in the Southern States the condition of affairs is characterized by disorder and lawlessness, and that wherever the democratic party is in power there peace and quiet is the result. Well, Mr. President, I do not admit that this is so. I know that in many instances it is not. But suppose we admit it; what does it show? It simply shows that the republicans in the South obey the laws and respect the existing authorities, whether those laws or those authorities be republican or democratic; while on the other hand it can be shown that democrats do not obey the laws when administered by republicans and do not respect the authorities when those authorities happen to be republicans. I need only cite you to a few cases that have national reputation. Trenton, Coushatta, Vicksburgh, Grant Parish, and lately, Hamburg, to show that what I say is correct. It is true we have quiet in some of the Southern States, my own among the number, that are now under democratic rule, and why? Simply because republicans do not organize Ku-Klux Klans and do not resort to violence, assassination, and murder to secure their political ends; and for that reason you have peace. Mr. President, we should have had no war, all would have been peaceful and lovely, perhaps even to the present time, if it had not been for the fact that the democratic party of the South was called upon to live under republican rule in 1861. Rather than do that they deluged the country in blood, and rather than do so to-day they are ready to resort to such atrocities as characterized the late proceeding at Hamburg, in the State of South Carolina. I wish I could believe that in case the republicans should carry the coming election in Arkansas the democrats would live under our government as peaceably as we have under theirs. The history of the past leaves but little room for such credulity.

Mr. President, much has been said of late about the fact that men who held positions in the confederate army occupy seats in this and the other Chamber. Let me say that in any Southern State where the democrats are really in the majority it is right that they should send democrats to represent them here, and when they do send democrats, I hope they will continue to send here the men who bore the brunt of battle in a gallant attempt to sustain a cause which I believe they thought at the time was just. So far as I am concerned, I would much rather see them here than see the men who when the war swept over the South urged their neighbors to the front but staid themselves at home upon the pretext that they were the owners of the required number of slaves which under confederate law exempted them from military service, men who when the Federal armies marched into the South were Union men and when the Federal armies marched away were confederates. In my experience during the war I saw many such men, and I am compelled to say I have but little respect for them. I say I would much rather welcome men who fought for the flag of the confederacy here representing democratic constituencies than these other men to whom I allude. They fought gallantly and well in a cause which is now lost forever, and which although now known to be a bad one, as before said, they then believed to be just, and no word has ever or shall ever fall from my lips detracting from that gallantry.

So far as I am concerned, I take great pleasure in embracing this opportunity to say here that I make no complaint because southern democratic constituencies have seen fit to send to represent them men who followed the flag which at that time the whole mass of the southern people unfurled.

With these few remarks, Mr. President, I shall not detain the Senate longer.

The PRESIDENT *pro tempore*. The question is on the conference report.

Mr. PADDOCK. I move that at five o'clock the Senate take a recess until half past seven.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate take a recess from five o'clock until half past seven.

Mr. ANTHONY. Say from half past five to eight.

Mr. PADDOCK. I will accept that; half past five to eight.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska that the Senate take a recess from half past five until eight o'clock.

Mr. EDMUNDS. Is this a debatable question?

The PRESIDENT *pro tempore*. It is not.

Mr. EDMUNDS. Then I must ask for the yeas and nays, because of a matter that the public have a good deal of interest in. Senators may not get here in the night.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Christiancy, Cragin, Dawes, Ferry, Hitchcock, Ingalls, Jones of Nevada, Logan, Mitchell, Paddock, Patterson, and Spencer—17.

NAYS—Messrs. Boggs, Cameron of Wisconsin, Clayton, Cockrell, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Kelly, Kernan, Key, McMillan, Maxey, Morrill, Oglesby, Sargent, Saulsbury, Stevenson, Wadleigh, and Whyte—21.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Howe, Johnston, Jones of Florida, McCreery, McDonald, Merrimon, Morton, Norwood, Randolph, Ransom, Robertson, Sharon, Sherman, Thurman, Wallace, West, Windom, Withers, and Wright—33.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.

Mr. INGALLS. Mr. President, believing that the bill upon which the report of the committee of conference has been made was in violation of an existing statute, that it was intended to circumvent a provision of that statute by indirection, and that it was in its provisions discriminating and unjust to classes of pensioners who are not named in the bill, I took occasion when it was before the Senate on its passage to call attention to those facts and to urge certain reasons why the bill, in my opinion, should not become a law. I am in favor of the most liberal pensions to all classes who can properly be held to be within the purview of a pension law; but I am opposed to discrimination, to invidious partiality, and to an attempt by any one whatever to accomplish by indirection what it is deemed impossible to effect by direct methods. This bill proposes to give to soldiers who are unable to use artificial limbs commutation once in every five years. I call the attention of the Senate to the remarks that were made by the Senator from Illinois when this matter was previously before the Senate as to what was the object and intention of the law. The remarks were made on the 23d of July, which was Saturday, and appeared in the RECORD of the following Monday:

Mr. EDMUNDS. How does it differ from the law?

Mr. LOGAN. It does not differ at all except to change from the Secretary of War to the Quartermaster the furnishing of transportation. It is the same bill precisely except these changes and extending to every five years, which was the intention of the law.

Further on the Senator from Illinois said:

I am now willing to make that change—

That is, the change suggested by the Senator from Rhode Island, [Mr. ANTHONY]—

and make it conform to the original law. That is all there is of the bill. The Surgeon-General gives a construction that he cannot re-issue these artificial limbs. The commutation is the same and everything is the same, except the change I have stated.

In the course of the debate I called the attention of the Senator from Illinois to the provisions of the law approved June 18, 1874, which increased the rate of pension to persons who have lost either a leg at or above the knee or an arm above the elbow to \$24 a month. The proviso is:

Provided, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

The Senator from Illinois, when his attention was called to this act, expressly declared that the bill which is now under consideration was not, and was not intended to be, in conflict with the provisions of that law. I asked him whether the intention of the bill was to give the pensioner increased pension and commutation for a limb that he could not use. He replied:

Mr. LOGAN. There is no such object at all. The law was passed without reference to the pensions. The object is just what is expressed on the face of the bill, to give the man an artificial limb who lost a leg or arm in the service.

I replied to him that he had the right to that now. The Senator from Illinois then said:

Mr. LOGAN. He had the right to it except that the Surgeon-General construed the law not to extend further than the first five years. Hence it cuts him off; and this is only to extend it every five years as the original intention of the law was. That is what the bill means, and that is all it was intended it should mean.

He repeated that statement once or twice more, and the bill was passed, with an amendment inserted upon my motion:

Provided, That this act shall be subject to the provisions of an act entitled "An act to increase pensions in certain cases," approved June 18, 1874.

Now, to show that I was right in my construction of the object and purpose of this bill, and to show how disingenuous the advocates of the bill are, it comes back with an amendment suggested by the committee of conference to the amendment offered by me by the insertion of the word "not" between the words "shall" and "be," expressly excluding the bill from the operation of the law of June 18, 1874, showing that the view I then took of it was correct, and that the statements which were made by the Senator from Illinois are not borne out by the facts, and that the object and purpose is as I stated, to accomplish the circumvention or repeal of that part of the law of June 18, 1874 by indirection and to accomplish this by the report of a committee of conference.

I think it is unjust, as I said, because it discriminates in favor of one class of pensioners and against all other classes who are not named in the bill. The bill ought not to pass for another reason, and that is because it is retroactive. It provides that the period at which the commutation shall be given shall date back to June, 1870—more than six years. But if the Senate desire to pass the bill, if they desire to have accomplished by this method what the advocates of the bill are unwilling to submit as a distinct proposition, I have nothing to say. I felt that, as the chairman of the committee having these subjects in charge, being intrusted to a certain extent with the administration of the revenue of the Government in this direction, it was my duty to call the attention of the Senate to the objects and purposes of the bill and to the unfair and incorrect argument upon which the bill is attempted to be forced through.

Mr. LOGAN. Mr. President, I do not know that it is necessary for Senators to defend themselves every time that other Senators think some little advantage has been taken of them. I presume there is no desire to take any advantage of any one; I know that there is not on my part; and I say to the Senator from Kansas now that at the time we were discussing the bill I understood it just as I then stated it,

nor did I know at that time that he or some other Senator or some committee had inserted a proviso in a pension law recently that deprived a part of these soldiers of this apparatus. I did not know that; hence I stated what I did. The House committee that reported this bill may have noticed that. I had not, and until my attention was called to the provision which I will read I was totally ignorant of it. The only distinction I could discover between this bill and the original law was the change that I stated which applied to the Quartermaster-General instead of to the Secretary of War, and that the word "person" was used in this bill instead of "officer, soldier, sailor, marine." These were the only two changes; but on examination I find that the Pension Committee in reporting a bill in 1874 put this proviso to a little short bill. This is the bill:

That all persons who are now entitled to pensions under existing laws, and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be left in the second class and shall receive \$24 per month.

The proviso is, "Provided that no artificial limbs or commutation therefor shall be furnished to such persons."

That is the proviso which the Senator had reference to that I was totally ignorant of. That is to say, they got a proviso in a pension bill in 1874 that prohibited all persons who had lost an arm at or above the elbow and all who had lost a leg at or above the knee from receiving this apparatus. If there are any soldiers in this country who have been so unfortunate, and there are a great many, as to have lost an arm at or above the elbow or a leg at or above the knee, it does seem to me that they are the ones who should be entitled to this apparatus, as much so as any others certainly. This bill does change the law so that the commutation shall be furnished by the Quartermaster-General instead of the Secretary of War, and it does change the law so as to include these particular persons who are made an exception. All other persons under the law as it exists now can receive this apparatus, except those I have mentioned. That exception being put in a pension law, this bill cures that defect, and my attention was called to it. As I said, the House committee had noticed it; I had not.

When we examined the bill before the Military Committee it was not in reference to the pension law, but in reference to the existing law as to limbs; and this was the only change I saw in the bill, and I so stated. That was the only error there was in the statement; but I say now, although that error was made innocently on my part, yet had I known this exception to exist at that time I would have persisted in the passage of the bill with just as much earnestness as I persist in the passage of it now, because it was right then and it is right now. If the Senator thinks that it is right to furnish an apparatus to all soldiers who have lost a hand, or a foot, or both feet, or both hands, and that it is not proper to furnish them an apparatus if they have lost both legs above the knee or both arms above the elbow, then I am willing to say that his theory ought to be adopted by the Senate of the United States; and that is all there is in this.

The House concurs in all the Senate amendments except this one, and they insert the word "not" in that, and the managers on the part of the Senate agreed to it, for the reason that by examination of the law and a comparison of the law we find that all persons receiving pensions who had lost a limb in the war were entitled to this apparatus except those who were so unfortunate as to lose a leg above the knee or an arm above the elbow, or both. We thought they certainly were entitled if anybody else was.

Now a word as to the proposition the Senator suggests in reference to its being retroactive. The law as it stands, section 4788 of the Revised Statutes, is:

Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, \$75; for arms, \$50; for feet, \$50; for apparatus for resection, \$50.

This, then, re-enacts the law as it stood in 1874. In 1874 all persons had received this apparatus or had received the commutation money; hence this bill does not give commutation to any but those who made the second application. It does not apply to the first application, for that has already been received, but only gives them authority to make the application once in every five years. The law in section 4791 provides that the Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section 4787, and we change this so as to use the words "Quartermaster-General" instead of "Secretary of War."

Mr. INGALLS. Mr. President, the Senator from Illinois is a trifle unjust in the argument that he makes when he attempts to suggest or intimate that the intention of the Committee on Pensions when they recommended the passage of the law that was approved on the 18th of June, 1874, was to exclude certain classes of pensioners from the benefits of the law. The fact is that by that act the men who had suffered the class of disabilities therein named were raised from the third to the second class; the rate of their pension was increased, I think, \$9 per month upon the representation of the Commissioner of Pensions and a bureau of medical officers there that they ought to receive that sum in consideration of the disability which the loss of the leg or arm at the points named inflicted upon them. They were therefore placed in the possession of a much higher pension than they had before, and the object of that was to compensate them for the loss that they had suffered, and the Pension Bureau and the board of examining officers thought that the sum of \$24 per month was a

reasonable sum to pay them, taken in connection with the general standard that had been adopted for various bodily injuries. And at that time, in consequence of the fact that every man who has lost a leg, whether he can use an artificial leg or not, applies either for the leg or for the commutation, the Commissioner of Pensions thought that justice to all these classes of men required that when these men accepted this higher grade of pension they should not be entitled to the commutation for the limb unless they could use it. That was the sole object of the law. There was no discrimination against a given class of pensioners. On the contrary, they were rated in the class above what they had previously been rated at, and the object of the law was to give them compensation which the Bureau said was a reasonable equivalent for the loss they had received when compared with those allowed for other classes of injuries.

Mr. LOGAN. I will ask the Senator, does he believe that because a man is so badly wounded that he cannot use the apparatus he ought not to have a higher pension than the man who can use the apparatus?

Mr. INGALLS. Why, Mr. President, I do not believe that the rate of pension is high enough to make it a proper equivalent in any of these cases. The Senator from Illinois would not lose his leg for \$24 a month; neither would any of us. It is in no sense whatever an equivalent or compensation; but it is the rate that has been established by the Government as the nearest approach to equity when it is taken into consideration with the sums that are allowed for other bodily injuries, such as the loss of a finger or the loss of a hand or the loss of the sight of an eye. This is not an independent, isolated case to be considered by itself. Of course we all admit that the pension of \$24 per month is no equivalent for the loss of a leg; neither is the \$8 a month that is paid to the soldier any equivalent for his total disability; nor is \$50 a month that is paid to those who require the constant care of others any equivalent or compensation for their absolute helplessness; but the Government can afford to pay only so much; they have established a certain rate, and they have apportioned between the different classes of disabilities the different sums named in the pension law, and this is one that was adopted upon consideration and upon what were believed to be equitable grounds, and for the purpose of avoiding the continual claims that are made for artificial limbs or commutation for them by persons who cannot use them. Of course if the man cannot use the artificial leg, if he is so injured that he cannot use the artificial leg, there is no reason why the Government should pay him for it. If the rate of pension that he receives is not high enough, give him more; but do not pay him a pension and at the same time give him an equivalent for an artificial limb that he is not able to use in consequence of the injury he received.

Mr. LOGAN. I have only to say in reference to that that if a man has his arm off at the wrist and you can give him a hand, that is all right; he is entitled to it; he may make use of that; but if his arm is off above the elbow, so that he cannot use it for any purpose whatever, he can only get the same character of pension as others, but he is not entitled to an artificial limb. Why?

Mr. INGALLS. Within the last two years in consequence of that very inequity that the Senator complains of, in consequence of the injustice that he complains of, they have been raised from the third to the second class. That was why the bill was passed.

Mr. LOGAN. I understand that they have been raised somewhat. Some get \$8 a month and some get \$15 and some \$4 a month only, and on up to \$24 a month. Those who can use their arms or legs get \$24 a month? Now you add an apparatus that others cannot use to walk about. If they cannot use that apparatus they get \$75 a leg. That is a little more than \$1 a month additional. Every five years he gets \$75. For the sixty months he gets a little over a dollar a month. That is all. I ask the people of this country if a man is so badly wounded that he cannot use an apparatus to walk around on whether they object to increasing his allowance in this way \$1.25 a month? That is all it means. I do not think this Government ought to be so niggardly as it is in reference to these things. If a poor cripple who cannot walk a step comes into this Hall and asks for a little increase of pension, there is as much noise over it as if it was a one-hundred-thousand-dollar claim.

Mr. CONKLING. Will the Senator allow me to make an inquiry?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. The Senator from Kansas [Mr. INGALLS] was speaking, as I understood him, of men so disabled that they cannot use an artificial hand or leg. I should like to inquire of him or of the Senator from Illinois what, in the view of the Senator from Kansas, would become of cases like this? Here is a man whose arm is off below the elbow; he can use an artificial hand; or his leg is amputated and he can use an artificial leg. That man afterward becomes disabled. He is partially paralyzed, or he is overtaken by disease, or he gets too weak to do manual labor and go about. He would not profit by the higher rate of pension given to men who were originally so disabled that they could not use an artificial limb; nor would he in any way that I can see receive anything as the equivalent for his limb; but he simply would become a loser of so much, owing to the fact that he had become so much more prostrate, so much more helpless. It strikes me that there must be a pretty large percentage of such cases; and I suggest to the Senator from Illinois, in aid of his

argument, that whatever there is in them tends to show that the idea for which he is contending is a just and proper one.

Mr. LOGAN. There are, I will say to the Senator, as I understand—I have not the data so exactly that I can state the number correctly—but I have been informed by those who have inquired—that there are about fifteen hundred persons of this character, called pensioners of the second class, with a leg off above the knee or an arm off above the elbow. It is to them that this applies, and none other. The rest all get this apparatus, or get their commutation, except this fifteen hundred, or whatever the number may be. I understand fifteen hundred have a leg off above the knee or an arm off above the elbow. They are excluded. This bill puts them back and makes some other changes. I think they are more entitled to it than anybody else, and that this provision ought to have been inserted in the law.

Mr. BURNSIDE. I should like to ask the Senator from Kansas if under the present law soldiers who have been crippled in this way can renew the apparatus or get commutation for it?

Mr. INGALLS. By express provision of law they are entitled to artificial limbs or commutation therefor once in five years.

Mr. BURNSIDE. Then I think those who cannot wear them are clearly entitled to commutation.

Mr. LOGAN. That is the point exactly.

Mr. BURNSIDE. If the soldier who can wear it is given the apparatus and then \$9 a month is added to his pension, with a view to recompense that man, but no future issue of apparatus, then it will be fair to give those soldiers who cannot wear it a commutation. If the soldiers who can wear the apparatus are entitled to an arm or a leg every five years, surely the soldiers who cannot wear it are entitled to commutation.

Mr. COCKRELL. Under the first act, which was passed on the 16th of July, 1862, there was simply provision made for the purchase of artificial limbs for soldiers and seamen disabled in the service, to be expended under the direction of the Surgeon-General. The first amendment to that law was on the 28th of July, 1866, and the Secretary of War was then directed to furnish transportation to disabled soldiers to and from their places of residence to the places where they could procure the artificial limbs. In 1868 a provision was made extending the benefits of the law to officers, providing that all officers in the military and naval service should be entitled to the same that the soldiers and marines were entitled to receive. On the 17th day of June, 1870, the law was passed to which reference is made in the bill. That law provides—

That every soldier who was disabled during the late war for the suppression of the rebellion, and who was furnished by the War Department with an artificial limb, or apparatus for resection, shall be entitled to receive a new limb or apparatus as soon after the passage of this act as the same can be practically [practically] furnished, and at the expiration of every five years thereafter, under such regulations as may be prescribed by the Surgeon-General of the Army: *Provided*, That the soldier may, if he so elect, receive, instead of said limb or apparatus, the money value thereof, at the following rates, viz: For artificial legs, \$75; for arms, \$50; for feet, \$50; for apparatus for resection, \$50.

And this was placed under the control of the Surgeon-General. On the 30th of June, 1870, an amendment was passed to that law providing that the benefits of all the acts then in force should be extended to all officers, soldiers, seamen, and marines; and there is where the words come in which have been put into the bill in the conference committee by amendment instead of simply "officers, soldiers, seamen, and marines." The law of June 30, 1870, was incorporated into the Revised Statutes, and was amended by the law of June 18, 1874.

It does seem to me that justice, equity, and fair dealing, as exhibited in all the legislation of Congress from 1862 up to June 18, 1874, require that the provisions of this bill shall be extended to the officers, soldiers, seamen, and marines, and I do hope that the bill will pass as the conferees agreed to it. I think it is nothing more than simple justice and equity to these soldiers that the provisions of the bill shall be extended to them. It simply fixes the date, the 17th of June, 1870, as the beginning of the period of five years, and during every five years from that date they shall receive an artificial arm or leg, or in lieu of it every five years they may receive \$75 or \$50. This is a very small sum; it does seem to me they are entitled to it; and I hope the report will be concurred in.

The report was concurred in.

PARTITION OF REAL ESTATE.

Mr. BURNSIDE. I move that the Senate take a recess from five o'clock until half past seven o'clock.

Mr. MORRILL. I hope the Senator from Rhode Island will allow me to call up a bill which I have tried to get up and which has been read twice.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island yield to the Senator from Vermont?

Mr. BURNSIDE. If I do not lose the floor.

Mr. MORRILL. It is only to alter the date in regard to the pavement of Pennsylvania avenue.

Mr. FRELINGHUYSEN. I wish to make a conference report which the House wish acted upon.

Mr. BURNSIDE. I see no reason why the Senator from Vermont should interpose his bill now. He can have it passed at any time.

Mr. FRELINGHUYSEN. Will the Senator from Rhode Island yield to me to make a conference report?

Mr. BURNSIDE. Yes, sir.

Mr. FRELINGHUYSEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 3168, entitled "An act relating to partition of real estate in the District of Columbia," respectfully report that they have met, and after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, with the following amendment:

Strike out all after the word "may" in line 3 of said amendment and insert "in the direction of the court be compelled in any court of competent jurisdiction to make or suffer partition of such estate or estates. In proceedings for partition, all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction. And in proceedings for partition under this act the court may, in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court."

"SEC. 2. That the court, in all cases in decreeing partition, may, if it satisfactorily appears that said lands and tenements, or any estate or interest therein, cannot be divided without loss or injury to the parties interested, decree a sale thereof and a division of the money arising from such sale among the parties according to their respective rights and interests.

"SEC. 3. That in all such sales, unless the court shall by special order direct or require on good cause shown that the sale be made for cash, the purchase-money shall be payable one-third on day of sale, one-third in one year, and one-third in two years thereafter, with interest, the deferred payments to be secured to the parties, according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court."

And that the Senate agree to the same.

FREDK. T. FRELINGHUYSEN,
J. W. STEVENSON,
T. O. HOWE,
Managers on the part of the Senate.
WM. LAWRENCE,
SCOTT LORD,
GEO. F. HOAR,
Managers on the part of the House.

The report was concurred in.

REPAVEMENT OF PENNSYLVANIA AVENUE.

Mr. MORRILL. I now ask the Senator from Rhode Island to yield to me for the purpose of having the Senate concur in House bill No. 4085. The bill has already been read, and I think there will be no opposition to it. If there is to be any debate, I will withdraw it.

Mr. BURNSIDE. I will yield, if I do not lose the floor for my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the bill which he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876. It repeals all that part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876, which provides "that said pavement shall be fully completed and ready for use December 1, 1876."

Mr. DAVIS. Has there been any amendment to the bill since it came from the House?

Mr. MORRILL. It is just as it came from the House.

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

PROPOSED RECESS.

Mr. MORRILL. I now ask the Senator from Rhode Island to allow me to take up and pass a bill appointing a joint commission on the silver question, which was proposed by the House to which there was an amendment of the Committee on Finance, in effect the same as the joint resolution of the House but putting it in the form of a bill and appropriating enough money to carry it out.

Mr. LOGAN. I shall object to taking up that bill at this time.

The PRESIDENT *pro tempore*. Objection is made.

Mr. LOGAN. I will not object to taking it up after awhile.

Mr. BURNSIDE. I move that the Senate take a recess from half past five to eight o'clock.

Mr. SPENCER. I ask the Senator from Rhode Island to yield to permit me to offer a resolution.

Mr. BURNSIDE. I hope the question will be taken on my motion now, and then I will yield the floor.

Mr. EATON. I hope my friend from Rhode Island will not press his motion. I have no doubt he has a very good dinner at home, but yet I trust he will not press this matter. Let us go on and finish the business now, without a recess.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate take a recess from half past five until eight o'clock.

The motion was not agreed to.

ALABAMA ELECTION INVESTIGATION.

Mr. SPENCER. I desire to offer a resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk proceeded to read the resolution, as follows:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama—

Mr. COOPER. I object.

Mr. SPENCER. I should like to have the resolution read for information.

Mr. COOPER. I object.

Mr. SPENCER. I have a right to have it read for information.

Mr. COOPER. Not without notice, I take it.

Mr. SPENCER. I think I have a right to have the resolution for information.

The PRESIDENT *pro tempore*. The resolution will be reported for information.

The Chief Clerk proceeded to read the resolution, as follows:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama for State officers and members of the Legislature—

Mr. COOPER. The resolution cannot be read under the rules, objection being made. I objected and I object now. The reading is not in order.

Mr. SPENCER. You can object to the consideration, but not to the reading of it.

The PRESIDENT *pro tempore*. The Senator can object to the consideration, but the Senator from Alabama asks for the reading of the resolution.

Mr. ANTHONY. The Senator from Alabama can read it himself and avoid dispute.

Mr. COOPER. But can it be read by the Clerk without unanimous consent?

The PRESIDENT *pro tempore*. The Senator from Tennessee objects to its being read at the desk. The Senator from Rhode Island suggests that the Senator from Alabama read it.

Mr. INGALLS. Rule 14 provides that—

When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. INGALLS. It does not lie within the power of one Senator to object.

Mr. COOPER. The point of order I make is this: There is no question before the Senate and a Senator cannot call for the reading of a paper unless there is a question before the Senate, under that rule.

The PRESIDENT *pro tempore*. Does the Senator from Alabama move the reading of the resolution?

Mr. SPENCER. I suppose it is in order for me to give notice that I shall offer on the first opportunity the following resolution:

Whereas it is alleged that the late election, August 7, 1876, in the State of Alabama, for State officers and members of the Legislature, was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, precincts where large republican majorities existed were not opened for voting, obstacles were interposed to prevent registration, so that a popular majority of more than 10,000 was overcome and in its place was given an apparent but fraudulent majority of more than 40,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas, if these allegations are true, a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated; Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to sit during the recess, to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate during the next session of their investigation and findings; and that the said committee be authorized to employ a clerk and a stenographer.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee object to the present consideration of the resolution?

Mr. COOPER. Yes, sir.

Mr. EDMUNDS. I rise to submit on this question of order that under the rules the Senator from Alabama has a right to submit his resolution, but it must lie over for consideration one day.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. EDMUNDS. I think he had a right to have it read at the desk.

The PRESIDENT *pro tempore*. He had a right to offer it, but objection was made to its present consideration.

Mr. EDMUNDS. I thought the Chair had been led to acquiesce in the notion that the resolution could not be submitted.

The PRESIDENT *pro tempore*. Not at all. The Chair stated that if objection was made to the reading the question would be submitted to the Senate. There being no business before the Senate, the Senator from Alabama had a right to submit his resolution.

Mr. EDMUNDS. I merely suggest that on being submitted, it being a paper properly submitted, we should have a right to hear it, as a paper which has not incidentally come in, but a thing submitted for the action of the Senate; and for that purpose the Senator had a right to have it read at the desk, and if anybody objected it must lie over for consideration.

The PRESIDENT *pro tempore*. The Senator from Tennessee, the Chair understood, rose to object to its reading, but as the reading was in order, he now objects to its consideration, and the resolution goes over under the rule.

COAST SURVEY REPORTS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred a concurrent resolution to print extra copies of reports of the Superintendent of the Coast Survey for the use of the office, to report it without amendment, and I ask for its present consideration. It is the usual resolution which when presented is always passed. There is no provision for gratuitous distribution, but it

merely provides for the printing of copies for the use of the Superintendent of the Coast Survey.

Mr. EDMUNDS. How much will it cost?

Mr. ANTHONY. There are only two thousand copies; I move its present consideration.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved by the House of Representatives, (the Senate concurring.) That 1,000 extra copies of the report of the Superintendent of the Coast Survey for the year ending June 30, 1874, and that the same number of copies of his report for the year ending June 30, 1875, be printed for distribution by the Superintendent of the Coast Survey.

The resolution was concurred in.

ADJOURNMENT SINE DIE.

Mr. HITCHCOCK. I move that the resolution of the House providing for the final adjournment of Congress be taken from the table.

Mr. PADDOCK. I ask my colleague to give way one moment, in order that I may ask the Senate to proceed to consider the bill which I asked to have considered this morning.

Mr. HITCHCOCK. After this is acted upon my colleague can get his bill up.

Mr. ANTHONY. Does not the motion of the Senator from Nebraska [Mr. HITCHCOCK] require unanimous consent?

Mr. LOGAN. In that case I object.

Mr. WEST. The resolution was reported on Saturday.

The PRESIDENT *pro tempore*. The resolution was reported on Saturday and lies on the table. The motion is to take it from the table, which is in order.

Mr. ANTHONY. To pass that resolution now is to decree that we shall give up all the business now before the Senate. We cannot act upon the constitutional amendment, we cannot act upon a very important matter which the President has submitted to us with regard to Indian hostilities, and we shall not transact our executive business. It puts it in the power of any Senator to prevent the completion of any business now before us. We ought to transact our business first, and then pass the resolution.

Mr. PADDOCK. I suppose the idea is to amend the resolution which came from the House and fix a later date.

Mr. ANTHONY. We can fix the date when we finish the business.

Mr. WEST. Mr. President—

Mr. LOGAN. Will the Senator from Louisiana allow me to say a word?

Mr. WEST. Certainly.

Mr. LOGAN. I have but this to say. I do not see what the anxiety of the Senator from Nebraska is. There are some two or three measures here that he has taken a very great interest in during the session. He exhibited considerable interest in the passage of a certain bill that I am very desirous of getting up. It is now on the Calendar and I hope we shall reach it. It is known as the bounty bill, and I hope the Senate will not adjourn until it votes upon that measure. Besides, there are other matters. The conference report on the Indian bill has not been agreed to, and there are quite a number of things. I cannot see why the Senate is so desirous of taking up the adjournment resolution at this time.

Mr. ALLISON. May I ask the Senator from Illinois what the condition of the bill is with reference to Indian hostilities?

Mr. STEVENSON. I understand that the Indian hostilities bill is now on our table awaiting the action of the Senate.

Mr. LOGAN. Yes, sir, it is. There is another matter I desire to call the attention of the Senator from Nebraska to, and it is this: Several days ago, at the suggestion of the President of the United States and the Secretary of War, we passed a bill and sent it to the House authorizing the recruiting of twenty-five hundred cavalymen for the purpose of filling up the ranks of the cavalry to go against the Indians who are perpetrating acts of hostility upon the white settlers on the frontier. That bill has not yet been acted on by the House. I say to the Senator from Nebraska who was very anxious, as both the Senators from Nebraska were, a few days ago to have a resolution passed calling for volunteers, that I cannot understand his anxiety about the resolution for final adjournment.

Mr. PADDOCK. Not a few days ago, but a few weeks ago.

Mr. LOGAN. Very well; a few weeks ago, then. If the House fail to act on the bill authorizing the filling up of the cavalry regiments, I have a resolution in my pocket to offer to the Senate which I will then ask the Senate to pass authorizing the President to call out volunteers; but I do not desire to do that if the House will act upon the other bill.

Mr. PADDOCK. I desire to say to the chairman of the Committee on Military Affairs that I wish he would introduce his resolution at once.

Mr. LOGAN. I propose to introduce it if the House fails to act on the other bill.

Mr. HITCHCOCK. I do not know how long a time is requisite to convince the chairman of the Committee on Military Affairs whether or not the House intend to pass either of the bills for the increase of military forces in the Northwest. I have a recollection of a promise from the honorable Senator, made several days ago, that if the House failed on that day he would before the close of the session of the Senate on that particular day report a bill to allow the acceptance of volunteers by the President.

Mr. LOGAN. Yes, sir.

Mr. HITCHCOCK. I have a recollection, too, that the House did fail on that day to pass the bill, and that the chairman of the Committee on Military Affairs also failed to make that report.

Mr. LOGAN. Now, if the Senator will allow me, I will say that I do not get up here for the purpose of criticising the House or the Senator, but the idea that the Senator should say he had a promise from me to report a bill I do not understand. I am only the organ of the committee. The committee would have to act on it and agree to it. He is making a statement that is going a little further than is necessary. I said then, and say now, that if the House refused to act upon the bill I should introduce a proposition to call for volunteers; but if the House will act on the bill I consider it better than to call for volunteers. Cavalry regiments can be more readily filled up to go against these Indians than to make a call for volunteers and organize them. For that reason I prefer the bill which has gone to the House, and I hope the House will act upon it. If they fail to act, however, we shall take the next best means we can. Inasmuch as the Senator lives on the border and has been so desirous with reference to protection against these hostilities, it does not seem to me that it is the best course for him to ask for an adjournment until the House act upon a measure of so much importance.

Mr. WEST. I must insist that, as I obtained the floor from the Chair, there shall not be a cross-firing here between Senators the whole time. Some other Senators want to say a word. I wish to bring to the attention of the Senate the condition of our affairs here, and to show that it is impossible for us to adjourn to-day unless we have the unanimous consent of the Senate; that any one Senator's objection will continue the session until to-morrow, because the Indian appropriation bill lies on the table. It has been reported to-day, and unless we get unanimous consent to consider it we must sit to-morrow. If we can have an understanding here, under the guidance of the chairman of the Committee on Appropriations, that that bill shall be considered, we shall know that we can adjourn. Otherwise any Senator has it in his power to make us sit to-morrow. Now let us consider that bill, and if there is objection to it we shall have to sit to-morrow.

Several SENATORS. Let us take it up now.

Mr. HITCHCOCK. The Senator from Louisiana says we cannot adjourn to-day. I have said nothing about adjourning to-day. I have simply asked to take up the resolution in order to fix upon some time to adjourn. I believe we can and ought to adjourn to-day.

Mr. WEST. Suppose somebody should object to the bill?

Mr. HITCHCOCK. I do not believe any Senator on this floor will take the responsibility of preventing action on the Indian appropriation bill, which he can do by a single objection.

Mr. WEST. Try it and see.

Mr. HITCHCOCK. If he does I am perfectly willing that he shall take that responsibility. I certainly have no desire to dictate to any Senator on the floor, but I believe that after nine months of weary, almost useless, session—because I believe there has been but little good and a great deal of evil done—the country and the Senate, a majority of them, are ready to adjourn and adjourn promptly. I certainly think a majority of the Senate might be registered upon that question.

Mr. WINDOM. I have been pressed to call up the conference report on the Indian appropriation bill, and I now ask unanimous consent to proceed to the present consideration of the report.

The PRESIDENT *pro tempore*. The Senator from Nebraska has moved to take up the adjournment resolution.

Mr. HITCHCOCK. I will withdraw it for that purpose.

Mr. WINDOM. I ask if it does not require unanimous consent to take up the report?

The PRESIDENT *pro tempore*. It does. The report will be regarded as before the Senate unless there is objection to its present consideration.

Mr. EDMUNDS. I object to its present consideration.

Mr. WEST, (to Mr. HITCHCOCK.) I told you so.

Mr. HITCHCOCK. I renew my motion.

Mr. WINDOM. Is there any way under the rules by which the report can be taken up? I want that understood.

The PRESIDENT *pro tempore*. One objection prevents the report from being considered to-day.

Mr. HITCHCOCK. I renew my motion that the Senate proceed to the consideration of the adjournment resolution.

Mr. EDMUNDS. The idea of our agreeing to any definite moment of adjournment until the business that is indispensable is disposed of, and we know that it is disposed of by the signature of the President to every appropriation bill, not one of which can he sign constitutionally after we have adjourned, is perfectly absurd, as it appears to me. I do not intend to stand in the way of the Indian appropriation bill being considered at the proper time and its due order; but other bills have had the consideration of the Senate, and we have endeavored to get them up from time to time, and they have been laid aside, that are very worthy of great consideration, and I do not intend that anything shall be taken up out of its regular order, reported from a committee to-day, until other matters of at least equal public importance are disposed of. That is my reason for objecting, and until they are disposed of I shall continue to ask that the rules of the Senate be enforced. I am as anxious to go home as anybody else is, but the idea of now agreeing that the resolution of the House with a future time

named, as it must be, of course—it is perfectly competent to take it up, I admit, and amend it—but the idea of fixing any hour until we shall have known that the business which is indispensable is disposed of, is in my opinion entire folly. As soon as the business absolutely indispensable is disposed of, then we can take up this resolution and put the time twenty minutes ahead, and if the House agree to it we are dissolved. They would not wish to agree to it any sooner. They ought to reject a time themselves if we were to send it over now, until we know that essential measures to carry on the Government have received the approval of the President. I hope my friend, therefore, will not insist on pressing this taking up now.

Mr. HITCHCOCK. Question.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska, that the Senate take from the table the adjournment resolution from the House.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 24; as follows:

YEAS—Messrs. Boggy, Cockrell, Cooper, Davis, Eaton, Hitchcock, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Norwood, Oglesby, Pad-dock, Randolph, Ransom, Saulsbury, Stevenson, and Whyte—21.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christianity, Clayton, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Patterson, Sargent, Spencer, West, and Windom—24.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton, Hamlin, Howe, Johnston, Merrimon, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—26.

So the motion to proceed to the consideration of the resolution was not agreed to.

RECESS.

Mr. EDMUNDS. I move that the Senate take a recess until eight o'clock.

Mr. OGLESBY. No recess now.

Mr. EATON. I ask for the yeas and nays.

The yeas and nays were ordered, and being taken resulted—yeas 23, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Christianity, Clayton, Cragin, Edmunds, Ferry, Frelinghuysen, Jones of Nevada, Logan, McDonald, McMillan, Mitchell, Morrill, Patterson, Sargent, Spencer, West, and Windom—23.

NAYS—Messrs. Boggy, Cockrell, Cooper, Davis, Eaton, Gordon, Harvey, Ingalls, Jones of Florida, Kelly, Kernan, Key, McCreery, Maxey, Norwood, Oglesby, Pad-dock, Randolph, Ransom, Saulsbury, Stevenson, and Whyte—22.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Bruce, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Johnston, Merrimon, Morton, Robertson, Sharon, Sherman, Thurman, Wadleigh, Wallace, Withers, and Wright—26.

So the motion was agreed to; and (at five o'clock and twenty-five minutes p. m.) the Senate took a recess until eight o'clock.

EVENING SESSION.

The Senate re-assembled at eight o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia.

THE SCHOOL AMENDMENT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the House resolution for the amendment of the Constitution.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, upon which the yeas and nays have been ordered.

Mr. KERNAN. Mr. President, the Senate, by a majority vote, has substituted the article reported by the Judiciary Committee for the article proposed and passed in the House of Representatives and sent here. The article sent here by the House declared that—

No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

That was the proposed article which had been brought to the attention of the public many months ago by a gentleman of distinction [Mr. Blaine] in the party with which he acted and very well known to the country; and I believe that it met with no considerable opposition in any quarter. It declares that money raised in a State by taxation for the support of public schools or derived from any public fund therefor or any public lands devoted thereto shall not be under the control of any religious sect or denomination, nor shall any money so raised be divided among the sects or religious denominations. Were this before the Senate I would support it.

I should be opposed, if the people of a State were entirely of one denomination, and that the one to which I belong, to placing moneys raised for the support of public schools under the control of that religious denomination.

But there has been another article proposed here and adopted by a majority of the Senate; and as I wish to call the attention of the Senate to this proposed article I will read it. I invite attention to the various provisions of it.

ARTICLE XVI.

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State. No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught; and no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already vested.

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

I cannot, with my views of what is wise either for the Federal Government or for the people of the respective States, vote for this proposed article. I ask the attention of Senators to the leading principle or idea which the wise men who framed the Constitution of the United States followed in framing it. It was that the Federal Government, which was to be the Government and to act for the people of all the States, should have those powers which were essential to action by that Government on subjects as to which the people of all the States had a common general national interest. It was to be a Government with power to make treaties with foreign countries, to provide for the general defense, to furnish a currency, to regulate commerce, and to have jurisdiction over other matters of like character in which all the States had a common general interest and upon which the people of the several States could not properly act. The framers of the Constitution believed also that it was wiser and better that the people of the several States should reserve to themselves and exercise all those powers of government which related to home rights, if I may use that term, to the internal affairs of the State, to the regulating of the domestic relations, to the title to property, the modes in which it could be transferred; in a word, that the people of each State should have the exclusive power to manage their local and internal affairs as they thought best for their own happiness and prosperity. I think all experience shows how wise this was and is.

It was and is wise in reference to the perpetuity and strength of the Federal Government, which extends over a very wide section of country, over communities living in different States and having different views as to their local matters and State governments. The Federal Government will be strong and the people contented while the people of each State manage their own local affairs and the Federal Government in its action is restricted to general national affairs. But when in reference to these local affairs of a State, these home matters, the representatives from Massachusetts or New York have a voice as to what shall be done in California as to local State matters, the people of Ohio shall have a voice in the local affairs of Missouri, we can readily see that there will not be as much contentment, and I do not believe there would be as much of good government and prosperity, as if the people of each State managed these local affairs for themselves. It makes the Federal Government strong to leave local affairs to the people of the State, because the people of different States then do not come in conflict in the Halls of Congress as to local government and policy, in regard to which they may have very different interests and views. The founders of the Federal Government had the wisdom to perceive the advantage of leaving to the people of each State the control and management of their local State matters.

Believing this to be wise, believing that nothing but evil will grow out of allowing the Representatives of one State to have a voice as to the local affairs of another, I have believed, and all my teaching and experience confirm me, that we should have power in the Federal Government only over those matters as to which the people of all the States have a common, general interest and as to which the people of a State could not act for themselves.

Now, Mr. President, in my judgment this wise principle which has worked so well in the past is violated by the proposed amendment reported to the Senate by the Judiciary Committee, and which is now under consideration.

Mr. MORTON. I should like to ask the Senator this question, whether the amendment as it came from the House does not violate the principle for which he is contending?

Mr. KERNAN. I answer with entire frankness that to some extent it does.

Mr. EDMUNDS. It does to every extent as far as it goes.

Mr. KERNAN. I will answer frankly that I believe that the matter of educating children may be wisely left to the people of each State. I believe that it is a home right; I believe that it will be exercised best in that way. I believe that our experience shows that there is no serious difficulty in its being exercised wisely and well by the people of each State for themselves. But I recognize that moneys raised to support common public schools are a fund to support a system which pervades the Union; this system is regarded with great interest by a large por-

tion of our people; and it is a single subject. Inasmuch as there was danger that sectarian dissensions would arise in regard to the common-school moneys, inasmuch as it was asserted that efforts were being made to divide these moneys between the religious denominations, and there was great danger that the subject of the common schools would be made a political question and sectarian prejudices aroused as an element in political contests, I was willing to adopt the Blaine amendment, in the hope and belief that it would quiet these groundless fears as to the common schools and avert the evils which spring from religious prejudices.

Therefore I say that while I believe that it is wiser and better to leave the people of each State free to maintain their schools as they see fit and I do not believe there will be any diversion of money raised for the support of common schools to other purposes, especially as in many State constitutions, as in that of New York, there are provisions which forbid the application of money raised for common schools to any other object. Yet if it would allay that which I regard as the greatest evil that ever comes among a community, strife and bitterness in reference to religious creed, I was willing to vote for the Blaine amendment, although, as the Senator from Indiana says, it is against the principles I believe to be wise. But I consider the proposed amendment now before the Senate as going far beyond that proposed by Mr. Blaine; and in my judgment, instead of allaying strife and dissension, it will increase them and bring evil to our schools, to our institutions, and to the people of our country.

Mr. EDMUNDS. Will the Senator kindly tell us—

Mr. KERNAN. As I promised to get through in a few minutes, and want to state my views without arguing them, I must decline to yield now, and after I am through, if my friend wishes, I will answer him.

Mr. EDMUNDS. I was asking for light.

Mr. KERNAN. I know my friend wants light, but he has got a fine intellect and he does not expect to get it from me, I fear; but if he does, what little light I can shed will be shed more intelligently by allowing me to proceed quietly in stating what my views are.

Mr. EDMUNDS. Then the Senator declines to allow me to ask him a question?

Mr. KERNAN. Yes, sir.

As I said, I think the proposed amendment before the Senate violates seriously, in many ways, the principle to which I have alluded of giving the Federal Government supreme power only over national subjects; and as to internal affairs, local matters in the States, the people of the several States should exercise the power as they reserved it in the original Constitution, untrammelled.

I have said that, in my judgment, the proposed amendment would be a very wide departure from correct principles. As to the first clause I have no comment to make; this declares that—

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State.

That provision has my most hearty commendation; but for all that it is not necessary to put it in the Federal Constitution. That matter was discussed in the convention that made the Constitution, and it was not thought wise to put in any such provision, but to leave it to the States; and we have gone on little less than a century, beginning with clauses in the constitutions of many States, making distinctions on account of religious creeds, and I believe they have all disappeared from every State constitution except that of the State of New Hampshire; and I venture to say that will soon be changed. There is a provision in the constitution of that State that no one can be elected governor unless he is of the Protestant religion, and so as to members of the Legislature of the State. But I am willing to trust that to the people of that State, believing that very soon in this age of ours and in this country of ours they will adopt the liberal provisions which are found in the constitutions of the other States on the subject of the sacred rights of conscience. In the constitution of my own State in reference to any interference with a man's conscientious convictions as to religion it is declared:

The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind.

It makes no religious test a qualification for any office; and this I believe is true as to other States except New Hampshire. Therefore I assume as to this provision which I have read, the first clause in the article, there is really no need for it. It would be an insult to the people of every State in this Union, New Hampshire included, to say that there was danger that they would begin now to establish a State religion, or begin to prohibit its exercise, or make religious belief a test or qualification for holding office.

I cannot conceive that there is any need of our having a constitutional amendment to guard the people of a State against anything of that kind, and I say it very sincerely, because I realize that if there is a prejudice of that kind perchance it exists most strongly against those with whom I believe in reference to matters of religion.

But I ask attention to what follows:

No public property, and no public revenue of, nor any loan of credit by or under the authority of the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit.

In the constitutions of some of the States the people have thought it wise to insert a provision that no funds or property of the State should be given to any private institution, but should be used only to support the institutions of the Government; but this provision under consideration is not of that character. This seems to be aimed at something else. This leaves the United States Government to vote away any amount of public land to a corporation to build a railroad or do some other work; but the United States Government could not under this amendment give a piece of land to Bishop Whipple for an Indian school or church. I allude to him because I know he is the zealous Episcopal bishop of Minnesota who has taken such an interest in trying to civilize and protect and christianize the Indians. While we may give to railroad jobs under this proposed amendment any amount of public lands, we cannot give him a site out of the public land for his little church or for his mission school, because of course he would teach the Indians the creed of that denomination of which he is a bishop.

Let us go a little further. How are you to get on under this amendment? This Government has soldiers' homes; it has, I believe, some hospitals in this District that it aids to support, and some other good Christian benevolent institutions; but what will be the effect of this amendment? "No particular creed" is the language "or tenet" can be "read or taught" in your soldiers' home or in your school for orphan children or in any other institutions supported or aided by the Government. Take the soldiers' home. A man is there who has gone there and is taken care of there because of the wounds he received or ill-health he incurred in the public service. He may have never belonged to a Christian sect; but the time comes when he does desire religious ministrations. He is on a bed of sickness. He has from the mother that reared him perchance, or from his friends, or from other associations, a leaning to the Methodist denomination and sends for a clergyman of that church and asks that he may be taught that form of Christianity; and yet with this amendment in force, he cannot in that institution be taught that creed. So with an orphan asylum supported in whole or in part by the United States. You may say there are but few such institutions under the Federal Government, and I shall spend no time on them. Come to our State governments. Here are juvenile reformatories. The children are gathered in there, the little waifs whose parents are either dead or from some misfortune or vice do not care for them. They have committed a petty offense, the first step in crime.

In the State of New York we have two or three reformatories for children under sixteen who have committed crime. The State reformatories are supported entirely from the public treasury. Do my friends mean to say that we shall put in the United States Constitution an iron rule to bear upon the people of every State that they shall not permit any Christian creed to be "read or taught" in such an institution to these children? It is at war, it seems to me, with all that is wise and all that is good in the State. Go to States where such institutions exist, and there is no difficulty, if we keep this out of politics and act like wise Christian men, like Christian men where each believes he is right and ought to have the means to practice that which he believes to be his duty in reference to worshipping his Maker and means to allow everybody else to do the same and will be zealous that everybody else shall have the same right. In the reformatory at Rochester, New York, there is no trouble. It is a State institution; the board of trustees arrange that the clergymen of the various denominations can go there and the boys can attend the religious service and teaching according to their faith or that of their parents. We cannot deal with juvenile delinquents so as to reform them except by endeavoring to supply the place of parents, by teaching them some form of the Christian religion; and in a country like ours in these institutions the only way is to allow the children to be won back to the ways of morality and religion by allowing the clergymen of the denomination for which they have a preference, and against which they have no prejudice, to instruct and teach them the creed of their parents. But this amendment would prohibit the teaching them any creed.

Take the State prison. We send men there for reformation; and under this provision, as it is a State institution maintained by State funds, there could be no particular creed or tenet read or taught to a man either in the chapel, where they have one, or in his cell.

A man is under sentence of death in prison. He had a mother of some religious creed who taught him in his boyhood the prayers and the observances of the church to which she belonged. He has committed crime; he is to be executed as a criminal; he is to face his Maker, and the memory of early years comes back, and he asks to have brought to him a clergyman of the denomination to which his mother belonged. The clergyman comes to him and is ready to teach him as he wants to be instructed, in that creed which he has from some cause or other, conviction or prejudice, a desire to be instructed in; and yet under this amendment he cannot read or teach him the religious tenets and creed that he wants to know and the faith in which he wishes to die.

Take your State hospitals and prisons. They are institutions of the State, supported entirely by the public money, and in every one that I ever heard of in our State, in every jail, every reformatory, and every prison, the keeper that would not send for the minister of the gospel of that religious persuasion which the inmate wished and allow him to teach him and read to him and have him unite with him

in the religious service to which the person was attached, or instruct him in that which he wished to be instructed in, would be denounced, and there would be a cry of indignation at such a violation of the rights of conscience by people of every creed. But this amendment forbids the reading or teaching of any creed or tenet of religion in any such institutions.

I happen to have—and I speak of it with commendation to the State of Massachusetts—the law which was enacted in that State in the year 1875, April 15; and yet that law cannot be carried out in their public institutions if this amendment to the Constitution of the United States were in force except as you incur the penalties which Congress may enact under it. I will read that law:

MASSACHUSETTS.

[Chapter 126.]

An act to provide for religious instructions in prisons.

Be it enacted, &c., as follows:

SEC. 1. No inmate of any prison, jail, or house of correction in this Commonwealth shall be denied the free exercise of his religious belief and liberty of worshiping God according to the dictates of the conscience within the place where such inmates may be kept or confined, and it shall be the duty of the officers and boards of officers having the management and direction of any such institutions to make such rules and regulations as may be necessary to carry out the intent and provisions of this act.

SEC. 2. Nothing herein contained shall be so construed as to impair the discipline of any prison as far as may be needful for the good government and safe custody of its inmates.

SEC. 3. This act shall take effect upon its passage.

(Approved April 15, 1875.)

A man in one of the institutions named in this act desires to be taught and instructed in the tenets and creed of one of the religious denominations or he desires to have the service of the church he belongs to read to him; they would be reading or teaching the tenets of some creed, and although they would be obeying the law of Massachusetts, it would be violating the Constitution of the United States if this amendment were adopted.

Another law, that I chance to have in my hand, is one recently enacted in the same year, 1875, by Ohio. Allow me to read that and see how the spirit of that law which I submit every Christian man will approve would be crushed out by this constitutional amendment.

OHIO.

A bill to secure the liberty of conscience in matters of religion to persons imprisoned or detained by authority of law.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That as liberty of conscience is not forfeited by reason of conviction of crime or by reason of detention in any penal, reformatory, or eleemosynary institution, or any house of refuge, work-house, jail, or public asylum of the State, no person in any such institution shall be compelled to attend religious worship or institution of a form which is against the dictates of his or her conscience; and it shall be the duty of every director, trustee, superintendent, or other person having in charge any such institution to furnish equal facilities to all such persons for receiving the ministrations of the authorized clergyman of their own religious denomination or persuasion, under such reasonable rules and regulations as the trustees, directors, managers, or superintendents shall make; but no such rules shall be so construed as to prevent any clergyman of any denomination from fully administering the rights of his denomination to such inmates: *Provided,* That such ministrations entail no expense on the public treasury.

SEC. 2. This act shall take effect from and after its passage.

That is the spirit of our institutions; that is the spirit in which the people of the States are acting, providing that these criminals even, these outcasts that go to the poor-houses or reformatories, may call upon a Christian minister of the religious denomination which he prefers, and there he shall be allowed to teach and minister to him in the State institution; this would be in violation of this amendment if it were made a part of the Constitution.

But go a little further. We all know that in our communities, and especially in our cities, there are large numbers of children who are gathered by the benevolent and the charitable and the good of every creed in our land; orphan children who have no mother, no father, no one to keep them from running in the streets right into the State prison and becoming a curse to the community and becoming a destruction to themselves. The Protestant ladies appeal to the benevolent and they build their asylums as they have done in almost every city of our State, in some of them more than one. They appeal to the benevolent to help them; they have collections in the churches, they have fairs. The institution is mainly erected and supported with donations. They gather in these children, and occasionally the State gives them aid or the city gives them aid. Upon economical principles they can afford to give them aid, because it is the cheapest way of preventing them from becoming criminals and making them useful members of society; and yet must they go on without teaching those children any religious creed? If it chanced to be members of the episcopal denomination who founded and have the charge of such an institution, they teach and bring them up in that form of creed and worship which they themselves believe in. In a word, they make themselves fathers and mothers to the fatherless and to the motherless, and they do by them just what every sincere Christian father and mother would do by their own children; and yet that is to be forbidden. If the institution chance to be in distress, if—as now and then happens—the whirlwind takes the roof off their asylum or the flames destroy it, they cannot receive from the State or city a donation if this amendment is adopted, except on the condition that no religious creed shall be taught the children.

In my own city (and it is a good illustration of what I want to say) there are two orphan asylums that are a credit to any place. They

have gone on side by side in the utmost harmony; the promoters of each think better of the other for what they are doing. One is under the Protestant ladies' board of trustees; the other is under the Sisters of Charity, who look after the Catholic orphan children. There is no prejudice there. If a Protestant lady finds an orphan child whose parents were Catholics she takes it to the institution under the charge of the Sisters of Charity. If the others find destitute orphans of Protestant parents they take them to the Protestant institution and ask them to take them. We have a poor-house; it is a good establishment, and it is the only place the county can send the orphan children to that are paupers. There are no means for education in the institution. More than ten years ago it was suggested, and the board of supervisors of the county ordered, that all the children under a certain age that came to the poor-house should be sent to one of these asylums. The board directed, in the real spirit of doing good, the superintendent to send the children who came there, if of Catholic parentage, to the Sisters' asylum, and to send all the others to the Protestant asylum, and the county pays them less for educating and caring for them than it would cost in the poor-house. Thus we have brought up and educated in these asylums children that would go from the poor-house without instruction, without the habits of usefulness. They readily get places as they advance a little in years. Each of these asylums teaches the children, as children in my judgment should be taught, that religious creed which those having the institutions in charge believe and practice.

Our State has occasionally given them aid, and there has been no jealousy and no trouble. When they have been overburdened there has been inserted in appropriation bills a clause giving each aid; there has been no jealousy, no wrangling, but real good, a great relief to the community from the expense of paupers and from the expense of criminals. But this could not be done under the amendment. Each is under the control of a religious denomination—in each a religious creed is taught.

The best practical principle is to leave all these matters to the State and to the neighborhood. You will there find Christian charity among all. The only strife will be which will do the most good to these little children for the sake of that Saviour who said, "Suffer little children to come unto me."

Take hospitals. Such institutions have to be supported in some degree usually by public funds and in part by contributions from the benevolent. A man in the hospital sick, brought to thoughtfulness by his condition, warned perchance by the nurse or the physician that he will soon have to appear before his Maker, asks them to send for a minister of one of the religious denominations, selecting one for himself. He tells him "I had a little religious instruction in youth, not much; I want to be taught the tenets of your church; explain them to me; teach them to me." It cannot be done; the hospital is supported in part by the State. He does not want a mere general form. He asks to be instructed in that which he wishes to understand.

I submit, Senators, that when you reflect on a few of these things there is no need of doing that which is detrimental to the good that is done in this way. But come to private hospitals, got up as they are by the contributions of the benevolent and charitable members of some church. These hospitals occasionally apply to the State or the city for aid. They are doing good. They are caring for the poor sick cheaper than they can be cared for in public hospitals. Take the hospital in my own city. It is in charge of ladies of a particular creed who give their services because they think it their duty. They started without anything and they have won their way so that they are sustained alike by Protestants and Catholics. Every sick person who is poor and has no place to go to is received without regard to creed; and every clergyman is invited to visit and every patient may send for the clergyman he likes and he comes there and reads and teaches and administers unto him according to the form of worship that patient desires.

In the Protestant hospitals, under Protestant trustees, if there was a Catholic there, though they might not think well of his creed, if he desired the priest of his religion, they would send for him and have him come and read to and teach him and administer to him the rites of the Catholic religion. Yet all that must be stopped because these private institutions very generally get some aid from the public treasury.

This is a land of charitable, benevolent, and Christian people. Say what you please, you will find in every corner of it, in every denomination people who have fervent convictions for their own creed and people who would always give every other person, and especially in an institution, public or private, opportunity of having precisely the ministrations that he desired and which he believed essential to his salvation. If it is a public institution under this amendment, you must shut out all denominations having any creed or any particular tenets. If it be one erected by private benevolence which does a great deal of good and relieves the State from a great deal of pauperism, takes care of paupers better than they can be elsewhere, you may apply to the State, and if the State gives you aid you must at once shut out the ministers of the gospel of every creed, although your patients desire to have their ministrations before they go in their last sickness, to meet their Judge, to account for all they did or omitted to do on earth.

I object to this amendment. It is not, in my judgment, wise; it is

not, in my judgment, in accordance with the spirit of Christian charity as it exists in every denomination of Christians.

But it has been said that it applies only wherein a particular creed or tenet is taught. Each denomination believes that its creed and its forms and its doctrines are true. If children are under their charge, they will so bring them up in that creed. In sickness they will have the patients attended by a clergyman teaching the creed which the patient believes in.

Now, I submit that we should not say that all these institutions which get aid at all from the public funds or which are established by the State must bar their doors against every such thing. In this country where the denominations of Christians differ in form and in tenets of religion to some extent, you can only bring up the child in the asylum; you can reform the criminal only by giving him an opportunity to practice in the institution where he is that creed to which he is attached or as to the truth of which he has convictions.

How does this amendment look to a Christian? In our fundamental law we not only provide that the Federal Government shall give no money for any such purpose, but throughout this broad land in every State we are to put in the Federal Constitution an iron rule that they shall not aid an institution of charity because it is under the control of the Methodist denomination or they teach its doctrines to the inmates. Although they are doing a great work for those who have been criminal, who were and are of their faith, to those who are orphans and of their faith; although they do good and are benefiting the State by bringing them up in morality, by instructing and inculcating and indoctrinating them with the views of Christianity they profess, yet you say we will cut them off, we will shut out Christianity and anti-Christianity. I cannot quite conceive what state of things there is to be in an orphan asylum, a hospital, or a reformatory. These charitable institutions will be founded and they will be managed by zealous hands and active feet belonging to one or the other of Christian denominations. They have their faith, and so believing they do not want to protrude their views upon others, but they gather up their own pauper children, their own pauper sick, their own pauper aged in these institutions. Yet you say the State shall not encourage them in their need by aiding from the treasury according to the will of the people of the State, because they teach that creed that makes them these ministering angels and zealous workers.

No city can aid the institution, no country can do it, no State can do it. While they can give to any other enterprise they shall not help with the public funds these zealous people who give their labors and their lives to this work. All Christian denominations have these zealous men and women, and by this amendment you say neither State nor city shall aid them, although a roof cannot be closed over the orphan children who are being cared for, in a place where they can be brought up and where it is the will of the State they shall be brought up, unless you banish religion and religious teaching.

I trust therefore that we will dismiss this idea. Take the ragged school; take any other school that is gotten up by benevolent people. Take the city of New York, where they have schools for these ragged boys that were running to destruction, and where they teach them in schools under charge of almost every denomination. Our State has thought it wise, where so much has been done by these denominations to relieve the State from pauperism and crime and make good citizens of those who else would be a burden, to aid them, and we have done it and done it very cheerfully. Certainly if it was a Protestant institution I would do it all the more cheerfully, because they were educating those children in the creed which the parents and friends of the children wish them to be educated in. But this amendment cuts them off from aid if they teach the child the religious creed of its parents.

Therefore I am opposed to putting anything in this Constitution that becomes a bar upon the people of the State as to what they may deem wise as to all these institutions. They are home duties; they are home objects; the people will correct if there is any abuse. These institutions reform those who otherwise would go untaught for want of parents, that would go to destruction because the poor boys and girls would learn crime in the way they were left long before they learned anything about that creed and that Savior who died to save them and whose Christian people they should grow up to be.

One further suggestion. The last clause is:

SEC. 2. Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

If the article stood without this, laws in violation of it would be void. The courts would have to so declare them. But by this you transfer to Congress the questions. Of course I entertain great respect for Congress; but it is not the best body in the world to be legislating on the subject of this amendment.

There will be irritating contention and litigation as to the meaning of this article. It may be claimed that while there can be no appropriation to an institution under the control of one religious sect there may be to an institution under the control of sects united. Then what is the meaning of the term "particular creed or tenets?"

I trust, therefore, the amendment will not be adopted, but that we shall leave the States to manage their domestic institutions as the people in each State may choose. The Federal Government will be stronger; there will be more satisfaction with it, and the affairs of

the State will be better administered than we can do it in Congress, where it is so difficult to legislate much, and where from our not being familiar with the wants of the people of the States it is so difficult to act wisely or well concerning matters which affect them peculiarly.

Mr. WHYTE. Mr. President, Protestant though I am, and sprung from ancestors who belonged to the straightest sect of Irish Presbyterians, and imbibing the prejudices which I must confess attach to such surroundings, nevertheless I fail not to remember that I was born in a State colonized by Roman Catholics, in whose soil the banner of religious toleration was first planted on this American continent. For the obtention of religious as well as civil liberty the Roman Catholics of Maryland, represented by the patriotic Carroll of Carrollton, pledged their lives, their fortunes, and their sacred honors in the revolutionary struggle. Should I, as a representative of Maryland, vote for this amendment, I should deem myself faithless to the spirit of the history of my native State. In my judgment the danger is not present which this article, proposed in response to an ephemeral popular demand, is designed to avert; and it seems to me, to use plain words, nearly an accusation against a large body of fellow-citizens as loyal to republican liberty as we proclaim ourselves to be.

Mr. EDMUNDS. Will the Senator allow me to ask him a question? Mr. WHYTE. I am going to speak but three minutes by the watch, and I beg my friends not to interrupt me. I will yield, however, for a question if the Senator desires to put one.

Mr. EDMUNDS. The question I wished to ask was precisely in point to what the Senator was saying, that there was no present danger of the kind to which he alludes, whether he had read the mandate ordinarily called the encyclical letter and the syllabus of errors promulgated by the holy Pontiff in 1864 on this very subject?

Mr. WHYTE. Yes; but 1864 is not 1876 by a long shot. Mr. EDMUNDS. It lacks twelve years of it.

Mr. WHYTE. And a good many things which people did in 1864 they do not do to-day, I am happy to add.

Mr. EDMUNDS. Does the Senator mean to say that he understands that the principles or declarations of this letter have been changed, or withdrawn, or modified?

Mr. WHYTE. Yes, sir. Mr. EDMUNDS. I should like to see the proof of it. Mr. WHYTE. Has the Senator read Archbishop Purcell's recent letter on this very subject?

Mr. EDMUNDS. Archbishop Purcell is not the Pope. Mr. WHYTE. But Archbishop Purcell, I suppose, would not speak in opposition to the desires of the Pope—

Mr. EDMUNDS. I do not know. Mr. WHYTE. Any more than some gentlemen here speak in opposition to the will of the republican party.

I was about to say that the first amendment to the Constitution prevents the establishment of religion by congressional enactment; it prohibits the interference of Congress with the free exercise thereof; and leaves the whole power for the propagation of it with the States exclusively; and so far as I am concerned I propose to leave it there also.

Called away from this Chamber, Mr. President, to discharge other duties for my State, and fearing that I may be absent when the vote on this amendment is taken, I desire thus publicly to record my opposition to the passage of any such amendment, whether coming from the House of Representatives or emanating from the Judiciary Committee of the Senate.

Mr. CHRISTIANCY. Mr. President, I have already once called attention to the resolution as it came from the House. That resolution proposed to amend the Constitution of the United States so as to prevent any moneys raised for public schools, or lands dedicated for public-school purposes, from being under the control of any religious sect or denomination, or from being divided among them, and that is all there is of it. It did not propose to prohibit any State or the United States from raising any amount of money by taxation, or from voting any amount of property for the support of any religious sect or denomination, or for any sectarian or denominational school, but the division of money already raised for public schools or the diversion of property already dedicated to the support of public schools is in the most solemn manner by this resolution of the House declared by the House and every man who voted for it a great public evil; not only an evil, but an evil of such magnitude and of such imminence as to call for a constitutional prohibition. Such is the clear declaration which the House have made to us, and every man who voted for that resolution has made to us, of the evil to be guarded against. What is this evil? In what does the evil consist? Certainly it is no greater evil to do this wrong, for the resolution admits it to be a wrong, indirectly than it would be to do it directly. What then is the evil, and what are the principles which would be violated without this constitutional provision? I take it to be this: In a country situated like ours, where the conscience is left free, where religious toleration is universal, where the people are divided into a great number of churches and sects, with a very large proportion, if not a majority, of the population belonging to no church or sect, and where our public schools could never be maintained unless placed upon a footing of substantial equality among all people who may choose to send to them, it would be wrong to raise money by taxation or to appropriate property belonging to the whole people for the support of any one of those denominations. That I take it is the real

principle upon which it becomes wrong to do this very thing which the House proposes to prohibit. The principles, it will be seen therefore, are much broader than the resolution; and what has been an enigma to me is that those who can go so far as to admit the evil stop so far short of a remedy.

Now, Mr. President, is the thing itself any worse when done indirectly, by first raising the money or devoting the property to public schools and then dividing it among the various sects for the support of their sectarian schools, than if the same result were accomplished directly by raising the tax or appropriating the money or property directly for the purpose of supporting the same sectarian or denominational schools? If there be any difference, is not the latter the more obvious and manifest, and the one which would naturally first occur to the mind of any man seeking by a constitutional amendment to provide a remedy? What would be thought of the lawmakers who should provide carefully for the punishment of aiders and abettors in a crime, but leave the principal offenders to go free and unpunished? Able and honest minds, in attempting to provide an enactment against a direct wrong, or one committed by direct means, do sometimes from a failure to foresee the various methods by which the same wrong may be indirectly committed fail to make sufficient provision against it when committed by indirect means. But this is the most notable instance which has ever come under my observation where the author of an important prohibitory provision has so clearly seen and provided against the wrong when attempted *indirectly* and has yet been utterly oblivious of, and made no provision against, the same wrong when done or attempted *directly*. But such is the fact. While this resolution prohibits the division among sects or for sectarian schools of any money first raised by taxation for or property which may have been devoted to public schools, it leaves both the national and State governments at perfect liberty to raise by taxation any amount of money and to appropriate any amount of money or property *directly* to or for the use of any such religious sects or denominations and for any schools or institutions under their control or direction, though the main or entire purpose of such schools may be instruction in and the propagation of the peculiar denominational or sectarian system of religion or religious belief or catechism of such sect or denomination. It does not prohibit even the diversion or division to or among such sects or sectarian schools of any money or public property unless raised by taxation for or devoted to public schools. Now we all know that as a general thing and in most of the States the various church or denominational schools are private schools and not properly included under the designation of "public schools" at all.

I will not charge upon the authors or supporters of this House resolution any wrong motive and am confident that many, if not most, who gave it their support entertained no sinister purpose; but I am compelled to say that if I had been the warmest advocate for sectarian or denominational schools and for taxation and the donation of public property to their support, and could have been base enough to wish to deceive Congress or the nation by a mere sham which should pretend to discountenance or prohibit taxation or the donation of public property for such purposes, but which should leave the power completely intact to continue or perpetuate the same wrong directly which it professes, and only professes, to prohibit being done indirectly, I should not only have given the House resolution a silent but an active support. But I confess I should have felt not a little tremulous lest the trick might be discovered, and lest the figure which I had presented as a veritable lion in the combat against sectarian influence in the schools should, by the ears and hoofs protruding, stand exposed as a very different animal dressed in the lion's skin.

But, Mr. President, believing that neither any church nor any denominational school should be supported or aided by taxation or by appropriation of public property, I have from my youth up steadily advocated this view. It is a principle essential to the success of any system of public education in this country, and is, or at least should be, far above all mere party politics, and I am as intensely desirous as any man can be to place it entirely beyond and outside of the field of party politics, where it may always be safe whatever party may be in power. This is a favorable time to accomplish this desirable end, and I hope we shall avail ourselves of it and ward off at once and forever all the threatened dangers to arise from the violation of this great principle. All this will be accomplished if the resolution reported by the committee shall pass and become a part of the Federal Constitution.

I can see no possible reason, resting upon any true or just principle, why all men who are in favor of an entire separation of church and state, in favor of full religious toleration and freedom of conscience and of perfectly equal rights among all churches, sects, and societies should not support this substitute offered by the committee.

The only ground on which the House resolution can be justified at all rests upon a fundamental principle which justifies and requires all the provisions of this substitute; and the principle itself can only be effectually secured by such a constitutional amendment as this substitute proposes. When this is done the question is taken out of politics, but not before.

Mr. President, I certainly did not think, and I am not yet convinced, notwithstanding the able argument of the Senator from New York, [Mr. KERNAN,] that the meaning of this substitute is such as he has attributed to it in reference to hospitals and institutions of

that kind. I certainly had seen no difficulty of that kind, and I am quite satisfied that the fair construction of the substitute proposed by the committee will not justify the remarks made by the Senator from New York; but on that point the chairman of the committee who presented the amendment will undoubtedly answer for himself.

Mr. MORTON. Mr. President, the resolution as it came from the House embodied every objection upon principle which it seems to me can be raised to the amended resolution as reported by the committee, but it was imperfect. I presume by inadvertence, I assume not by intentment, it was imperfect, and would have amounted to but very little. It simply prohibited a State from diverting a fund raised for public schools, set apart for public schools, to the support of sectarian schools. It prohibited a State from diverting a fund raised by the sale of land or by taxation or from any other source, avowedly and originally a school fund, from being afterward changed from this original purpose to the support of sectarian schools, but it did not prevent a State from levying a tax directly for the support of sectarian schools. It would not prevent a State from appropriating money out of the general treasury for a sectarian school; it simply protected a fund already made and set apart originally as a school fund from being afterward diverted to the support of sectarian educational institutions.

Now, does it require argument to prove that that resolution is imperfect and will amount to scarcely anything when any State in the Union without violating it can lay a tax of five mills or ten mills for the support of sectarian institutions? The principle contended for by the Senator from New York is that all such matters should be left exclusively to the State. If it is proper to interfere and prevent States from diverting school funds created for that purpose to the support of sectarian schools, if it is proper to interfere with a State in that respect, is it not equally proper to prevent a State from levying an original tax for the support of sectarian schools? I think the argument of my friend from New York upon that point was imperfect, for he admits that it is proper to prevent a State from taking an original school fund and diverting it, but the House amendment allows a State to levy a tax for the same purpose.

Then the amendment as it came from the House violated every general objection that can be offered. The Senator from New York took the ground that the Constitution of the United States should not interfere with a State upon the question of schools or religion, and my friend's argument amounts to this—and if I do not state him correctly I wish he would correct me—that the States should be left free if they see proper to establish sectarian schools by public taxation, and that if the State of New York desires to levy a tax and collect money of the people to establish, if you please, Protestant schools on the one hand or Catholic schools on the other, should be left free to do that, and we should not interfere by a constitutional amendment to prevent her. That is my friend's argument, that the States should be left free to establish a religion or to establish sectarian schools; in other words, to give the power to give a particular religious sect the advantage of the government and support by public taxation. That is my friend's argument I think, and if I do not state it correctly I want him to correct me, because it is a very important point.

Mr. EATON. In other words—

Mr. EDMUNDS (To Mr. MORTON.) That is not the friend you called for.

Mr. MORTON. No, it is not.

Mr. EATON. I hope the honorable Senator from Vermont will call on me by and by.

Mr. EDMUNDS. I never shall, you may be sure.

Mr. KERNAN. I said that it was violating what I believed to be the true principle to put in the Constitution restrictions on the States in reference to schools. Now, having answered frankly, permit me to say another thing. I am and always have been entirely opposed to favoring one sect rather than another by any appropriation. Hence, even as to these charities, I argued in our constitutional convention of 1866 that I was in favor as to these institutions in the State, if the people found there was any abuse, of having a provision which would require when they gave to these hospitals, orphan asylums, and things of that kind, that they should either give each *pro rata* according to the number they supported or cut them all off. My principal point is that I do not think it is wise as a principle, though I was willing to waive that for the purpose I stated, to put in the Federal Constitution restrictions on States in reference to these domestic institutions.

Mr. MORTON. I am glad then to find that I was right. My friend says that he would be opposed to having a State legislate for the benefit of a particular sect. I certainly understand that to be his feeling; but that is not the point. It is not a question of what his preference is or my own might be. The point I make is that my friend insists that each State shall be left free, if she sees proper, to establish and support at the public expense denominational schools, Catholic schools if you please, or Protestant schools; that the State shall not be deprived of the power to establish that kind of a school if a majority of her people are in favor of it. That is the important point upon which I am glad to find that my friend admits that I stated him correctly.

Mr. KERNAN. You do not understand me to say that I favor that?

Mr. MORTON. O, no; my friend does not favor it; he is opposed

to that kind of legislation certainly, but he does favor this: he favors the idea that New York should be left free whenever such a thing occurs, if she sees proper, to establish Catholic schools and have them supported by public taxation, or to establish Protestant schools and have them supported by public taxation. There is where the great danger comes in. This admission made by my friend covers the whole ground of this proposed constitutional amendment.

My friend says there is no danger. Well, Mr. President, in my judgment there is danger. That cloud is looming above the horizon; it is larger than it was a few years ago; and I might ask my friend if there is not danger in his own State; I might ask him if there have not been abuses in his own State.

Mr. KERNAN. There never has been the least danger in that State, and I do not think there has ever been any abuse of any serious character.

Mr. MORTON. I ask my friend if there have not been large amounts of money given for the support of denominational institutions in his own State, given out of the public treasury or raised by public taxation?

Mr. KERNAN. Money has been given to institutions of this character, hospitals, orphan asylums, conducted by various denominations; but never in my judgment was there any serious abuse. I believe there has been a good deal of fairness in the division among the various sects.

Mr. MORTON. I shall not go into a history of the legislation of the State of New York. I have been reading and hearing very much on that subject for some years past. It is in my opinion an essential principle of American liberty and one upon which the perpetuity of our Government depends that we shall have perfect freedom of religious worship, that there shall be no established church, no religion established by law that is taught by law, and that so far from the States being left free to establish a church if they see proper, or to establish denominational schools at public expense, I believe that the safety of this nation in the far future depends upon their being deprived of any such power. I believe that the example of one State establishing a religion, or doing what amounts to the same thing in principle, establishing denominational schools to be supported at public expense, endangers the perpetuity of the nation. The support of a school by public taxation is the same thing in principle as an established church. If we can appropriate money to establish, if you please, a Catholic school, it involves the whole principle of supporting the Catholic Church at public expense, or if you please a Protestant school and the support of a Protestant Church at public expense. The power to educate children in a particular faith at the public expense involves the same principle as the support of that church at public expense, and the one inevitably leads to the other.

Now, sir, that there should be perfect freedom of religious opinion in our country is essential to our life as a nation, and we cannot have that and we cannot have perfect equality except upon the condition that religion shall not be maintained at public expense and that denominational schools of religion shall not be maintained at public expense. Every sect is left free. The Catholics may have as many schools as they see proper and teach their religion, and so may Protestants—no abridgment of their freedom. They have the largest liberty; but when it is done at public expense and all are taxed for their support, then the principle of equality is gone.

Mr. President, I have heard some talk to-night about hospitals and orphan asylums. My friend from New York has said something on that subject. I do not intend, so far as I am concerned, to be diverted from this great question by what is said in regard to orphan asylums and hospitals. There is a great principle underlying this amendment, and it seems to me it is one that should receive the support of all parties. It may not be perfect in its phraseology; perhaps it is susceptible of improvement in that particular; but I am speaking of the general and broad principle. If the phraseology does not suit my friend, let him offer to improve it, let him suggest where it can be corrected, but his objection goes to the whole amendment. That brings me back to the great admission made by my friend that each State should be left free, if she sees proper, to establish a church and to establish denominational schools and support them by public taxation, and that there should be no interdiction of such a thing in the Constitution of the United States. There is the broad principle on which we separate. I regard that doctrine as being fatal, if carried out, to the liberties of my country.

My friend from Maryland spoke about the history of Maryland, that Maryland was colonized by Catholics who established religious toleration, and that, as I understood, he would insult them if he voted for this amendment. Perhaps I did not understand my friend correctly.

Mr. WHYTE. I said I should be voting against the spirit of its history.

Mr. MORTON. Why against the spirit of its history? Are not the Catholics left free as ever in Maryland? Are they interfered with more than Protestants? Certainly not. How then is it against the spirit of Catholic sentiment and toleration in Maryland? If Maryland is prohibited from establishing Catholic schools and supporting them at public expense, and if Protestants are prohibited from doing the same thing, are they not still on an equality, and I ask how the spirit of Catholic toleration can be violated? If there is that spirit prevailing among all denominations in Maryland, should they not

embrace the great doctrine that religion shall be left to the individual? They may support it, they may teach it, but they shall not force it upon their neighbors through the schools or in the church. The principle is precisely the same; the right to establish a denominational school and support it at public expense as the establishment of religion and paying the officiating clergyman out of the public treasury. The fact is the first would be the most effective in the accomplishment of the purpose.

Now, Mr. President, if there are objections to this phraseology, I hope our friends will point it out. If this amendment can be improved in its language, let us have it done. Do not let us stand criticizing phraseology to-night. The question is too great, it is too far-reaching. I hope my friends will object to the phraseology, if they do not like that; but my friend from New York did not put it on that ground; he put it on the broad, great principle that every State should be left free, if she sees proper, to establish a church or establish denominational schools and support them at public expense. There is a principle we can all understand. We can all be on the one side or the other side of that question. I am glad to have it brought here to-night. If this resolution is broken down or if it shall fail to receive the two-thirds majority, the country ought to know the ground upon which it is placed.

It is very important to have this resolution specific. In framing constitutional amendments the objection is that they are too general in their character. The fourteenth and fifteenth amendments which we supposed broad, ample, and specific, have, I fear, been very much impaired by construction, and one of them in some respects almost destroyed by construction. Therefore I would leave as little as possible to construction. I would make them so specific and so strong that they cannot be construed away and destroyed by courts.

This is not a new idea. The idea of free schools not denominational but general, the idea of a free church not supported by the government or maintained by the government is an original one in American liberty. It has always prevailed in this country. Now it is proposed to give it form and put it in the Constitution. It has been in the minds of our people for one hundred years; but circumstances have occurred in the last fifteen or twenty years proving that there is danger and that the time has come when this idea which has been somewhat nebulous in its character should receive distinct form and enunciation and go into the fundamental law. There can be no danger in putting it into the Constitution, in saying that no State shall establish a church or establish a religious school supported at public expense. What danger is there in it? Why should any man oppose it, unless he wants the State to do that in a particular case? If any one believes that a particular church ought to be established by law or that children ought to be educated in peculiar doctrines at public expense, then he ought to oppose this amendment. But if he thinks that all such education should be at private expense and that that given by the public should be general in its character, if he believes that no church should be established, why oppose this amendment? It is no more for Protestants than it is for Catholics. It is no more against Catholics than it is against Protestants; it puts all on the same level precisely, takes from one church precisely what it takes from the other. It is not a measure of favoritism. Let my friend bear it in mind that this is offered in a country where to-day the majority in every State are Protestants. It is offered in what may be called a Protestant country. But I trust that men of all parties, of all religions, and of every kind of education recognize the importance of maintaining this as a free country in which there shall be no established religion, and religion shall not be taught by law at public expense.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. EATON. My friend from Indiana used this language, if I have him down right: "Circumstances have shown that there is danger." I use his own words. Will he be kind enough to say to the Senate in what the danger consists?

Mr. MORTON. Well, Mr. President, my friend perhaps would like me to go into some particular history of the last fifteen or twenty years; but my friend knows perfectly well, without giving names here to-night, that there is a large body of people in this country, sincere, earnest, and pious, I have no doubt, who believe that our public schools in which religion is not taught are infidel and wicked, and who are not in favor of any school that does not teach religion. Does he not know that the public-school system of this country has been condemned and has been interdicted? I am not arraigning the sincerity of any man or any class of men in this country; I believe in the general sincerity of all men, and I am a believer in the goodness of men. My friend cannot be ignorant of the fact that there is a large and growing class of people in this country who are utterly opposed to our present system of common schools, and who are opposed to any school that does not teach their religion. I ask my friend if that is not a danger.

Mr. KERNAN. Allow me to say that I assure my friend in entire sincerity that those people who believe that it is their duty either in the family or in the school to have their secular education accompanied with instruction in their faith, yet do not want that done at other people's expense, not any of them in my judgment, and certainly not myself or those I represent. All they say is if our Protestant friends prefer to have schools where there is no religion taught,

it is their right; we concede it to them; we would not take it from them; but we feel it our duty to bring our children up in our own faith. I state it as clearly and as fairly as I can, and I assure my friend that when he expresses the idea that those to whom he alludes would take from Protestants the right to have their children educated just as they see fit, he does them great wrong. We hold it to be their right and their duty to have their children educated in the way they think right and the way they think best, and we only ask that we should be allowed to educate ours as we think best, in all kindness, without the slightest unkind feeling or dissent about it.

Mr. MORTON. I do not call in question the sincerity of my friend or his liberality; but he admits in his statement the main point, that there is a large body who are opposed to schools in which religion is not taught.

Mr. KERNAN. No; they are opposed to such schools for their children, not that they would interfere with their neighbors.

Mr. MORTON. My friend will see—

Mr. KERNAN. Free education we want.

Mr. MORTON. My friend says they are opposed to schools for their children in which religion is not taught; therefore they are opposed to the present system of free schools because religion is not taught in them, because that is not made the primary purpose, that which gives color and direction to all the education that we give. That is the point. Therefore my friend would have no schools at all unless religion is taught. He would have the school fund divided.

Mr. KERNAN. No.

Mr. MORTON. If you raise a school fund say of a million dollars, then he would have an enumeration of the children made, so many of one denomination, so many of another, and divide the fund. But he is opposed to general taxation for the support of schools in which religion is not taught. Am I not correct about that?

Mr. KERNAN. No. We recognize what is practical. In a country like ours we cannot have all our children taught irrespective of creeds. Where free public schools are taught for all, there they must be free from any religious teaching at all. They must be when at the public expense just like a school to teach mechanics, where we all send, and then we say that those who cannot adapt themselves to that must go elsewhere because it cannot be done practically, teaching the children there any creed. We believe—I certainly do, and in our own State I have often talked of it—that the public schools must be, as they are by our Constitution, schools to which every child in the State can go and get secular learning without there being anything offensive to the creed of any one. Those who cannot get along with them must educate their children in private schools. We have not made any attack to overthrow the system.

Mr. MORTON. If that is the position of my friend from New York and of those whom he represents, we have no difference whatever. That is precisely what we are for, that there shall be public schools at public expense in which there shall be no particular creed taught. That is just what this amendment is intended for. But that does not change the great fact that whatever my friend's views may be, there is a large, powerful body of men in this country, increasing in number, who are opposed to being taxed for that kind of school at all. They will not send their children to it because they believe that religion should be a part of education from the very beginning, and when those people get the power in any particular State or in any particular city human nature perhaps would have to undergo some change—

Mr. KERNAN. Will not my friend allow me? I can assure him that if those to whom he refers of the people in this country, prizing all the justice and mercy which they enjoy, if they should get the power, would never attempt out of public funds, if there was one person who did not want it done, to support their own schools. The thing is not practicable at all, and they would not seek to wrest public moneys for such a purpose out of those who might not believe with them, no matter how small the number, and attempt to say "We will have schools where our children can be taught according to our notions, and yours you cannot send conscientiously." But, on the contrary, in the public schools practically the only way is not to teach any particular creed, and then have that which is distasteful to the conscience of the Hebrews or others, though it is no particular creed. To make them really just, as I have said, they must be like schools where you send your boy to learn mechanics, and those who want him taught anything but mechanics must have him taught at their own expense, and not out of the public treasury.

Mr. MORTON. I can only say that if I understand the spirit and the purpose and the sincerity of the people that I allude to, where they have the power they would never tax themselves one cent to establish a school to which they would not send their children. That I understand to be the ground of the objection now, that they are taxed for the support of schools to which they will not send their children. They will not send their children to the public schools because they are non-sectarian, simply because they are not sectarian, and do not teach the religion that they believe in. There comes the point. I do not question their sincerity at all; but their doctrine is that they must not send their children to a school in which their religion is not taught from the first, and is not made the primary object. That idea carried out is fatal to our common schools, as everybody knows. It requires no argument to prove that.

Mr. President, I have been drawn into saying more than I intended to say.

Mr. EDMUNDS. Mr. President, the fundamental question which has been opened by the honorable Senator from New York [Mr. KERNAN] is one which he surrenders himself. He says that he is opposed to any interference with State-rights respecting schools, but he is in favor of the amendment of the Constitution proposed by the House of Representatives. That is the attitude, the singular position which seems to be taken by the whole body of our brethren on the other side of the Chamber. At every stage of this proposition which was sent to us by the House after a long period of consideration and reflection, while our friends on the other side here are to a man opposed to the principle of any amendment at all, they are in favor of the practice of adopting the proposition of the House of Representatives.

Mr. RANDOLPH. I beg to correct the Senator from Vermont. I stated very distinctly on Friday night last in this Chamber that I had anxiously worked for the amendment adopted by the House of Representatives. And yet the Senator says that all on this side of the House, without exception, are opposed to any amendment.

Mr. EDMUNDS. Mr. President, I am very glad to be corrected. I will except my honorable friend; and if any other Senator has been unduly treated in this respect, I should be glad to have him stand up and "swear off," as the saying is.

Now, let me take my friend from New Jersey for a moment. He is in favor of the House proposition and not in favor of the Senate proposition. He is in favor of the principle, then, of not having public money that is raised for free schools, devoted to sectarian instruction; but he is not in favor, if he speaks to the House amendment, of having any other public money that is not specifically raised for that purpose kept from being used in exactly the same way.

Mr. RANDOLPH. I do not think the Senator from Vermont has any right to put into my mouth words that I have not uttered, or to try to extract from my head ideas that he perhaps knows nothing about. I do not propose that the Senator from Vermont shall undertake to state my proposition; I am quite capable of doing it myself.

Mr. EDMUNDS. Now, if my friend is through, I will agree with him again. Mr. President, I shall never attempt to extract ideas from my friend's head. I shall never attempt to put words in his mouth. He is the sole master of his individual liberty in both those particulars, and I should be presumptuous in applying in either of these respects. Now, I repeat that if my honorable friend is logical and consistent, as we all know he is—I took that for granted before—when he says he is in favor of the House proposition, which declares that—

No money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect or denomination; nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

When he is in favor of that and nothing more, being logical and intelligent, while he is willing to protect the particular money that is raised for a particular purpose in a particular way, which I can demonstrate in a moment to be the sheerest moonshine that was ever brought to a man's attention, he is still in favor of leaving the same State to raise money by general taxation and put it into its treasury, and then give it to any sectarian school that it likes.

Mr. RANDOLPH. By what authority does the Senator state that?

Mr. EDMUNDS. I state it by the authority that I must impute to the Senator some little degree of logic and consistency in his proposition.

Mr. RANDOLPH. If the Senator from Vermont will allow me—

Mr. EDMUNDS. Certainly.

Mr. RANDOLPH. I will say, first, that whether I am logical or not is not for him to determine; and, next, that inasmuch as the House amendment did not treat of that particular phase of the subject I was not called upon to make any expression of opinion one way or the other about it. I will say further that if the House amendment had contained the very provision of which he speaks, I should have voted for the amendment just as cheerfully as the Senator from Vermont. And now, if he will permit me to interrupt him a moment further, I have felt from the beginning, whether right or wrong, that the whole purpose of the Judiciary Committee was to delay, to thwart, to stop, and not to permit to pass that amendment to the Constitution, which most men believe is effective and quite good enough.

Mr. EDMUNDS. I am very much obliged to my honorable friend for that. He has shown the same amount of consistency in that opinion as he has in supporting the House amendment as it stands. Now I come back again to the point.

Mr. RANDOLPH rose.

Mr. EDMUNDS. The Senator will permit me to have my opinion about his logic, though he may not think it to be good. If he can sit still and bear that we can both go on in peace.

Now, Mr. President, I repeat that the inevitable logic, that no man has denied or attempted to deny, of this House proposition is, simply treating of this particular subject, to say that special moneys raised for a special purpose shall not be diverted from that purpose to a religious control; and it stops right there. It leaves you to appropri-

ate the general revenues of a State to the support of a sectarian private school or a sectarian public school, and only professes to protect what the House is supposed to believe ought to be protected, public schools supported by the general revenues of a State, from sectarian doctrines, denominational control; and yet the Senator says if a little more had been put into this amendment he would have gone for it with equal pleasure.

What is the duty of a Senator? I had always supposed it was that according to his belief and his faith he would contribute his opinions and his motions to improve and perfect legislation either in the form of amendments or laws that are brought before him for his action.

Mr. RANDOLPH. Any attempt to amend will defeat the whole matter.

Mr. EDMUNDS. Exactly. If you alter a letter of this delusive and deceptive performance that was sent to us, it would defeat the whole matter, because it would expose the extreme shallowness of the performance. That is it. The Senate, then, must go on the idea that the thing that was sent to us was almost intended to be a delusion, or, if not, it was so inadequate, and coming from a body itself that was so inadequate to the occasion, that it would not do for any member of this body to propose to correct it in any particular. That is rather an extraordinary idea to legislate here. I give to the honorable Senator from New Jersey the benefit of the invention.

Now if I can be allowed to come back to this extraordinary thing again for a moment, I will do so. This House proposition involves the principle that it is unfit that public revenue, that all men and all creeds are obliged to contribute to according to property, shall be devoted to promoting the religious creed or tenets of any denomination to which it may or may not belong; in other words, that this is a land of equal rights, and that it is not consistent with republican liberty, as our fathers even in Maryland understood it, that any aid in any form, whether by established churches or schools or hospitals or asylums, should be given to the doctrines of any church, or that any man should be made to pay for supporting the conscience of some other man, except so far as the conscience of some other man might say that he would not suffer himself to be taxed to build a public highway unless images of the Holy Virgin should be set up once a mile to mark the length of it or unless a Protestant church with its Episcopal spire and cross should be built at every cross-roads. The liberty of conscience does not go quite so far as that. We must have public institutions; we must conserve the public interest by instructing the youth of this country in those things essential to the preservation of the Government itself, essential to understanding the true principles of liberty and individual conscience and freedom of opinion, upon which alone a republican government can rest. But when any man undertakes to set up his conscience between his paying taxes to support a public highway or a public asylum or a public school, on the ground that his conscience does not permit him to believe in highways or asylums or schools, then he is asking too much of others upon his conscience.

The liberty of conscience, while it is universal in every church but one, is not a liberty of conscience to stand in the way of these great and necessary acts to which I have referred; but it does stand in the way (and the security of the Republic is bound up in it) of imposing upon any man or set of men public burdens to promote the religious opinions particular to sects and denominations of any other set of men. That is the proposition that the Judiciary Committee has reported, and that is the proposition that every democrat in this body opposes in every step in its progress. It gives me great grief to say it. I had hoped, I had believed that, for once in this Chamber, an amendment so catholic, in the highest and best sense of that term, so democratic, in the highest and best sense of that term, so republican, in the highest and best sense of that term, would have met with universal approbation in respect of the principle upon which it was founded, and, if the phraseology reported by the committee should have been found to be the subject of just criticism, that we should have had the friendly propositions and observations of gentlemen upon it in order that this great and fundamental principle might go into the organic law with the prayerful good-will of all men of all parties. But for some reason we find that this mere delusion, this scrap of moonshine that has been sent to us, is hugged as if it were the very heart of love by all our friends, and one and every proposition to embody the principle in an effective form is resisted in every way possible.

Mr. President, the public schools of this country are dear to the hearts of almost all American citizens. They have seen in them for a hundred years the very life-blood of intelligent and progressive republicanism. I do not mean party republicanism, as it is now called; I mean that republicanism that gave the name of a republic to this nation. They have seen in that system the fountain-spring of the wonderful and marvelous material prosperity of this country. They have seen in it the growth of manufactories, the growth of farms, the enterprises of railways, the telegraph, and the steamboat. They have seen in it, too, more, and better than all, the tolerance of opinion that grows from a respect for equal rights; and, so seeing its great fruits, they will not consent to see it ridden down by any hierarchy or by any party; and the moment they feel the whiff of danger they will, as they have done in State constitutions and otherwise, defend this fundamental ground-work of the Republic, and no amount of the dialectics of sophistry can beat them out of it.

But, Mr. President, my honorable friend from Maryland [Mr. WHYTE] has said—which is rather apart from this discussion, but still we ought to do something for the truth of history—that Maryland, founded by the adherents of the hierarchy to which I have referred, was the first to plant religious toleration on this continent. Mr. President, with all deference to the distinguished citizen of that State, I beg to suggest that he is mistaken. The religious toleration that began with the beginning of Maryland was a toleration that was inaugurated as well by Protestants as by Catholics. There were immigrants and settlements in that State of both denominations; and in the face of a common danger, and far away from any common support or fountain of aid, like wise and true men they agreed on all hands that each should be at liberty—as everybody else should who should come to them—to worship God and to teach His religion according to the dictates of their own consciences. There is no special right, therefore, in the Catholics of Maryland to claim that they are the authors of religious toleration in that State. I am sorry that my friend from Maryland has left the Chamber; because I am sure if he were here I could recall to his mind the early events in that State, which would convince me, if he meant to be understood otherwise, that I am correct.

But, Mr. President, the fundamental difference shown in the discussion between the Senator from New York and the Senator from Indiana is that there is a feeling well grounded, as far as any feeling can be well grounded, in its present attitude, that there is a particular sect that believes, in all sincerity undoubtedly, that the public schools of this country as at present conducted, non-sectarian, or if sectarian, if there are any such—if there are I do not know it—by other sects than one, are not justified by the principles of religion; that they are wrong, and that it is the duty of a well-ordered state to teach in its public institutions the particular tenets of a particular denomination. If they believe that to be the duty of the state, if they are consistent and true men, when they get the power in a state the particular tenets of that denomination will be taught, and ought to be taught in the logical sense. There is no escape from it. If I believed it was the business of a free state to teach episcopacy, the particular creed to which I happen to adhere, if I had the power of the state, I should not be honest if I did not put that power in motion to teach episcopacy. So, if there be any power in this world that reaches into this matter or exists in it that believes it to be the duty of the state to teach catholicism when that power controls that state, it necessarily follows that catholicism must be taught, and that public schools will be compelled to teach that particular doctrine.

Mr. President, to convince you that I am right in what precisely this issue is, I beg the Secretary to read some extracts which I have made from the encyclical letter of the Holy Father, dated the 8th of December, 1864, and the syllabus of errors which he condemns, which follow.

The Secretary read as follows:

The encyclical letter of Pope Pius IX.

To our venerable brothers, the patriarchs, primates, archbishops, and bishops of the universal church having grace and communion of the apostolic see.
Pius P. P. IX. Health and apostolic benediction.

And those our predecessors, who were the assertors and champions of the august Catholic religion, truth and justice, being as they were chiefly solicitous for the salvation of souls, held nothing to be of so great importance as the duty of exposing and condemning, in their most wise letters and constitutions, all heresies and errors which are hostile to moral honesty and to the eternal salvation of mankind, and which have frequently stirred up terrible commotions and have damaged both the Christian and civil commonwealths in a disastrous manner. Therefore those our predecessors have with apostolic fortitude continually resisted the nefarious attempts of unjust men, of those who like raging waves of the sea foaming forth their own confusion and promising liberty while they are the slaves of corruption, endeavored by their false opinions and most pernicious writings to overthrow the foundations of the Catholic religion and of civil society, to abolish all virtue and justice, to deprave the souls and mind, of all men, and especially to pervert inexperienced youth from uprightness of morals, to corrupt them miserably, to lead them into snares of error, and finally to tear them from the bosom of the Catholic Church.

Now, although hitherto we have not omitted to denounce and reprove the chief errors of this kind, yet the cause of the Catholic Church and the salvation of souls committed to us by God, and even the interest of human society, absolutely demand that once again we should stir up your pastoral solicitude to drive away other erroneous opinions which flow from those errors above specified, as their source. These false and perverse opinions are so much the more detestable by how much they have chiefly for their object to hinder and banish that salutary influence which the Catholic Church, by the institution and command of her divine Author, ought freely to exercise, even to the consummation of the world, not over individual men, but nations, peoples, and sovereigns, and to abolish that mutual co-operation and agreement of counsels between the priesthood and governments which has always been propitious and conducive to the welfare both of church and state—Gregory XVI, *Encyclical*, 13th August, 1832.)

Contrary to the teaching of the holy Scriptures, of the church, and of the holy fathers, these persons do not hesitate to assert that "the best condition of human society is that wherein no duty is recognized by the Government of correcting by enacted penalties the violators of the Catholic religion, except when the maintenance of the public peace requires it." From this totally false notion of social government they fear not to uphold that erroneous opinion most pernicious to the Catholic Church and to the salvation of souls, which was called by our predecessor Gregory XVI (lately quoted) the insanity, (encyclical, 13th August, 1832) (*deliramentum*), namely, that "liberty of conscience and of worship is the right of every man; and that this right ought, in every well-governed state, to be proclaimed and asserted by law; and that the citizens possess the right of being unrestrained in the exercise of every kind of liberty, by any law, ecclesiastical or civil, so that they are authorized to publish and put forward openly all their ideas whatsoever, either by speaking, in print, or by any other method." But while these men make these rash assertions, they do not reflect or consider that they preach the liberty of per-

dition, (St. Augustine, Epistle 105, al. 166.) and that, "if it is always free to human arguments to discuss, men will never be wanting who will dare to resist the truth, and to rely upon the loquacity of human wisdom, when we know from the command of our Lord Jesus Christ how faith and Christian wisdom ought to avoid this most mischievous vanity." (St. Leo, Epistle 164, al. 133, section 2, Boll. edition.)

Amid so great perversity of depraved opinions, we, remembering our apostolic duty, and solicitous before all things for our most holy religion, for sound doctrine, for the salvation of the souls confided to us, and for the welfare of human society itself, have considered the moment opportune to raise anew our apostolic voice. Therefore do we by our apostolic authority reprobate, renounce, and condemn generally and particularly all the evil opinions and doctrines specially mentioned in this letter, and we wish that they may be held as reprobated, denounced, and condemned by all the children of the Catholic Church.

PIUS PP. IX.

Given at Rome from St. Peter's this 8th of December, 1864, the tenth anniversary of the dogmatic definition of the immaculate conception of the Virgin Mary, mother of God, in the nineteenth year of our pontificate.

The syllabus of the principal errors of our time which are stigmatized in the consistorial allocutions, encyclical, and other apostolic letters of our most holy father Pope Pius IX.

45. The entire direction of public schools in which the youth of Christian states are educated, except (to a certain extent) in the case of episcopal seminaries, may and must appertain to the civil power, and belong to it so far that no other authority whatsoever shall be recognized as having any right to interfere in the discipline of the schools, the arrangement of the studies, the taking of degrees, or the choice and approval of the teachers. (Allocution in consistorial, 1st November, 1850. Allocution quibus Innotuissimis, 5th September, 1851.)

47. The best theory of civil society requires that popular schools open to the children of all classes, and generally all public institutes intended for instructing in letters and philosophy, and for conducting the education of the young, should be free from all ecclesiastical authority, government, and interference and should be fully subject to the civil and political power, in conformity with the will of rulers and the prevailing opinions of the age. (Letter to the Archbishop of Fribourg, *Jum non sine*, 14th July, 1864.)

48. This system of instructing youth which consists in separating it from the Catholic faith and from the power of the church, and in teaching exclusively or at least primarily the knowledge of natural things and the earthly ends of social life alone, may be approved by Catholics. (Id., *ibid.*)

77. In the present day it is no longer expedient that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship.—*Allocution nemo vestrum*, 26th July, 1855.

78. Whence it has been wisely provided by law, in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.—*Allocution acerbissimum*, 27th September, 1852.

79. Moreover it is false that the civil liberty of every mode of worship, and the full power given to all of overtly and publicly manifesting their opinions and their ideas, of all kinds whatsoever, conduce more easily to corrupt the morals and minds of the people, and to the propagation of the past of indifferentism.—*Allocution unquam fore*, 15th December, 1856.

—*Pastoral letter of Archbishop Spaulding &c., &c.*

Mr. EDMUNDS. You will perceive, Mr. President, that in this letter of the Holy Father he points out in general the principles upon which the doctrines of that church proceed, and he then appends a syllabus of the errors of our own time, among which are stated to be the precise proposition that the House amendment advances; and that is that public schools so far as public money goes should not be the subject of sectarian control, and in many other respects that I will not take up your time to refer to.

The Senator from Maryland said that this had been changed; that it was eleven or twelve years old. I should be glad, more than glad, to have any Senator stand up and show the Senate that this is not now the official doctrine of the Roman hierarchy; and I pause for a reply. The supposed infallibility of the Holy Father would be a sufficient refutation of the suggestion of the honorable Senator from Maryland, for it is the greatest maxim of executive affairs in that hierarchy, *semper eadem*—it never changes; and, so far as I am informed, as a fact these dogmas and commands put forth in 1864 are at this moment the earnest, effective, active dogmas of the most powerful religious sect that the world has ever known, or probably ever will know—a church that is universal, ubiquitous, aggressive, restless, and untiring. I do not speak of it as impugning the right of any man to believe all this; it is just as much his right to believe it as it is mine to believe in the duty of preserving public schools from that sort of domination; but as any other man believing this believes it to be his duty to entirely revolutionize our systems of public instruction, it is also, by the same sign, my duty and yours to resist it by every constitutional amendment and by every law in our power. It is a broad issue and one which cannot by any party device or moonshine trick of ineffective constitutional amendments be kept out of the sight of the intelligent people of this country; and if we in all our State constitutions, in the Constitution of the United States, and in our practice of a hundred years, have been right in supposing that the very foundation of republican liberty and republican progress was in freedom from just such control as this demands, then, I take it, it is a part of our duty to take every step possible to preserve that freedom. And yet we find here by a strange coincidence of accidents, or something else, that the great body of a party whose very name implies the opposition to notions of this kind persistently resists any step in respect of preserving the fundamental principles upon which the Republic was founded. I do not know why it is. As I have said, I am amazed and sorry that it is so; but I cannot at this late stage occupy your time in dilating upon that branch of the topic.

I now will come to some of the criticisms made by the honorable Senator from New York upon the substance of this amendment itself.

He did not criticise, neither have any of our friends upon the other side criticised, the form in which the House of Representatives sent us this resolution, which was this—

That the following be proposed to the several States of the Union as an amendment to the Constitution, namely—

when the Constitution itself declares that every amendment of this character shall be specifically submitted either to the Legislatures of the several States or to conventions to be called in the several States to act upon it. Therefore, if we had taken the blind adoration that our friends on the other side have seemed to have for this House proposition and put it through, we should have had an amendment that would have been absolutely void upon its face, not submitted to any tribunal that the Constitution of the United States authorizes to act upon it; for, as I have said, the Constitution in this particular is absolutely specific. The fifth article says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

The House of Representatives proposed to send this amendment to the States without proposing either mode of ratification. I have no doubt that this departure from the constant form of the Constitution, which from the first amendment adopted to the last one has been used, following the form named in the Constitution, was purely an oversight, one of those accidents which of course will happen. But I pass from that.

Now, I come to some criticisms which the Senator from New York has made upon this phraseology. He says that we cannot teach the particular tenets or creed of a religious denomination in an orphan asylum. That is perfectly true. Why should we? If the principle that we stand upon is right, why should we teach congregationalism or episcopacy at his expense in the orphan asylum in the town where my honorable friend lives, if he does not believe that that kind of religious teaching is the true one? If the principle is right that one man shall not be taxed for another man's religion, why are you to except orphan asylums from that great principle? The Senator gave us no reason except that they were orphan asylums and that orphans ought to be taught. So they ought. They ought to be taught religion. So they ought; and let me say to my honorable friend that orphans and prisoners and everybody can be taught religion without being taught the particular tenets or creed of some denomination. There is an old saying, perhaps it puts it too broadly but it is a very good saying for the practical operations of this world, that somebody has put into the form of a verse that, I have no doubt, my friend, as I did, learned when he was very young:

O, brother-man, fold to thy heart thy brother;
Where pity is, the peace of God is there;
The noblest worship is to love each other;
Each smile a hymn, each kindly deed a prayer.

That sort of religion can be taught in an orphan asylum, I take it, without violating either the Senator's creed or mine. The duty of man to man, the obligation to truth and personal purity, charity, virtue, intelligence, cleanliness, honor, all those can go into the orphan asylum. The great and golden rule that is in his creed and mine, that you shall do unto others as, under similar circumstances, you would wish them to do to you, and that charity covers a multitude of sins, can enter the open door of the prison or the asylum still. I do not think that the good of the young is very largely bound up while they are in the asylum, in being compelled to decide between contending priests whether the true theory and doctrine of the gospel is that of a trinity or a unitarian doctrine, or whether in the holy sacrament the elements show the real presence or only the symbolic and the memorial one. There can be still taught the homely virtues and the right-minded truth and purity that belong to the personal teaching of all creeds, can there not? Why, Mr. President, it seems almost a mockery and an insult to your understanding to stand up here and undertake to counteract the criticisms of that character which were made on this amendment. In the prisons in the State of Vermont as well I have no doubt as in those of the State of New York, some clergyman of some denomination, no matter what, conduct services every Sabbath or every day; and yet he teaches no creed. Do we not here, in this public Council Chamber of the nation, whose members probably represent all Christian creeds, daily from your desk hear prayer to Almighty God, not the prayer of creed but the prayer of man imploring the beneficent protection of his Creator. Yet the Senator, with a species of dialectics which I should characterize, if I characterized it with the happiest phrase that would come to me, in a way that might be thought to be offensive, and I will not do it, but with a species of dialectics which is worthy of the Middle Ages and the school men, undertook to convince you and the people of this country that this prohibition against organized sectarian institutional teaching of denominations and creeds is to shut out from the dying prisoner the last offices of his own church. This amendment bears no such construction. Ingenuity cannot push into it any such construction. Ingenuity may skillfully discuss words and plaster over the simple truth and plainness of this proposition with a convenient varnish that will deceive some man's eyes in the country perhaps and

frighten him out of his faith in the great principle that lies in this. No, Mr. President, this sort of opposition will not succeed. The real substance of the question is whether the people of this country desire to protect themselves and each other for all time to come against the factions of partisan creeds in the several States by declaring that there shall be an absolute and universal equality, and that no man's religion shall be promoted at the expense of his fellow-man who does not believe in it. That is the proposition, whether it be in school or in prison or asylum, wherever it be, where an institution is carried on, borne by the general burdens and supported for the general benefit of the body of the people. That is the proposition and the only proposition upon which Senators are called to vote. Let those who do not believe that to be a sound proposition vote against it. Let those who do vote for it.

Mr. STEVENSON. Mr. President, I was one of the Committee on the Judiciary who did not concur in this amendment. I should not have voted for it if I had been present in the Chamber when it was adopted. I have seen no necessity for it. While I impugn no man's motives here, a religious discussion, appealing to passions which do not in my judgment belong to a deliberative body, at the end of a long session of Congress, seems to be out of taste and to be accompanied by no practical good.

I am not a Catholic; I am a Protestant from head to foot; but I will tell the honorable Senator from Vermont what the doctrine of the democratic party is on this subject. Long before this Constitution was formed, Mr. Jefferson, who more than any other man deserves the credit of being the father of the democratic party, was the author of that act of religious freedom in the State of Virginia adopted in 1785. He would have indorsed all that the Senator from Vermont has said, but he would have accomplished it by a different mode. Friend as he was of religious freedom, he would never have consented that the States, which brought the Constitution into existence, upon whose sovereignty this instrument rests, which keep it within its expressly limited powers, should be degraded and that the Government of the United States, a Government of limited authority, the mere agent of the States with prescribed powers, should undertake to take possession of their schools and of their religion; and had the speech of the honorable Senator from Vermont been uttered before Mr. Jefferson, he would have told him that he did not know what free government was.

No, sir; this power is not in the Federal Government. Kentucky does not want New England and other States to dictate to her what her schools shall be or what her taxes shall be, and least of all what her religion shall be; and whenever any religious denomination undertakes to interfere with this great right of religious freedom the free people of every State will find themselves potential enough and willing enough and able enough to crush it. There is our safety. But when you undertake to bring to the Federal Government the power of making the States hewers of wood and drawers of water you destroy the whole foundation-stone upon which this Government was reared and upon which only it can be preserved.

No man can mistake the object of this debate. We all see where it tends. But I hope the great issues of this campaign will not be covered up, however, in such system as this, of in this nineteenth century attempting to go to the Pope of Rome to scare the people of the free thirty-seven States of this confederacy that they cannot manage their schools and their religion and their various instrumentalities within their States and which was reserved to themselves when the Constitution was formed of managing in their own way.

Mr. BOGY. Mr. President, it was not my intention to have said a word in this debate; but I find myself drawn by a current which is irresistible, and I feel it to be my duty to say something in reply to the speeches which have been made by several Senators on this floor. The subject discussed is a most singular one for the American Senate, and I have doubted whether we were in the Senate of the United States or whether we had not been carried by some mysterious power to the ancient city of Rome, and there by that same mysterious agency placed in the Vatican council, presided over by the Pope himself, and with all the cardinals discussing those great religious subjects that were discussed there some years ago. I fancied that my distinguished friend from Vermont [Mr. EDMUNDS] could well play the part of an infallible Pope, for if there be a member of this body who does play that part with more self-complacency than my friend from Vermont I really do not know him. Infallibility is a part of his nature; and of this fact he appears to be profoundly convinced. Hence, sir, upon all subjects which may be brought before this body, local or general, constitutional or statutory, private or public, reports of conference committees or the reports of other committees, the infallible Senator from Vermont puts in his infallible opposition; and this has been continued from day to day in this body for nine long months. Now, if he did not believe honestly that he knew a little better than all of us together, he certainly would not have undertaken to amend and improve and change and modify every law that has been proposed by any member of this body or comes from any committee of the body. If he were not convinced of his own infallibility, certainly he would not have the courage to do a thing of that kind. Hence I have fancied that I have been carried, myself and all of us, by some mysterious power back to the old city of Rome, standing upon those old seven hills made immortal by the great men who have written about

them, and that we were all members of an ecumenical council and also all cardinals. [Laughter.]

Mr. President, seriously I think this discussion is much to be deplored. I think I know the motive and the animus which have prompted all this thing. I do not believe it is because of a great devotion to the principles of religious liberty. That great idea which is now moving the modern world is used merely as a cloak for the most unworthy partisan motives. The African race has played its part in this country; the negro is for party purposes in a manner dead; and these gentlemen, knowing that this thing is played out, and that "the bloody shirt" can no longer call out the mad bull, another animal has to be brought forth by these matadores to engage the attention of the people in this great arena in which we are soon all to be combatants. The Pope, the old Pope of Rome, is to be the great bull that we are all to attack.

My friend from Nebraska [Mr. PADDOCK] gives me an idea. I think he is unjust to my friend from Vermont. He alludes to him as a cardinal. Now, I wish to look upon my friend from Vermont as the Pope, because I imagine he thinks of himself in that light, and I am not willing to think less of him than he does himself. He certainly has been the Pope of this body for nine months, doing what he pleases, opposing what he pleases, reporting from his committee what and when he pleases, and what does not please him he does not report. This is the Pope; who is infallible! And if in the course of events my friend had been a Roman Catholic, and placed in the papal chair, he would have been the most tyrannical and arbitrary Pope that ever swayed the mighty scepter of the Roman Church. This spirit is in him, [laughter,] and I say this in all kindness and truth, believing that I speak the common voice of this Chamber.

Mr. President, as I said a while ago, it was not my intention to have participated in this debate, and I regret that I am compelled to abandon my first intention. We have heard much about religious freedom, and freedom of conscience, and separation of church and state. Who in this day and in this country would oppose either or any or all of these great ideas? Who in this country is in favor of uniting church and state? Who in this country or in this age of the world is opposed to religious freedom? Who is opposed to those great principles that are now moving the modern world with a power which human language cannot describe? There would be no civil liberty without religious liberty. There would be no liberty, according to modern ideas, without entire separation of church and state. And when the gentleman from Vermont places before the mind of this nation what is called the syllabus of the Pope and his encyclical letter, he does it with the intention of arousing a feeling of opposition to the principles therein contained, believing that those principles are in opposition to religious liberty and to the separation of church and state, when in point of truth and of fact when well understood they are the very corner-stone of those great principles. The Pope of Rome is a religious officer, if I may use the term, and in that capacity he proclaims the truth to the church of which he is the head; and what minister of the gospel does not do the same thing even in this country? What minister, high or low, connected with any church, Jew or Gentile, but what does the same thing, if he be an honest minister? But does he speak as a temporal king? Does the Pope of Rome speak to the Catholic world as the king of Rome? He speaks to the Catholic world as the bishop of that church, speaking to them alone in the religious aspect, and in that aspect he has laid down the great principles of human government, telling all people that human government cannot exist without acknowledging the fact that as man springs from God, human society is of God, man himself is the creature of God, and that all human governments must understand that they move and exist and perform their high functions in this world for the good of mankind, subordinated to the great Being who created this world and all the other worlds; that there is a great divine Power superintending all creation to which all human governments, like all men, are responsible. Sir, to deny these great truths is to go back to the days of paganism; and indeed the tendency of to-day is to deny these truths and retrograde again to the paganism of the time when Jupiter from high Olympus governed the world, as believed by the men of that period.

Mr. President, so far from these amendments in my estimation at all affecting what some gentlemen think on this floor to be the views of the Catholics of this country, according to my understanding of them, they are in exact accordance, every line of them, not only with the convictions of the members of that church, but with the true interests of the Catholic body; and they carry out the view expressed by them upon the subject of education throughout the United States. I will read:

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof.

Who will take the negative of that? Who is in favor of a State establishing a religion or prohibiting the free exercise thereof? Protestant or Catholic? No; not one in this broad land of any sect or denomination, or whether he has any religion at all or not.

I will read further, namely:

And no religious test shall ever be required as a qualification to any office or public trust under any State.

Who will take the other side of that question? Has it ever been applied? Yes. It does exist in the State of New Hampshire at this

day, where no Catholic can hold office; but with the exception of New Hampshire there is no test of any description whatever existing in any State, and I would ask who is in favor of a religious test? Again, I will further read:

No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught.

I do not know that I exactly approve of this thing, and I doubt very much if there be a man in this Chamber who does, because there are so many disjunctive and conjunctive conjunctions and verbs and adverbs and passive cases and objective cases, all mixed promiscuously together, that although I know my friend from Vermont is a great deal better grammarian than myself, yet I doubt if he was brought now before us as a class, to parse this sentence, whether he could do it successfully. I doubt it very much, and I believe it would be worth trying now to bring the Senator out and let him parse it for our instruction. [Laughter.] I am speaking seriously. There is an idea in this thing, I presume; but when you start with the words, "No public property, and no public revenue of, nor any loan of credit by, or under the authority of," by the time you have got through with it the idea that you had at the start has left you, vanished like a dream, and by the time you get down to the period, and pass over all the colons and semicolons and dashes in this long sentence, there is no idea left on the mind, all is lost in words; I cannot make it out. I do not know that it could be enforced; for indeed I do not think it could be parsed by any grammarian. But let us try; let us make an effort in good faith.

No public property, and no public revenue of, nor any loan of credit by or under the authority of, the United States, or any State—

I am lost already. [Laughter.]—

Territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect—

If a sect is not religious is it correct to say it is anti-religious?—organization, or denomination, or wherein the particular creed or tenets of any—

Creed or tenets. I think one of these terms is a little broader than the other, and are not exactly synonymous—creed or tenets of any religious or anti-religious—

This is simply verbiage and ought not to be incorporated in the Constitution.

Now the term "creed of an anti-religious sect" or the tenet of an anti-religious sect I do not understand. While I do not know that my friend from Vermont has ever been a schoolmaster, I am satisfied he has been at school, and I furthermore well know that he is a good grammarian, which I do not profess to be. But, Mr. President, I would not object to this thing as far as I can understand it. Admitting I do not understand it very well, I am not in favor of appropriating property, public or private, nor any loan of credit for, on, or, by,—these cases are mightily mixed. [Laughter.] The explanation is plain. This thing was drawn by my friend after dinner. [Laughter.]

Mr. EDMUNDS. It is quite evident that this thing is drawn after dinner. [Laughter.]

Mr. BOGY. Mr. President, my friend from Vermont put his pen to paper, he admits, [laughter] after a good dinner. This is, indeed, very plain; yet it is not in accordance with the old maxim *in vino veritas*; but let that be as it may, it is ambiguous, and wordy, and full of verbiage, and I think ought to be recommitted to the committee, and if it should be, from my experience we shall not get a report back for a good while. [Laughter.] I know very well that we submitted to that committee a bill months ago for the establishment of an additional circuit court of the United States in my State, I think five months ago, and we have never heard a word of it from that day to this, although it had passed the House. The committee or my friend has squelched it. [Laughter.] Now, Mr. President, I seriously do not object to this; in other words, I am not in favor of voting public property in that way.

But this has been argued particularly by the gentleman from Vermont as if the Catholics, who, as he says, believed in the syllabus of the Pope, were opposed to the principles laid down in this amendment. I tell him that he is mistaken. He is as much mistaken about this as he is mistaken with regard to the history of Maryland, and as he was mistaken some time ago with regard to the history of his own section. I heard him proclaim here with all the assurance of an infallible Pope that the battle of Plattsburgh was fought in September, 1812. Yet the history of his own section will tell him it took place in 1814. This gentleman, infallible as he may be in his own estimation, yet committed this mistake.

Mr. EDMUNDS. But Plattsburgh, let me tell my friend, is not in the State of Vermont.

Mr. BOGY. Plattsburgh is not in his own State, but he was speaking of the troops that went from his State and were present at the battle of Plattsburgh, in the State of New York.

Mr. LOGAN. From Otter Creek.

Mr. BOGY. Otter Creek, I will let my friend from Illinois know, was a part of the discussion in relation to the river and harbor bill. I remember that discussion very well, and I think he of Vermont

showed a great deal of infallibility on that subject. [Laughter.] Well, he was mistaken with regard to that little historical incident. He is mistaken with regard also to the history of Maryland. No man ought to deny at this day that the Catholics of the old colony of Maryland were the first men in the New World to unfurl the great banner of liberty and of religious freedom; and history sustains what I here say. The gentleman may say what he pleases about it, they were the first in the New World to proclaim it; not as a compromise and a concession, as he says, but in accordance with their honest convictions. This is the history of Maryland, and as written it will go down the ages. My friend from Maryland [Mr. WHYRE] was right when he spoke of it awhile ago. But, sir, this subject has been argued by certain gentlemen upon the idea that in this country the Catholics were opposed to religious freedom because they perhaps were opposed to this amendment. I say it is not correct. In this country and in other countries too at the present day they are in favor of perfect religious freedom; and, what is more, a proper understanding of the syllabus, as it is called, will show that it contains nothing inimical to the great principles of liberty founded on what all enlightened men should acknowledge, "the divine law." All governments must have that broad foundation to exist at all, and he who denies that saps and destroys the very principle that sustains liberty and all good government among men. So far from these amendments being inimical to the Catholic Church in the United States, I as an unworthy member of that church say now what I believe from the first day I read these propositions, that they are protective of that church in every line and word as far as they can be understood.

The Catholics of the United States have been opposed to free schools, as stated by my friend from Indiana, as organized some years ago. And why? For the reason that they were sectarian. Even the very Bible which was used in the schools was a sectarian book, without going into a discussion whether the Protestant or Catholic Bible be the correct one. These schools were more or less sectarian, and, this being so, there is nothing strange or astounding or very remarkable that those who believed in their religion should not willingly sanction their children going where their religion was not only untaught but where they were really taught to believe it was not correct. There is nothing strange in that. Hence the Catholics have opposed throughout the United States the levying of public taxes for the purpose of maintaining public schools organized on sectarian principles, because they could not participate in the education conferred by them; not that they were opposed to education, not that they were opposed to free schools, but only because they were opposed to paying taxes for sectarian schools.

Now, Mr. President, the principles laid down in this proposition are in exact accordance with the view of the Catholics in the United States and with the position of the archbishop of Cincinnati as published a few days ago, and the effect of this would be in exact accordance with their wishes; that is, that no public tax shall be collected to maintain any school or any institution to which they themselves cannot send their own children. It is the very thing they want and what they have asked from the beginning. How far a thing of this kind can be carried out, I do not know. What is, strictly and logically speaking, sectarian teaching, I am not able to tell. What is religious teaching, it is very hard to say. To tell a child that there is a God is religion. To tell him that the Son of God was born and, as God, was crucified for the redemption of a fallen world, is religion. Yet the Unitarian would tell you that it is not true, as he does not believe in the Trinity. We have prayer here every morning; and no one listens to it with more reverence than I do; for I believe in prayer. I believe in expressing our wants and our wishes and our dependence upon the great Sovereign Creator of us all, and I pray with as much humility and reverence as my nature allows me every day. But is that sectarian teaching or not? Who can draw the distinction? What and where is it? We know that the gentleman who prays for us does belong to and is the minister of a church. He is sectarian, as a necessity which cannot be avoided. But where are you to draw the line? To tell the child that there is a God, the Creator of the universe, and that he must be obedient to that God, and that he will be responsible to Him when he dies, and that he will rise from the dead, are all great truths that have their foundation in religion and revelation. Where will you stop? Sir, you have got to go back to the days of pure paganism or teach the Christian religion which is necessarily divided into many sects.

The attempt is made to arouse feeling against the democratic party, and make it appear that it is dependent upon the support of the Catholics for success. I would ask where will the members of that church go after such sentiments as have been proclaimed on this floor? The puritan sentiment, enlightened and educated as it is, will not only not brook opposition, but will incessantly struggle for supremacy.

To oppose it is to bring about the conflict now going on in this country upon all questions, religious, political, social, and educational.

When this Government was formed it found States existing perfect in every respect. The autonomy of each was complete; and each one, the smallest as well as the largest, was as complete and as perfect in every respect as is the mighty government of Britain to-day. The Federal Government was formed from States thus pre-existing, where all the relations that necessarily exist in organized communi-

ties between the individual man and the government were known and regulated, and the object of the formation of the Federal Government was only to make from these pre-existing States a confederation, an indissoluble Union, and leaving the individual relations between man and government to be regulated by the States. And among the most sacred of these rights, lying at the very foundation of all liberty, was that of freedom of conscience and the right to worship God according to the dictates of each one's individual conviction. That was left to the States, and was not placed in the hands or under the control of the Federal Government. The attempt here to exercise this power takes from the States that right and gives it to the Federal Government. If the Federal Government has a right by amendment to say you shall not do a particular thing, it has the same right to say you shall do it. If you give the right here to the Federal Government to say you shall not establish a State religion, the same power that can prohibit can also create, and the day may come when a majority in the Federal Government may provide for one. The extent of power is the same. It was not intended by the framers of the Constitution that that power should ever be exercised by the common Government.

I will say to my friends who profess to be so much astonished at the position of the democratic party on this subject that it is owing to these well-understood fundamental ideas that the democratic party, true to them and to the rights of the States, cannot vote for this proposition, which is a concession of power denied by all its members. I for one am as much opposed to the proposition which passed the House a few days ago as I am to this amendment, for the reasons just given. For one hundred years the States have existed; and for all this time they have had the power of legislation on this subject; and who can rise in this Chamber and say that within that long period of time any one of them has in any way whatsoever attempted in the most distant manner to trample upon the rights of conscience?

Sir, the States will cease to have control of the subject if this amendment is adopted, and the Federal Government will be able to say you shall establish this or that religion, as the majority here may decide.

Congress shall have power, by appropriate legislation, to provide for the prevention and punishment of violations of this article.

Under this clause there is no telling what might be done and what power might be exercised.

Mr. President, the safety of this Government is in the denial of all such powers to the Federal Government. Keep it where the fathers placed it, in the States, and maintain it there. As a State power it never has been abused in one hundred years, and, relying upon the patriotism and the intelligence of those who will come after us, I cannot believe it will be less safe hereafter than it has been heretofore.

Mr. President, it was not my intention in the beginning of this discussion to have said a word, and what I have said now has been without any preparation whatever. I have given expression to my views and long convictions. I am opposed to this amendment because, as I said, it takes from the State that which belongs to it, and for no other reason. I am opposed to it as a public man, as a citizen, and as an American Senator.

Mr. MORTON. Mr. President, I desire to occupy the attention of the Senate for a very few minutes. I have been greatly entertained, as we all have, by the wit and humor of the distinguished Senator from Missouri; but the Senator made several statements and made a declaration here which is of very great importance in elucidating the spirit of the opposition to this amendment. The Senator stated very frankly that he indorsed fully the Pope's encyclical to which reference was made by the Senator from Vermont. He said it contained the true foundation of religious liberty. Now, Mr. President, without intending to enter into any argument as to the merit of the Pope's encyclical, I desire to call the attention of the Senate to a passage from it. In fact the whole of it is of the same character. I shall read this extract without making comment upon it. This encyclical was uttered in 1864. He says:

Contrary to the teaching of the holy Scriptures, of the church, and of the holy fathers, these persons (schismatics and others) do not hesitate to assert that "the best condition of human society is that wherein no duty is recognized by the government of correcting by enacted penalties the violators of the Catholic religion, except when the maintenance of the public peace requires it." From this totally false notion of social government, they fear not to uphold that erroneous opinion most pernicious to the Catholic Church and to the salvation of souls, which was called by our predecessor, Gregory XVI, (lately quoted,) the insanity, (Encyclical, 13 August, 1832.) (*deliramentum*), namely, that "liberty of conscience and of worship is the right of every man; and that this right ought, in every well-governed state, to be proclaimed and asserted by the law; and that the citizens possess the right of being unrestrained, in the exercise of every kind of liberty, by any law, ecclesiastical or civil; so that they are authorized to publish and put forward openly all their ideas whatsoever, either by speaking, in print, or by any other method." But while these men make these rash assertions, they do not reflect or consider that they preach the liberty of perdition, (St. Augustine, epistle 105, al. 166,) and that, "if it is always free to human arguments to discuss, men will never be wanting who will dare to resist the truth and to rely upon the loquacity of human wisdom, when we know from the command of our Lord Jesus Christ how faith and Christian wisdom ought to avoid this most mischievous vanity.

I have no comment to make upon that passage. If the opposition to this amendment is to be found in the spirit and letter of that passage, comment is not required. At the end of this encyclical the syllabus of errors was published; it belongs to it:

The syllabus of the principal errors of our time which are stigmatized in the consistorial allocutions, encyclical and other apostolic letters of our most holy father Pope Pius IX.

These errors are stated and numbered, beginning one and running down to eighty. I have not time to read many of them, but I will call attention to one or two things that are denounced as errors and are under anathema:

Every man is free to embrace and profess the religion he shall believe true, guided by the light of reason.

That is pronounced an error under anathema. I might read many more. I will read another, numbered 77 in the list:

In the present day, it is no longer expedient that the Catholic religion shall be held as the only religion of the state, to the exclusion of all other modes of worship

That is the seventy-seventh error. Now I read the seventy-eighth:

Whence it has been wisely provided by law, in some countries called Catholic, that persons coming to reside therein shall enjoy the public exercise of their own worship.

That is the seventy-eighth error. There are others of the same character, and it is all in the same spirit.

Mr. BOGY. Only one word, if the Senator will allow me. Although I said a while ago we might have been transported by some mysterious agency to Rome and to the Vatican council, yet I think we have got back and are now in the Senate of the United States. I do not rise to vindicate or explain. This is not the occasion, nor is this the place. Many of those things referred to there are what logicians call fundamental errors, and my friend from Indiana is too well versed in philosophy not to know that problems of that kind are not to be discussed in a question of this character. It is very hard to explain, very hard to vindicate these things, which when well understood have received the approbation of the enlightened Catholics of the world as not being subversive of the rights of conscience, as not being subversive of the true liberty of man, but they must be understood in the sense in which they emanated from the Pope, who is the head of the church. He goes no further there than the Queen of England would go; he goes no further there than the head of any church would go in proclaiming what he believes to be the essential truth of that church. It is hard to explain; I do not rise to do it myself. I will only say that this is not the occasion to explain it. But many of those enunciations have received the sanction and approbation of the enlightened lovers of liberty, enlightened Catholics all over the world.

Mr. MORTON. The language that I have quoted is not susceptible of any explanation; that is to say, it is clear and explicit. It is not enigmatical and it does not require construction to get at the meaning. It is just as plain as the English language can be made. I do not wish, of course, to place my friend from Missouri in any delicate or false position; but my friend has indorsed in the Senate of the United States the doctrine of the encyclical letter on the subject of religious liberty. It is right for the world to know what that doctrine is. My friend asked in the course of his speech, "Who are opposed to religious liberty?" I will answer that in general terms those are opposed to religious liberty who are opposed to securing or giving to religious liberty constitutional guarantees.

Mr. BOGY. I say we have that guarantee in the States; and this is subversive of liberty.

Mr. MORTON. That brings me right back to the point made by the distinguished Senator from New York. He says we have that guarantee in the States. What guarantee have we in the States? A majority of the people of a State can change the Constitution of that State and according to the doctrines we have heard here to-night, doctrines I think that will startle this nation, we are told that the States must be left free, if they desire to do so, to establish a church, to establish denominational schools, and maintain them at public expense. Although the distinguished Senators say they are opposed to it, as I have no doubt they are, yet the fatal proposition is that the States shall be left free to do this. We are told that, if we do not leave the States free to do this, we are interfering with religious freedom, just as if religious freedom required that a State should have the power to establish a particular church, and to exclude all others, and to have the doctrines of that church taught in schools that are maintained at public expense. That is the whole doctrine of the opposition to this amendment in a nut-shell; it cannot be explained away; and I must say that it is in striking harmony with the Pope's encyclical.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution.

Mr. EATON. Mr. President, I have a word or two to say on this matter. I propose to correct some errors that my honorable friend from Indiana [Mr. MORTON] has fallen into. The opinion of the honorable Senator from Indiana appears to be that unless a certain amendment to the Constitution, which he believes to be right, is adopted, the converse of that is to be done by the States. Sir, there never was anything more absurd or nonsensical uttered on the floor of this Senate. Let us look at this for one moment:

No State shall make any law respecting an establishment of religion, or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any State.

Who doubts that? No man. There is not a man living within the limits of this broad land who doubts it. Is that any reason why it should be placed within the Constitution of the United States? Let me make another suggestion. Suppose the honorable Senator from Vermont should say that no man hereafter should pick a pocket or commit burglary, who here disputes the propriety of that sentiment? Nobody. But would you put it into an amendment to the Constitu-

tion of the United States? It is an absurdity to talk about it. There are five thousand things that my honorable friend can draw in the shape of an amendment to the Constitution of the United States, the principles of which no man would object to; but that is no reason why they should become a part of the Constitution of the United States. My view is this: I would not amend in any particular the organic law of this land unless there was an absolute necessity for doing it; and I hope my friend from Indiana will understand me when I say so. After the results of the late terrible civil conflict it became necessary in the opinion of those holding power that there should be certain amendments to the Constitution of the United States. Previous to that war slavery existed. By the logic of the war it was destroyed, and therefore it seemed to be proper that there should be certain amendments to the Constitution. They were adopted and have become a part of the organic law of the land.

What is the necessity here for this amendment? No man yet has given any reason for it. I ask for a reason. No reason has been given and no reason can be given. My honorable friend from Indiana says the man who does not vote for this amendment is opposed to the principle. That is not so; it is not logical. The difference between the honorable Senator from Indiana and myself is this: The States possess this power to-day, and he knows it. He knows that no public money can be taken and that no State can pass any law respecting religion or prohibiting the free exercise thereof. He knows it in his own heart.

Mr. MORTON. If my friend will permit me?

Mr. EATON. Certainly, with a great deal of pleasure.

Mr. MORTON. The Senator says I know the States cannot do this thing. What is the reason the States cannot do it? He will say that in most of the constitutions there are provisions preventing them; but my friend knows very well that the majority who made those constitutions can unmake them. Therefore he leaves it in the power of any State by a change in its organic law to make an established church.

Mr. EATON. Majorities do not make constitution in my State; it takes more than a majority.

Mr. MORTON. I do not think that the Senator's State, perhaps, can be considered as a standard.

Mr. EATON. Nor yours.

Mr. MORTON. O, yes, the majority makes the constitution in my State.

Mr. EATON. I am sorry for your State; it ought not to be so.

Mr. MORTON. Perhaps it ought to require something more than a majority in my friend's State to make the constitution; but in other States I imagine the constitution is made by a majority of the people. I never heard of a two-thirds vote being required in a State to amend its constitution. Does my friend insist then that in his State constitution that is required?

Mr. EATON. A two-thirds majority? My dear sir, you could not get through with a short session of my Legislature without a two-thirds majority twice.

Mr. MORTON. If my friend will permit me, he asserts that the majority of the people of a State cannot change the Constitution of that State. He says they cannot in his State.

Mr. EATON. I have not said that.

Mr. MORTON. I understood my friend to say so a few minutes ago, and I think the record will show that he did.

Mr. EATON. Is my friend through?

Mr. MORTON. For the present.

Mr. EATON. My friend says, Can they not do it? I might as well say, Why cannot my friend from Indiana commit burglary or murder or robbery? Because it is against his character, his reason, and his sense. When you tell me that the State of Indiana can legalize murder, can legalize robbery, can legalize a system of religion, I say it is as absurd as it would be for me to say that my friend from Indiana can commit murder. Of course he can; but will he? Will any reasoning man in a community do a thing of that sort? This whole business is absurd. Let us go a step further.

No public property, and no public revenue of nor any loan of credit by or under the authority of, the United States, or any State, Territory, District, or municipal corporation shall be appropriated to, or made or used for, the support of any school, educational or other institution.

For one moment look at this. The State of Connecticut, small I agree, representing her humbly, as I agree I do—and I hope I shall not injure my friend's feelings when I say the sovereign State of Connecticut is not to be permitted to give a thousand dollars to an educational institution unless my friend from Indiana and the honorable Senator from Vermont say she may do it. I have no patience with such an argument. In my city of 50,000 people, small I agree it is, there are two asylums for children, one a Catholic asylum and the other a Protestant asylum. There are in those two asylums five hundred children, and the city of Hartford, my city, by this amendment cannot give a thousand dollars a year to each of those two asylums although by doing it they should save \$20,000 a year. It is absurd. I have great confidence in the intelligence of my honorable friends from Indiana and Vermont, but I beg to say to them both that Connecticut can take care of its own schools and its own religions without their assistance. We do not require it, and in my judgment it will be a good many years before we shall. That is my opinion.

I am glad of one thing. My friend from Missouri [Mr. BOG] said

that the negro was about played out. It looks to me as though there was to be another new thing; that there was to be injected into the coming presidential election this question of whether Connecticut, and Indiana, and New York, and Vermont, and South Carolina, and Arkansas should take care of their own schools, of their own prisons, of their own reformatory institutions. Let it come; the quicker the better. This report of the Judiciary Committee is the particular act I am talking about; I am not now speaking about any other amendment. When any other one comes up I will talk about that. I have not said that I shall vote for any. I would cut my arm off before I would vote for this, because I would disgrace my manhood and my State if I should vote for it. When we come to any other amendment I will talk about that. Has it come to this, that there is to be a new issue in the next Presidential election whether Indiana and Vermont shall govern New York and Connecticut; whether New Jersey, Florida, the Carolinas, Tennessee, Kentucky, and Massachusetts shall govern themselves? Is that to be the question? If it is, let us meet it here, anywhere, at all times, and in all places.

My friend from Missouri said what I shall not say or admit. He said that there was left to the States this right. I do not use that language? I say this right belongs to the States. It was not left to them; it belongs to them, and they have not given it to any other government. That is the way I put it. It is a State right for Connecticut to determine what she shall do with regard to this matter. She has not given it to the Federal Government. It is hers, one of her sovereign rights. I represent in part the State which was represented in the federal convention by Roger Sherman and Oliver Ellsworth. They said in that convention that the State of Connecticut was sovereign, and I shall not myself, to use a modern but common phrase, "go back" upon what they said. The argument is a false one. I do not use the term "false," as my friend from Indiana well knows, for the purpose of irritation; but the argument is a false one when any Senator asserts that a Senator who is not in favor of this proposition is in favor of the opposite of the proposition. "That won't do," as my friend from Ohio [Mr. THURMAN] says; that won't hold water; there are "too many holes in that skimmer."

I simply say with regard to this proposed amendment that I am opposed to it because it interferes with the rights of the States; that is all. The States will determine when they come to legislate upon this matter. When any man says that I am in favor of the converse of this proposition because I will not vote for it he says what is not true. It will not do for any Senator to say it in my presence, because I am opposed to any State making a law respecting an establishment of religion. In my State I will take care that they do not make any such law; and I do not want the honorable Senator from Indiana to take care of Connecticut. I will take care of that myself. Let him take care of his own State. I think he will have as much as he can do to take care of it during the coming election.

Next, no State is to make any law prohibiting the free exercise of religion. Where is the Senator who dares to stand on this floor and say to me, or any other Senator, that because I oppose this proposition and oppose the giving of this power to the Federal Government I am in favor of the States doing that? It will not do. I am opposed to any State making a law establishing religion; I am opposed to any State prohibiting the free exercise of any religion; and I do not require the Senate or the Congress of the United States to assist me in taking care of the State of Connecticut in that regard. We have got on for a hundred years without it, and I beg leave to say that we shall get along for another hundred years without it. I am very much inclined to the opinion, and therefore being inclined to the opinion I must express it—I hope I am wrong about it—that this whole matter is brought up as an election dodge.

Mr. HARVEY. Will the Senator permit me to ask him where this question comes from?

Mr. EATON. I do not know, nor care.

Mr. HARVEY. Did it not come from the House of Representatives?

Mr. EATON. It came from James G. Blaine. Did you ever hear of him?

Mr. HARVEY. Did it not also come from the democratic House of Representatives?

Mr. EATON. Not this "creetur." This whole business originated with Hon. James G. Blaine. Did you ever hear of him? It was one of his dodges to get a nomination, and I wish he had got it. I have been sorry ever since that he did not; and you have been glad ever since.

Mr. HARVEY. Was he able to dictate to the democratic House of Representatives?

Mr. EATON. I am not able to say what Mr. Blaine could or could not do. He has done a great many things in this world that I do not want to talk about.

Mr. HARVEY. This measure comes to us with the sanction of the House of Representatives.

Mr. EATON. No; I beg your pardon. This comes to us from the honorable Senator from Vermont. I am not talking about anything else. I will come to that by and by. I am talking about what the honorable Senator from Vermont has brought into the Senate.

Mr. HARVEY. The very language on which the Senator has just been commenting is in the original resolution.

Mr. EATON. Is it possible! Very likely. I have not read it; I am glad my friend has.

Mr. HARVEY. I had the impression that the Senator had not read it.

Mr. EATON. This came from my friend from Vermont. It is very good reading, but I have not got through with it yet.

And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect—

we have not any of those in my State—

organization, or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution.

I should like to ask which Bible; whether it is the Bible of James I or what is called the Douay Bible? This whole business is a partisan trick put upon the Senate of the United States. There is not a single member of the Senate—I do not except my friend from Kansas, I do not except my friend from Indiana, I do not except my friend from Vermont—there is not one single Senator on this floor who entertains the slightest idea that any State in this Union has any intention to originate a system of religion. No Senator dare rise in his place on his personal responsibility as a Senator and say so. If he will, I should like to hear him. Is there any danger that Indiana will do it? Is there any danger that Vermont will do it? Is there any danger that Massachusetts will do it? Is there any danger that North Carolina, or Delaware, or Tennessee, or Florida, or New York, or New Jersey will do it? Not one single Senator dare rise in his place and say any such thing. If there is one, I would be very glad to have him do it now, and I will yield the floor. No such gentleman has presented himself on this floor; and if he does hereafter, hereafter we can talk about it. Nobody has yet; and therefore as no one has, I will assume that I am right; and if I am right, then why is this thing here? It is here to do a little political business that it cannot accomplish. I am very glad to see it for one; I am very happy to see it. My honorable friend the Senator from Alabama [Mr. SPENCER] will be very apt to go with me on this question. As he will not be able to get telegrams from the two republican chairmen of committees in the State of Alabama, I think he will vote with me on this question.

My friend from Vermont says that every democrat opposes this proposition. Why should not every democrat oppose a proposition of this character? No reason has yet been given for supporting it. When one is given I will try to answer it. No reason has yet been given by the honorable Senator from Vermont, who is the putative father of this child, why it should be adopted. If any Senator can give a reason I should like to hear it. Every democrat certainly will oppose it, because he opposes it on democratic grounds, and those grounds are that this whole business belongs not to the Federal Government but to the States of the Union. Whenever any Senator gives a reason for this, I will try, if nobody else does, to answer that reason.

One word and only a word more. My honorable friend from Vermont is out of his seat. He asserted a certain fact. That fact which he asserted has been denied. I desire to re-assert that fact, that the first proposition which was ever made on this continent for the free exercise of religion was made by Charles Calvert in the colony of Maryland, and Charles Calvert was what I am not, a Catholic. That is the truth, and that is the history of the country. I came from Connecticut, what is called a puritan State, and that is no particular reason so far as I know why I should not tell the truth.

I did not rise here to-night to talk about the respective views of and differences between the Protestant and Catholic religions. Permit me to say, Mr. President, what you as a Michigan man know better than I, that the religion of our Lord was carried all through the Northwest by Catholics. Starting from Quebec and Montreal, all through the Indian tribes one hundred and fifty years ago the religion of Jesus was taught by the disciples of Rome. The puritan taught the religion of God as he understood it in New England; the Catholic as he understood it in Maryland; another class in New York; and another still in New Jersey, and the Catholic again in Louisiana. God forbid that I should rise here in my place as an American Senator to talk about the differences between the religious denominations and the religious creeds. I scorn to do it. No good has come to the people of the world by doing that. I shall never forget, whatever the errors of the Catholic Church are or may have been, that for fifteen hundred years it was the only form of the Christian religion known to man; and, right or wrong—I do not speak of it in that way; I should scorn myself to make an argument about it—upon it depends the salvation of many hundreds of millions of human beings. It will not do for the Senator from Vermont to tell me or to tell anybody else that the Catholic religion is to be stamped under foot by the people of the United States. I am not a Catholic; my ancestors were not such; but I thank God for one thing, and that is this: I recognize the great good that the Catholic people have done in my own town, in my own State, and therefore I stand here, a representative of puritan Connecticut, to defend the action of the Catholic religionists in my State. They have done well. I have nothing to do with their religion. They will take care of that, and I will take care of mine. I do not ask them to support me; they do not ask me to support them. Let us not have any quarrel on this subject; and therefore I would hope almost to a man that we should vote down this amendment of the honorable Senator from Vermont; and when we

come to another amendment it will be time enough to talk about that.

Mr. MORTON. Mr. President, if anybody has attacked the Catholic religion here to-night I have not heard it. The Senator's defense of it I think was entirely gratuitous, and I doubt whether he will get many thanks for it even from them. But it is a little extraordinary to hear my friend from Connecticut charging the presence of this proposition here to-night as a republican trick, a partisan trick, a thing that we have brought in here, lugged in by the heels, for the purpose of making a new issue. How did this get here? A resolution came from the House of Representatives, which has nearly a two-thirds democratic majority, and it received in that body 166 out of 171 votes.

Mr. EATON. I beg to suggest to my honorable friend that I know that fact; but that he is not entitled to speak of the action of the House of Representatives here.

Mr. MORTON. I am entitled to speak of it. I am entitled to speak of the fact that this resolution came here from the House of Representatives, having passed nearly unanimously, and that we were bound to consider it. We could not lay it upon our table and say we would not consider it. It was our duty to consider it whether we wanted to do it or not, and if we were bound to consider it, the question was whether we should consider it with a view to perfect it, if it required perfecting in our opinion. We have amended it; and notwithstanding this comes here now in this way my friend forgets all about it; he slaps his friends in the House in the face and says the whole thing is wrong from beginning to end, and lays the responsibility upon us.

Mr. EATON. I have not said one word about that, and I think the gentleman ought not to misrepresent me. I will take care of the other when I come to it. What I said was this: That I was now dealing with what the Senator from Vermont has offered us. I will take care of the other matter when I come to it.

Mr. MORTON. I have come to the other matter.

Mr. EATON. This is not the House resolution at all.

Mr. MORTON. It is not the House resolution, but it is an amendment of it.

Mr. EATON. O, no; not an amendment.

Mr. MORTON. I will yield to my friend from Connecticut if he has any thing to say. When it has been brought here in this way my friend forgets even that there is a House. In his great anxiety to assault the republican party he says we are responsible for the whole thing; and he says he bases his opposition to it upon democratic grounds; that the whole business belongs to the States; that we have not anything to do with it; right in the face of the fact that nearly every democrat in the House voted for the resolution, denying the States the power to take the school fund and give it to sectarian schools.

Mr. EATON. One moment. They have done no such thing. The States have done no such thing, and the Senator from Indiana knows it.

Mr. MORTON. I did not say the States.

Mr. EATON. The House has advised that a certain amendment to the Constitution should be made; that is all, and that it should be submitted to the States.

Mr. CHRISTIANCY. That is just what we have done.

Mr. MORTON. That is about all. We have shown what the House had done. I did not say that the States had done it. My friend is slightly mixed in his assertions.

Mr. EATON. Not much; he is not.

Mr. MORTON. The House sent us a resolution denying to the States the power to take the school fund and appropriate it to sectarian purposes. We have amended it, and say they have not only no right to do that, but that they shall not levy a tax for that purpose and shall not make an appropriation.

Mr. EATON. Will the Senator allow me once more?

Mr. MORTON. Certainly.

Mr. EATON. The House have denied no such power to the States. The Senator from Indiana is a lawyer, and the Senator knows they have not denied it. They have simply submitted to the States that they should adopt a certain thing; they have denied nothing.

Mr. MORTON. I suppose my friend is about right. We have not denied it to the States and we shall not until it comes to be adopted; but we have proposed to the States an amendment to the Constitution which does deny to them these powers. The House says that the States shall not have the power to take the school-fund and use it. We propose to extend it and say neither shall they have the power to levy a tax for that purpose, and go into some further detail, perfecting it and carrying out the same idea. My friend from Connecticut says it is all wrong; that the whole business belongs to the States; that it is a mere republican trick which has been brought here for partisan purposes. My friend says we want to make a new issue. He ought to have said that his democratic friends want to make a new issue. It stands just about this way: that for the purpose of meeting a strong feeling throughout the nation, for the purpose of allaying a great fear, a proposition is made to amend the Constitution which, at first glance, seems to accomplish the purpose, but on examination it is found not to accomplish the purpose, but is in effect a fraud and a sham, and when we try to amend it and make it a thing of substance and to cover the whole ground we are told that it is all wrong; that the whole matter belongs to the States.

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

Mr. MORTON. Yes, sir.

Mr. RANDOLPH. Who decides that the amendment offered by the House is a fraud and a sham?

Mr. MORTON. Does my friend want an answer?

Mr. RANDOLPH. Yes, sir.

Mr. MORTON. For one I will undertake to decide it, so far as I am concerned. That is to say, I give my opinion that the effect of it is a mere sham; that while professing to protect the public against sectarian schools or the appropriation of public money to carry them on it simply prevents the application of a school fund raised for that purpose and leaves each State at liberty to levy a tax for that purpose. In that respect it is a sham.

Mr. EATON. If my friend will allow me, I agree with him. I think that is a sham and all the others frauds.

Mr. MORTON. The Senator agrees that it is a sham?

Mr. EATON. And all the rest are frauds.

Mr. MORTON. The Senator from Connecticut has brought me to it, and now let me state this thing very fully. This resolution as it came to us is for political purposes. There is not a doubt about it. It is to meet a strong feeling existing throughout the United States, but it is to meet it by false pretenses. While pretending to guard the nation against this great danger it does not in effect do it. It simply keeps the States from taking an established school fund, but leaves them to tax the people from year to year for the purpose of supporting sectarian schools. We might as well understand this thing. I did not intend to say so much, but my friend has been so persistent in saying that it is a republican trick, a sham, that I prefer now to state the matter very fully and strongly. It was manufactured and sent here for a political purpose, and that was to make the impression that our democratic friends were in favor of free schools and of protecting them in their public character. It was intended to make that impression, but when it is shown that it does not have that effect and we bring it out in its true character and expose this attempt which has been made, then we are told that the whole thing belongs to the States; that we have no business with it; that we are robbing the States of their rights. How robbing the States? This cannot become a part of the fundamental law unless three-fourths of the States agree to it. We cannot take the power from the States by passing it here. Three-fourths of the States have to agree to it, and when they do it, it becomes the law. Our Constitution provided that we might amend the Constitution by the consent or approbation of three-fourths of the States, and this is simply following the line prescribed by the Constitution itself. If the States agree to it and give up this power it is all right. They have nobody to blame but themselves. If three-fourths of them agree to it, then it becomes the law of the land, just like any other constitutional amendment. Why talk about robbing the States? Robbing them of what? Robbing them of the power to tax the people of the State for the support of sectarian schools? That is the robbery, is it?

Mr. EATON. No.

Mr. MORTON. Robbing them of the power to establish a church? That is the robbery, is it?

Mr. EATON. No.

Mr. MORTON. My friend said we wanted to do it.

Mr. EATON. If the gentleman will permit me, he ought not to misrepresent me. Will he permit me to set him right?

Mr. MORTON. O, certainly.

Mr. EATON. I have said this over and over again: that the States shall determine, not that you are to determine it; not that the States will or will not be robbed, but that it is not your business as one of the Senators from Indiana to talk about this matter at all. While I am up, as the Senator gave me the floor, I beg to ask him if every one of the republican Representatives did not vote for the very amendment that he is now talking about.

Mr. MORTON. I presume they did. They voted for it in the shape in which a democratic committee presented it to the House; but the Senator himself, in his desire to hit the republicans, is hitting his own political friends. This is in keeping with the practice of the democratic party throughout the country. Here is a proposition that comes to us by the action of the democratic House. We are bound to consider it; but when it comes here it is thrown up to us that we brought it here, that it is a republican trick. It is just like the talk about the debt and about taxation. These things were brought about by the rebellion; they are the consequences of the action of the democratic party; but they are held up as being a crime and the consequence of republican action.

Mr. EATON. I do wish the Senator would not mix up the rebellion with this matter.

Mr. MORTON. My friend said we wanted a new issue. My friend from Missouri [Mr. BOGGS] said the nigger was killed. I think that was his language.

Mr. EATON. Dead.

Mr. MORTON. No; he said he was killed. Well, they have killed a good many of them, but they have not killed them all.

Mr. EATON. No matter; he came pretty near it; but he said dead. It is the same as killed.

Mr. MORTON. I think the desire to change the issue perhaps belongs more to the other side. Allow me to state what I understand to be the whole question. The House sends a resolution here which

if it becomes a part of the law prohibits the States from taking a school fund, already dedicated and set apart, and appropriating it to the support of sectarian schools. We amended that by also prohibiting the States from levying a tax for that purpose or from appropriating money out of the general Treasury for the same purpose, and going into some details for the purpose of perfecting it. We are trying just as we would upon any other measure to perfect a proposition. We assume that it came here in good faith. We wanted to make it better and cover the ground. My friend admits, and he cannot help admitting, that as it came here it is grossly imperfect; it amounts to but very little. We have tried to improve it, but now the opposition to-night comes upon the broad ground that the whole matter belongs to the States, coming as strongly against the House proposition as against the amendment of the Judiciary Committee. My friend from Missouri announces a doctrine here to-night in good faith and full of intelligence which strikes at the very basis and existence of the principles of the nation. There can be but one reason that I can understand for opposing this amendment, and that is that the States shall be left with power if they see proper to establish a church and tax the people for the support of sectarian schools. The amendment only prohibits them from doing that thing. Is it right, is it good policy, is it consistent with American liberty to prohibit the States from doing that thing? I think that it is. Those who oppose it must do it upon the ground that the States ought to have that liberty, that it may be their interest, it may be their feeling, some time, to exercise that power. I feel that in this matter we are entirely right, and that our opponents, as they have been upon every one of these constitutional amendments, are entirely wrong.

My friend said a while ago that the logic of the war was to destroy slavery, and then it was natural and proper that we should put an amendment to the Constitution abolishing slavery. So it was; but that was opposed by the democratic party from the hour of its introduction here up to this very time. It was right; it was proper; but it was opposed, just as this thing is opposed; and so was the fourteenth amendment, and so the fifteenth. This is just as clearly right as either of those three amendments, and there can be no argument or debate against the justice of this amendment. It simply places religious liberty in this country and education upon impregnable grounds. It is no blow upon the Catholic Church. The idea seems to be to appeal to the sympathy of the country as though it were an attack upon catholicism. It protects catholicism as it protects protestantism. It is just as much for the one as for the other; just as much against the one as against the other, and it is perfectly idle to talk about this thing being an attack upon the Catholic Church. It seems to me that the opposition to this thing gets down to a very small proportion when it is charged with being simply a republican trick, just as if it was devised here and gotten up for the occasion.

Mr. SAULSBURY. Mr. President, I desire to occupy the attention of the Senate not more than three minutes. I do not intend to discuss this question. I am sorry the discussion has taken the turn that it has; but what I rose to say particularly was that my friend from Indiana seeks in his closing remarks upon this debate to make the impression that the democratic party is responsible for any agitation that may arise in the country from a discussion of this character. That Senator knows, and every other Senator knows, that at the very commencement of this session the President of the United States, the head of the republican party, brought this question here in his annual message. They know, and know full well, that prior to that time the head of the republican party, in the city of Des Moines, opened the campaign last fall upon this very issue. They know full well that one of the leading republican candidates for the nomination for the Presidency at the commencement of the session of Congress introduced almost the precise resolution which the House of Representatives sent to the Senate.

I do not express any opinion either in favor or against the proposition, for I do not mean to discuss the resolution as it came from the House, or the resolution as it has been amended by the Senate; but I wish to say this: that the democratic House of Representatives, actuated doubtless by the highest motives that could govern a deliberative body, when they saw a deliberate purpose and intention on the part of one of the great parties of this country to bring into the presidential campaign this year, evidenced by the action of the President of the United States himself, the chief of his party, evidenced too by the action of a prominent aspirant for the presidential honors in introducing this very resolution—when the House of Representatives knew that that animus actuated the republican party they did wisely to adopt a measure to eliminate from the political discussions of the present campaign a question of such fearful import. When I listened to-day to the debates upon this question, when I heard the appeals that were made by Senators to the religious prejudices and passions of mankind, I trembled for the future of my country. Has not history a voice? Does it not speak with an eloquence that ought to appeal in living language to the heart of every Senator? Have not religious persecutions and appeals to religious prejudices stained the earth with blood and wrung from the hearts of millions the deepest agonies? Yet I see springing up in my own country for the base purpose of party, to promote a presidential election, a disposition to drag down the sacred cross itself and make it subservient to party ends. I appeal to Heaven to thwart the purpose of all such partisans! While the Christian world is to-day praying for the peace of Jerusa-

lem, there are men in this country caring nothing for religion who would subserve their party ends if they could by crucifying the Son of God afresh if he were on earth, or what is little better, who attempt to disturb the peace of the church and to array the Christian brotherhood in deadliest hate against each other.

I appeal to the American people, standing here in my place, to be deaf to all such appeals. Let not the worst passions of mankind be invoked in this campaign; but let the peace of the church flow on as it has in the past, and the great mission of Christianity accomplish that good for which it was sent. Let not politicians make the cause of the Redeemer subservient to base party ends. I protest against it in the interest of Christianity and the peace and happiness of mankind.

The PRESIDENT *pro tempore*. The question is on the passage of the resolution, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when Mr. BARNUM's name was called.) I wish to state that my colleague [Mr. BARNUM] is paired with the Senator from Massachusetts, [Mr. DAWES.] One would vote one way and the other the other. [Laughter.]

Mr. EDMUNDS, (when Mr. HAMILTON's name was called.) The Senator from Texas [Mr. HAMILTON] is detained at his rooms by illness. He is paired with the Senator from Virginia, [Mr. WITHERS.] The Senator from Texas would have voted in favor of this amendment, and the Senator from Virginia, as I understand, would have voted against it.

Mr. HITCHCOCK, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. WHYTE.] He would have voted "nay," and I should have voted "yea."

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Wisconsin [Mr. HOWE] and the Senator from Kansas, [Mr. INGALLS.] They would vote "yea," and I should vote "nay."

Mr. SAULSBURY, (when his name was called.) I am paired on political questions with the Senator from Pennsylvania, [Mr. CAMERON.] I did not think at the time I made the pair of this question, and I presume he was not expecting it. In his absence I do not feel at liberty to vote. I would vote against the proposition.

Mr. WINDOM, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If present the Senator from Delaware would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. GORDON. I wish to state that the Senator from Pennsylvania [Mr. WALLACE] is paired with the Senator from South Carolina, [Mr. ROBERTSON.] If they were here the Senator from Pennsylvania would vote "nay," and the Senator from South Carolina would vote "yea."

Mr. ALLISON. I desire to state that my colleague [Mr. WRIGHT] is paired with the Senator from Maryland, [Mr. DENNIS.] My colleague would vote "yea," and the Senator from Maryland would vote "nay."

Mr. PADDOCK. Without a very strong stomach for this sort of legislation, I vote "yea."

The result was announced—yeas 28, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christianity, Clayton, Conkling, Cragin, Edmunds, Ferry, Frelinghuysen, Harvey, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Spencer, Wadleigh, and West—28.

NAYS—Messrs. Boyv Cockrell, Cooper, Davis, Eaton, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Norwood, Randolph, and Stevenson—16.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Merrimon, Ransom, Robertson, Saulsbury, Sharon, Sherman, Thurman, Wallace, Whyte, Windom, Withers, and Wright—27.

The PRESIDENT *pro tempore*. Two-thirds of the Senators present not having voted to agree to the resolution, the same is not passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4107) to provide for the payment of a full month's wages to certain of the employes recently permanently discharged from the service of the Bureau of Engraving and Printing; and

A bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

REPORTS OF COMMITTEES.

Mr. WINDOM. I move that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

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

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island, which takes precedence.

Mr. WADLEIGH. I wish to make some reports.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire making reports?

The Chair hears none.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the bill (S. No. 147) to refund to William Watts, of the county

of Boone, and State of Kentucky, the sum of \$5,610, illegally taken and received from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth Kentucky district, in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of manufactured tobacco, on the 28th day of June, 1864, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 355) for the relief of James Millinger, of New Jersey, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert, of Louisiana, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. JONES, of Nevada. I desire to offer a resolution.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nevada offering a resolution, the Senator from Rhode Island having moved that the Senate proceed to the consideration of executive business? The Chair hears none, and the resolution will be reported.

The Chief Clerk read as follows:

Resolved, That the Committee to Audit and control the Contingent Expenses of the Senate have leave to sit during the recess of Congress.

Mr. LOGAN. I ask the Senator from Rhode Island if he will give way for a moment that I may call up a bill of very great importance, which will not cause any delay in his executive business.

The PRESIDENT *pro tempore*. Does the Senator from Illinois object to the consideration of the resolution?

Mr. DAVIS. Let it be read.

The Chief Clerk read the resolution of Mr. JONES, of Nevada.

Mr. DAVIS. I believe that is usual.

Mr. MORRILL. That is always usual.

The resolution was considered by unanimous consent, agreed to.

ORDER OF BUSINESS.

Mr. LOGAN. Now I appeal to the Senator from Rhode Island.

The PRESIDENT *pro tempore*. Will the Senator from Rhode Island yield to the Senator from Illinois?

Mr. WINDOM. I hope the Chair will put the question on the motion of the Senator from Rhode Island or else on the motion which I made.

The PRESIDENT *pro tempore*. The Chair is entertaining business by unanimous consent. The request of the Senator from Minnesota is in the nature of an objection.

Mr. LOGAN. If the Senator from Minnesota will allow me to explain, I will state the reason why I ask him to give way. It seems to me that through courtesy I should be allowed to explain.

Mr. WINDOM. I suppose the business before the Senate is the motion pending made by the Senator from Rhode Island. I do not know that an appeal can be made to me at present on that subject.

Mr. CONKLING. I hope I may be allowed to make a suggestion.

It is now one o'clock. The Indian bill is a voluminous bill, so that it will take a long time to enroll it. I can see in the case of that bill a reason why we should stay here and pass it. I cannot see in the case of any private bill, especially one to which no objection will be made, why we should punish ourselves by staying here all night when we are going to be here to-morrow in any event. I suggest to Senators, without meaning to interfere with anybody, that therefore the Senator from Minnesota has an obvious reason for wanting the Indian bill to be acted on to-night, so that the clerks may have an opportunity to enroll it. That reason does not apply to any other bill that occurs to me now, none that is proposed. Therefore I suggest that the Senator from Minnesota be allowed to take up the conference report and have action upon it, and then we adjourn till morning and not wear ourselves out by sitting here all night.

Mr. WINDOM. I hope the Senator from Rhode Island will allow me to present the conference report.

Mr. ANTHONY. In consideration of the fact stated by the Senator from New York and the Senator from Minnesota, the necessity of enrolling this voluminous bill, I withdraw the motion to proceed to the consideration of executive business; but I must state that after that matter is disposed of I shall renew the motion, and if it does not prevail then, I shall renew it as soon as we meet to-morrow morning, and I shall keep on renewing it with the same persistency as my friend from Illinois insists on his bounty bill, and I hope with more success; for unless we shall transact some business in executive session, we shall be called together after the adjournment of Congress.

Mr. SARGENT. We must have an executive session.

Mr. LOGAN. May I be permitted to say just one word, and it is very hard to get an opportunity to say anything? It is not necessary for the Senator from Rhode Island to allude to the bounty bill.

If he was as willing to get up the bounty bill as sometimes he pretends to be, there would not be so much trouble about it. I rose, however, to state that a bill has just come from the House in reference to the organization of troops in the Indian country, which I think is about as important as any matter before this Congress. I

desired to have an opportunity to say that much, and to ask that the bill be taken up for immediate action.

Mr. CONKLING. May I ask my friend from Illinois a question?

Mr. LOGAN. Yes, sir.

Mr. CONKLING. I ask does it make any difference practically whether that bill passes now or waits until eleven o'clock to-morrow?

Mr. LOGAN. I think it makes a great deal of difference for this reason: I do not think the bill which the House have sent to us will pass; I propose to offer a substitute for it so that there must be a conference between the Houses to settle the question, if the Senate agree with my views. If not, the bill as the House passed it can be agreed to.

Mr. EDMUNDS. Will the Senator allow me to suggest that we can do both in fifteen minutes?

Mr. MORTON. Let us go right on.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota insist on his motion?

Mr. HITCHCOCK. I ask unanimous consent to make a single remark. I ask that the chairman of the Committee on Military Affairs be allowed first to present the report of his committee upon the bill to which he refers. It will certainly take no time.

Mr. WINDOM. I have no sort of objection to allowing the Senator from Illinois to present his report.

Mr. HARVEY. I join in that request. It is certainly of great importance.

Mr. HITCHCOCK. It will not delay the business.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Minnesota does not object.

Mr. LOGAN. I beg to say to the Senator from Nebraska that I have no report from the committee. I was going to ask the Senate to take the House bill up, and I have a substitute which I propose to offer myself upon my own responsibility.

Mr. PADDOCK. That is the most important measure which we can consider to-night.

Mr. HITCHCOCK. If the honorable Senator will offer his substitute we can treat it as the report of the Committee on Military Affairs.

Mr. WINDOM. I yield to the Senator from Illinois to take up his measure provided it does not lead to debate. If it does I shall ask the Senate to proceed to the consideration of the conference report on the Indian bill.

Mr. LOGAN. If I can have the floor after the Senator is through with his conference report I have no objection, but I do not want the Senate to adjourn without action on this proposition. ["All right."]

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Minnesota, who now moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 16, 18, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, and 61.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 19, 20, 22, 23, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 56, 58, 59, 60, 62, and 63.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with amendments as follows: In line 24, page 2, strike out "five" and insert "six," and after the word "expenses" insert in line 27 of the same page "in excess of \$100," and in line 9, page 3, of the amendments, after the word "thousand" insert "and one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with an amendment as follows: In line 11 of said amendment, page 3, strike out "six" and insert "four," and after the word "Minnesota," in line 12, same page, strike out all down to and including the word "Carolina," in line 14, and as a distinct paragraph to follow the amended paragraph, insert: "For pay of special agent of the Eastern Cherokee and other Indians in North Carolina up to September 1 next, after which the office of said agent is abolished, \$250," and in line 16 strike out "nine" and insert "six," and at the end of line 3, page 6 of the bill, add the following: "and for gilling-twine for nets, \$1,200;" and at the end of line 16, same page, add "and for gilling-twine for nets, \$400;" and at the end of line 15, page 7, add "and for gilling-twine for nets, \$400;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 17, with the exception of the words after the word "Territory," in lines 22 and 24, page 20 of the bill; and the House agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same, with an amendment as follows: Strike out "four" and insert "two," and strike out "and nineteen," and strike out "eight hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In line 4 strike out the word "tribe" wherever it occurs, and insert in lieu thereof the word "bands," and after the word "people," in line 5, strike out all down to and including the word "Indians," in line 7, and insert "and hereafter there shall be no appropriation made for the subsistence of said Indians," and in line 21, after the word "designate," insert the following: "And the further sum of \$20,000 is hereby appropriated, to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provisions," and make the word "amount" in line 26 plural; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 31, and agree to the same, with an amendment as follows: Strike out "fifty" and in-

sert "twenty-five," and after the word "dollars," in line 26, page 39 of the bill, add the following:

"And the Commissioner of Indian Affairs shall direct that said Indians shall not be allowed to leave their proper reservations; and it shall be the duty of the War Department to aid the Indian Office in seeing that the orders of the Commissioner are executed; and rations shall not be issued for a longer period than one week at a time; and arms or ammunition shall not be issued, sold, or given to said Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same, with an amendment as follows: Strike out "forty" and insert "twenty," and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 41, and agree to the same, with an amendment as follows: At the end of said amendment add:

"Provided, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institution and published on their written approval."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 54, and agree to the same, with an amendment as follows: After the word "for," in line 8 of said amendment, insert "agricultural implements and for," and in line 11 strike out "five" and insert "six," and at the end of said amendment add "and \$300 of said sum shall be paid to the superintendent of common schools in North Carolina, who shall have the supervision of the schools of the Cherokees in said State under direction of the Commissioner of Indian Affairs;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 57, and agree to the same, with an amendment as follows: In line 5, page 45 of the bill, strike out all after the word "Provided" down to and including the word "but," in line 8, and insert the word "That;" and in line 10 strike out the word "and" where it first occurs, and strike out the words "and others," and in line 11 strike out the word "and" where it first occurs, and strike out "and for no other purposes" and insert "and for paying employes: And provided further, That amounts now due employes for the year ending June 30, 1876, may be paid out of the unexpended balance of the incidental fund of said year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 64, substituting as follows:

"Sec. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians."

"Sec. 6. That the Commissioner of Indian Affairs shall advertise for all supplies: Provided, That the purchase of supplies for sixty days may be made in open market: And provided further, That to meet any exigency of the service purchases may be made in open market to an extent not to exceed \$2,000 at any one time."

And the Senate agree to the same.

WM. WINDOM,
JOHN A. LOGAN,
FRANCIS KERNAN,
Managers on the part of the Senate.
SAM'L J. RANDALL,
A. M. SCALES,
S. A. HURLBUT,
Managers on the part of the House.

The report was concurred in.

SUPPRESSION OF INDIAN HOSTILITIES.

Mr. LOGAN. I ask now that the Senate consider the bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities.

The PRESIDENT *pro tempore*. The Chair will lay the bill before the Senate.

The bill (H. R. No. 4106) to authorize the President to accept the services of volunteers to aid in suppressing Indian hostilities was by unanimous consent read twice, and considered as in Committee of the Whole.

Mr. LOGAN. I move to strike out all after the enacting clause of the bill, and to insert in lieu thereof the following:

That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as in his opinion may require the same. *Provided*, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the twenty-five thousand authorized by the act approved July 24, 1876, "making appropriations for the support of the Army for the fiscal year ending June 30, 1877," and the following sums are hereby appropriated for recruiting and maintaining the same:

Recruiting 2,500 cavalymen	\$50,000
Pay per annum	390,000
Subsistence	200,400
Clothing	206,000
Regular supplies	216,000
Purchase of horses	337,500
Transportation, (wagons, &c.)	84,800
Transportation by rail, &c.	150,000

Making in all

1,634,700

Mr. MORTON. What is the appropriation in this amendment?

Mr. LOGAN. It is \$1,634,700.

Mr. STEVENSON. How much is it in the House bill?

Mr. LOGAN. "One million dollars, or so much thereof as may be necessary." I desire to say to the Senate that it is impossible to execute the House bill. I can demonstrate in five minutes its utter impracticability and show that preference ought to be given to the proposition suggested by the President and heretofore adopted by the Senate. The President's suggestion to the Senate was to recruit twenty-five hundred cavalymen, that is, twenty-five hundred privates. Their pay would be \$13 per month. The pay of twenty-five hundred men for one year at \$13 per month would be \$390,000. The pay of five thousand under the bill as agreed to by the House would be the same, because they are recruited for six months. That applies to the private soldiers. The twenty-five hundred men can be recruited and absorbed in the existing companies without appointing

a solitary officer to command them; but the commissioned officers alone in the bill from the House will cost \$314,615 at the pay fixed by the law as it now stands. There is, then, an addition of \$314,615 made by the House. The necessary clothing for the five thousand would be just double, because the clothing is necessary, no matter whether they are to serve for six months or twelve months.

Mr. EDMUNDS. It is just the same.

Mr. LOGAN. It is just the same. I will show in two minutes that it will cost over \$1,000,000 to execute the bill as passed by the House, and that there is not half money enough appropriated by it. The pay for cavalymen, as I stated, for one year is \$390,000. That is exactly as I figure it, and I made the calculation here myself and I know it is correct. The subsistence of twenty-five hundred men would be \$200,400. Subsistence of twenty-five hundred men then for one year and for five thousand for six months would be just equal, so that there is no difference in that item. The clothing for twenty-five hundred men would be \$206,000. For five thousand men it is just double; any one can make the calculation. Regular supplies, that is, the rations for these cavalymen for twelve months for twenty-five hundred or five thousand for six months would be exactly the same. The number of horses for the five thousand of course would be double the number required for the twenty-five hundred. The horses for the twenty-five hundred will cost \$337,500, and you have to double that number to supply five thousand, which doubles the calculation. Transportation, wagons, &c., for twenty-five hundred private soldiers would cost \$84,000, and you have to double that to supply five thousand men. The forage for the horses is just the same precisely, twenty-five hundred for a year and five thousand for six months. It makes no difference and it is not necessary to calculate that. Now as to the commutation allowed volunteer cavalymen, forty cents a day, it is \$730,000 for commutation.

Mr. OGLESBY. That is for the use of the man's horse.

Mr. LOGAN. Yes, sir. Just add these items up and you will see the difference between the two measures. There is a difference in the cost of \$2,500,000 for six months; and yet the appropriation in this bill is only \$1,000,000. The \$1,000,000 appropriated in the House bill will not organize the five regiments. You cannot organize them with the money, cannot get the horses, the rations, and the clothing to save your souls for the amount of money that is appropriated. So the House, without speaking in disrespect, have either acted without due consideration in reference to this thing or do not intend that any proposition shall pass for the purpose of organizing troops for fighting the Indians, one or the other. The twenty-five hundred cavalymen can be organized very soon; it only requires the enlistment of private soldiers to fill up the companies already officered and provided for in every way, and all that is necessary is to feed them and clothe them and give them their sabres and guns, and they are ready to mount their horses and go; but in organizing these regiments they must be officered, must be clothed, must be rationed; they must have transportation, and everything provided for an army, and besides that they have to be drilled. The idea of taking five regiments of raw men of cavalry to go in now and fight Indians without drill, no man but a crazy man would attempt any such thing. I leave it to any one, I leave it to my friend from Texas, [Mr. MAXEY,] who is a soldier and has been a soldier for a long time, and he will agree with me that the proposition is perfectly absurd.

Nor is there economy in it. I have tried, as far as I was concerned, and I have insisted on raising troops to fight these Indians on the most economical plan. I want to fight them with good men, and with men who will understand it. Any man who has ever been a soldier knows that if you take raw recruits and raw officers you must drill the men, drill the horses, drill everything connected with them; but if you take a trained company that has its officers and has a portion of its men, and raw recruits are distributed among them, they will be drilled in a week so that they can fight. Take men in that way, distribute them in regiments, and they are soldiers in a very short time; but when you take a whole regiment of raw men it takes a long time to make them good soldiers. This is the advantage of the amendment.

I have tried to defend this from a proper stand-point, from the stand-point that will make good soldiers, and from the stand-point that will raise them on the most economical plan; but this proposition is demagogery, and nothing else, let it come from House or Senate or where it will. When we have plenty of regular troops, plenty of organized force, all that you have to do is to fill up with men. No man but one who is a demagogue or desires to be extravagant will wait for a time when the Indians have a chance to massacre as many as they choose, to make any such proposition as this.

Some of my friends have complained of me because I did not insist on having volunteers. I did not insist on it, for the reason that I know the expense attached to raising troops and organizing them and preparing them and fitting them for going into battle. I do not wish to do it merely to make people think that I want to give them a chance to volunteer. My desire is to have it put on a fair basis, a proper, soldierly basis, and an economical plan.

Mr. CLAYTON. May I ask the Senator whether he is aware of the fact that during the war many of our volunteer regiments furnished their horses?

Mr. LOGAN. I am aware of that.

Mr. CLAYTON. If he is, can he state the amount paid them per month for the use of their horses?

Mr. LOGAN. Forty cents a day.

Mr. CLAYTON. Twelve dollars a month.

Mr. ALLISON. Seventy-two dollars for six months.

Mr. CLAYTON. What price did the Senator put on the horses in his estimate?

Mr. LOGAN. I estimated them at \$100 apiece. They cost more than that.

Mr. CLAYTON. You must estimate more than that, because I see you make the amount over \$300,000.

Mr. LOGAN. That was the estimate of the War Department, \$337,000 for twenty-five hundred horses, and double that for five thousand.

Mr. CLAYTON. They cannot be purchased for \$100.

Mr. LOGAN. I offer the substitute.

Mr. PADDOCK. I should like to inquire of the chairman of the Committee on Military Affairs if this substitute he has now offered is not the same measure that was passed by the Senate and sent to the House and by the House rejected.

Mr. LOGAN. *Verbatim et literatim.*

Mr. EDMUNDS. They did not reject it.

Mr. LOGAN. No.

Mr. PADDOCK. As a practical question it seems to me that the offering of it here the second time is an absurdity.

Mr. LOGAN. Very well, we shall see whether it is or not.

Mr. SARGENT. It brings us to a conference between the two Houses, the only possible way of reaching a result.

Mr. PADDOCK. I do not want to consume time, but I disagree *in toto* to the sentiments expressed by the chairman of the committee.

Mr. MAXEY. I will say, in response to the question put me by the Senator from Illinois, that it is the experience of the Mexican war, as it was of the last war in both armies, that the enlistment of volunteers for a short period of time is bad policy. We have only to look at the history to see that that is the fact. The cavalry is now disposed of at the proper points according to the best judgment of the General of the Army. The recruits that are obtained for cavalry service are sent on at once, so soon as gathered, to their proper points of destination and assigned their companies and their regiments. They are there mixed up with the companies already organized and already drilled, and therefore become effective far more readily than they would if you attempted to get an entirely new cavalry force. My candid judgment is that you cannot organize this cavalry force of five thousand men, volunteers, drill them, put them into the field, and make them effective in the six months. I therefore think the amendment is proper.

Mr. HITCHCOCK. I suppose the object sought is to put down the Indian rebellion. Now, what the Senator says in regard to the organization of military force, in regard to the advantage of organizing a military force for service in ordinary military operations, is entirely correct; but to fight Indians I want to tell the Senator that that theory will not apply.

Mr. MAXEY. Will the Senator from Nebraska permit me to add one word which I omitted? I only want to add that in my judgment, from observation and experience, this is going to be one of the worst Indian wars ever fought in this country, and, therefore, we must be active, ready, and prompt in what we do.

Mr. HITCHCOCK. I want to tell the honorable Senator that the men to fight Indians are the men who know the Indian habits and the Indian character, the men who are on the ground; and there are plenty in the immediate vicinity of these Indians who not only are acquainted with the Indian habits and character, but have had military service in the field heretofore.

Mr. LOGAN. I will say to the Senator that the twenty-five hundred we propose can be taken from that class of men.

Mr. HITCHCOCK. No, sir. I want to say to the honorable Senator that that class of men are not the class of men to enlist as privates in the regular Army. You cannot enlist those men as privates, because they are not the class of men.

Mr. LOGAN. Perhaps they would prefer to enlist as officers.

Mr. HITCHCOCK. Recruits for your regular Army are enlisted in the streets of our great cities; they are men who have never seen Indians; they are men unaccustomed to ride; they are men who have to be trained; but in the immediate vicinity of these Indians, five thousand men, if necessary, can be enlisted, who can furnish their own horses, and we can enlist those five thousand men, I venture the assertion, if the necessity arises, in one-half the time that twenty-five hundred men can be enlisted in the regular Army.

Mr. LOGAN. And I suppose, after we had enlisted them with their own horses, for the next fifteen years we should be passing bills to pay for the loss of horses? That would be about the result. That is the experience everybody has had in matters of that kind.

Mr. HITCHCOCK. I do not know about that. I do not think any measure of this kind has ever been passed by the American Congress. The trouble is, and will be in this instance if we pass no bill, that if a disaster comes to General Crook, if we have to organize in our own way without the forms of law, as we may have to do, then the Congress of the United States in the years to come will be called upon very naturally to pay, and we shall expect them to pay, and they

will have to pay, very much for the irregularities which will be consequent upon such a measure. But what I seek, and what we of the Northwest seek, is some practical safeguard against the peril which threatens us if Congress adjourns without giving us some measure of protection. I believe if the Senate fails to pass the bill which the House has sent to us, nothing will be done. If such a calamity should happen, I want to wash my hands of any responsibility. I hope that we shall have a vote of the Senate on the adoption of the substitute. While I should be quite willing that the twenty-five hundred regular troops should be given, I very much doubt whether we can obtain that. I very much prefer, because I think it is much safer, that the bill as received from the House should be adopted, and I shall call for a yea and nay vote on that question.

Mr. HARVEY. There is a great deal of truth in what the Senator from Nebraska [Mr. HITCHCOCK] has said and in what the Senator from Texas [Mr. MAXEY] has said. There is a great Indian war impending; and it is well that we should resort to the most efficient means to put it down. It is due to the citizens of the United States living in the Territories adjacent to where the hostilities are now taking place that the most efficient and rapid means of putting an end to this war should be taken, and I should like to ask the chairman of the Committee on Military Affairs if it is known that in case his substitute should be passed the men could be enlisted to fill up these regiments?

Mr. LOGAN. I have never seen the time when you could not enlist as many cavalry as you wanted. I would take the contract to enlist all these men in forty days, if it was left to me.

Mr. HARVEY. If the raising of volunteers is provided for, there are a great many men in the vicinity who would take the contract to raise the regiments at the shortest notice, and, as the Senator from Nebraska [Mr. HITCHCOCK] says, very efficient men too, good soldiers, good for Indian service or any other kind of service. But so far as I am concerned I do not care which way is taken, so that it is the most efficient.

Mr. LOGAN. I want to say to the Senator from Kansas—I did not wish to say it before, but I will say it now—that the eagerness of some on the border to raise volunteers I do not have any objection to; but I say now that if you pass this House bill to-night you will not get a solitary regiment, for there are regiments enough in the great cities now already raised and organized that will supplant you, the very kind of men you are talking about.

Mr. HARVEY. I do not know anything about the eagerness of the people of the border States to volunteer. The people of the border States are generally ready to take part in the defense of their fellow-citizens, whether on the border or anywhere else, in the interior or in a foreign country, if it be necessary to go there.

Mr. LOGAN. That is true.

Mr. HARVEY. What does the chairman of the Military Committee mean?

Mr. LOGAN. I mean that in the cities where they have these organizations they would be offered sooner than your people could raise the regiments.

Mr. HARVEY. I do not care where they come from if they are where they are needed at the earliest possible moment.

Mr. LOGAN. If you do not care where they come from, very well; but the object is to get the officers of these regiments, which will cost nearly \$500,000 at first.

Mr. HARVEY. It is for the protection of our people. There is no other object that we have in view. We have no feeling about this matter at all; we only desire to see the best method taken. So far as I am concerned, I am sure I have no feeling in the matter any more than to see that the people to whom we owe protection have it.

Mr. SPENCER. I appeal to Senators to let us vote.

Mr. HARVEY. I am ready to vote.

Mr. CLAYTON. I do not think we quite understand this question yet. I think the Senator from Illinois [Mr. LOGAN] has not made correct estimates in this respect; he calculates that it will cost double to clothe volunteers for six months that it will take to clothe one-half that number for a year. That is a mistake, I think. My recollection is that clothing is issued twice a year to soldiers. Therefore it would cost just the same, because you issue one suit of clothing to the volunteer for six months to the five thousand, and you would issue two suits to the twenty-five hundred for one year; so you just equalize it.

Mr. LOGAN. I will say to the Senator that in the calculation I made I made no estimate for accouterments; I made no estimate for saddles, no estimate for sabers, no estimate for a great many things that he as a soldier knows have to be used. The thing is perfectly patent.

Mr. CLAYTON. I am not speaking about those points now, but about this particular thing. In addition to that, you pay a premium of \$2 for every enlisted man that is brought to a recruiting agency. That of course is a small matter, but it is something. I do not regard this question of pay as one of so much importance as the question of efficiency. I think the Senator is mistaken when he says you cannot get a volunteer force that will be as efficient as an enlisted force. I believe you can get these five thousand volunteers from men who are trained soldiers. I believe nearly every man of them will be a trained soldier, some of the best soldiers of the world, the men who have passed through the late war; and I believe when you send those

men into the field to operate against Indians the results that will be obtained from that class of soldiery will so far outweigh the results that will be obtained from enlisted men gathered in the slums of the cities that it will far overbalance the difference of cost and expense. There is no question that it will cost more to organize a force of that kind.

Mr. LOGAN. I could add a million dollars to the estimate I made, and in five minutes show the necessity for it.

Mr. CLAYTON. I will concede the point of cost.

Mr. LOGAN. Each company has to have a wagon. There are ten wagons to a regiment. There are fifty wagons to start with, with the harness and mules. Those I did not put into the estimate at all. If you absorb these troops into the companies that already have wagons, you save all that expense.

Mr. CLAYTON. You must make some allowance for the value of these horses at the close of the operations. It is not to be supposed that all the horses are going to be killed. A horse is good for a number of years.

Mr. WEST. The Senator from Illinois made his calculation on the basis of the volunteers owning their own horses and the Government buying theirs.

Mr. CLAYTON. I admit the volunteers will cost more; there is no doubt about that, although I think the increase of cost is not so large in proportion as the Senator from Illinois indicated, but in that I may be mistaken. I do honestly believe that what we want in dealing with these Indians is to make the war short and decisive. That is the most humane way, it is the cheapest way. We want to adopt a policy that will be quick and certain, and I believe in order to secure that policy you had better take a different class of men from what you can gather together in the ordinary recruiting stations in this country.

Mr. HITCHCOCK. There is one point that I want to call attention to. This bill leaves it entirely to the discretion of the President whether he will call for any volunteers. Now he may call for one regiment or he may call for none. I hope General Crook will be successful and that we shall need none.

Mr. LOGAN. The other is as discretionary.

Mr. HITCHCOCK. He may call for but one regiment, and may need it but a month or two.

Mr. WEST. The substitute providing for enlisting regulars—

Mr. HITCHCOCK. It provides for regular enlistment into the regular Army.

Mr. WEST. Not to exceed twenty-five hundred men.

Mr. HITCHCOCK. But this provides that in case of disaster there, in case the President finds it necessary that the force there should be increased, he may, at his discretion, call out volunteers, not to exceed five thousand, to serve not longer than six months. I think it is safe for our friends here to trust the President with that discretion. I do not think this is necessarily such an expensive matter that the Senate of the United States should hesitate at this time, just on the eve of adjournment.

Mr. MORTON. I should like to make a suggestion to my friend from Nebraska. As I understand the bill of the House, it is for volunteers for six months. That time runs from the date when they are mustered in. If you undertake to organize new independent regiments of cavalry, you cannot get those regiments fit to go to the field much before the 1st day of December, and then the weather will be so cold in the mountain where they are expected to operate that man can hardly live there. Hence those men cannot commence active operations until next spring and by that time their time will be nearly out.

Mr. HITCHCOCK. The very time when General Crook hopes to strike his decisive blow against the Indians is during this winter.

Mr. CLAYTON. The enlistment of enlisted men would be still more slow. We know that it takes a long while to fill up the companies by enlistment. It is a very slow and tedious process to wait for individual enlistments day after day; one man comes in to-day and another to-morrow. They straggle in. It is a very slow and tedious process to fill up companies and regiments by enlistment.

Mr. MORTON. I have understood that men could readily be enlisted for the cavalry.

Mr. HITCHCOCK. Take the hardy men of that section of country, familiar with the country, familiar with Indians, accustomed to the climate, and they will make short work of these hostile Sioux.

Mr. BURNSIDE. Mr. President, I think we should adopt the plan that is recommended by the men who are in the field and the men who are in communication with the officers in the field; and that is the plan which is proposed by the Senator from Illinois. The generals in command in the field recommend that plan. The Lieutenant-General of the Army recommends it, and the General of the Army recommends it. It must be patent to every man that five regiments of cavalry cannot be raised this fall and made efficient for field service certainly till long after Christmas. I know the fact that our country is filled with trained soldiers; they are in all parts of the country; but I also know the fact that frontiersmen are not what frontiersmen were twenty years ago. The State which the honorable Senator from Nebraska represents is made up of emigrants from foreign lands and emigrants from the East, and they are not the well-trained frontiersmen that the Kentucky hunters of the last century were.

Mr. PADDOCK. If my friend will allow me to make a statement,

I will say to him that in the State which my colleague and myself have the honor to represent here there are at least to-day 15,000 ex-soldiers of the Union Army who served throughout the war, and who are ready at any time to protect those frontiers or any other frontiers of the country.

Mr. BURNSIDE. I am quite sure of that, but the regular Army seems to be necessary to protect the frontiers of that very State.

Mr. PADDOCK. If the Senator will allow me still further, speaking of the recommendation of General Sheridan and General Sherman and others, I will say that within a day we have received from General Sheridan a telegram in which he advises, in the event of a failure to authorize enlistments in the regular Army, the calling out of volunteers.

Mr. BURNSIDE. Certainly we must either authorize enlistments in the regular Army or the calling out of volunteers; but, if we authorize volunteers, the bill should be remodeled. It is very crude in all its parts. The appropriation for raising these volunteers should be increased. We should proceed with it in a judicious, fair way, and not attempt to impress the people with the idea that these five regiments can be raised and supported for six months on a million dollars. It cannot be done. The Senator from Illinois has demonstrated that to my satisfaction, and I should think to the satisfaction of every Senator here. He has knowledge in these matters. I say myself very plainly, without going through the figures, that he has gone over with so much care, that I saw at once the folly of talking of raising these regiments, and subsisting them, and drilling them, and equipping them with that amount of money. I say, as General Sheridan says, if you cannot increase the regular force by enlisting twenty-five hundred men and putting them where they will be immediately under the command of skilled officers, then let the President have authority to call out volunteers. We should certainly do something; but the wise way, in my opinion, is to give the President authority to enlist twenty-five hundred men, to be shoved out at once to the frontier, put under the command of skilled officers, mixed with well-drilled soldiers already in the field and in the presence of the enemy; and they will be soldiers in a very short time, as the Senator from Illinois and the Senator from Texas have remarked. To me it seems very unwise indeed to attempt at this late day of the season to organize five regiments of cavalry volunteers for service against the Sioux, no matter how many skilled soldiers there may be in the State of Nebraska.

Mr. PADDOCK. I say to my friend that they can be organized in ten days.

Mr. BURNSIDE. That is an impossibility. It cannot be done. I know it cannot be done.

Mr. MORTON. If we are to take volunteers, the time ought to be increased to a year unless sooner discharged, or until the end of the war, some phrase which would give the President the right to discharge them sooner if their services are not required. I have had some experience in raising troops. I do not believe that a cavalry regiment can be raised and put into a condition to go into the field in four or five months, and by that time the period will have nearly expired.

Mr. FRELINGHUYSEN. If we just pass this bill, this whole subject will be before a conference committee covering both sides of it, and they will dispose of it better than we can. I hope we may have a vote.

Mr. PADDOCK. Let us have a vote on the House bill.

Mr. EATON. Mr. President, I regret that my friend, the Senator from Ohio, [Mr. SHERMAN,] is not in his place. A day or two ago I had the honor to say that the democratic candidate for the office of President of the United States was entirely right in his statement that during the last eleven years \$4,500,000,000 had been taken from the people of the United States in the way of Federal taxes. Gentlemen are inclined to laugh.

Mr. PADDOCK. We cannot hear the Senator from Connecticut.

Mr. EATON. I will try to make them hear. All I care to have hear me is the reporter. [Laughter.]

I showed by taking the table of expenditures that the people of the United States had been taxed \$4,607,574,202.23. The honorable Senator from Ohio objected because he said that the figures should not be taken from the table of expenditures and from the table of taxation. He introduced certain tables, a copy of which I hold in my hand from him, in which he says that the entire amount of taxation for the eleven years spoken of by Mr. Tilden was \$1,192,633,801.34. I showed by my table that the Senator from Ohio was mistaken more than \$200,000,000. He insisted that I was wrong; that I had taken the tables of expenditures, and not the tables of taxation. Now I have got those, and nobody knew it better than the Senator from Ohio. I desire the attention of the Senate, and I only regret that the Senator from Ohio, the chairman of the Finance Committee of the Senate of the United States, is not here. He said that I was wrong in my figures. Now let me show how he has been wrong.

The amount of customs duties paid in gold for eleven years, from 1866 to 1876, both inclusive, was \$1,973,589,621.26. These tables are from the Treasury Department of the United States. Now, I take the amount of the difference in value between gold and paper in the customs collected for the eleven years from and including the years 1866 and 1876, \$431,596,327.78. From that sum I deduct what is to be found in the table introduced by the honorable Senator from Ohio

as premiums on loans and sales of gold coin, \$167,037,384.39. I take that because in his tables that amount of premiums on gold is allowed. Therefore it does not belong to my estimate. That leaves \$264,558,943.39. The Senate will understand that I have deducted the entire amount which is in the table of the Senator from Ohio as premiums on loans and on gold sold, of over \$167,000,000, calling it a premium on gold when it is not a premium on gold. It is partly a premium on loans. I deduct the whole, and the result is that the taxes paid by the people of the United States in those eleven years were \$4,457,192,744.73. That may be laughable to my friends here. It is not laughable to the men who pay the taxes. The question is this, the honorable gentleman—I say honorable gentleman—who has been nominated as the candidate for the Presidency by the democratic party said that the taxation of the people for the last eleven years had been \$4,500,000,000. I now show by exactly the tables of the Government that the amount which the people have paid for these eleven years is \$4,457,192,744.73. In order that I may not be unfair, I take the premium on loans and sales of gold coin and deduct the whole of it, \$167,037,384.39. How much of it was for premiums on loans I know not, and therefore I give the adversaries of Mr. Tilden this advantage of this entire amount as premium on gold.

Mr. LOGAN. Do you think Sitting Bull will understand these figures? [Laughter.]

Mr. EATON. No. I will indulge my laughable friend by and by. If it was a premium on loans it ought not to be deducted at all. I call it a premium on gold and deduct the whole; but in my judgment if I could get at it it would be only a small portion; but I cannot get at the amount of gold premiums precisely. From this standpoint Mr. Tilden varies \$42,907,256.27. With the other item not deducted he is \$125,930,028.12 below the actual truth in his statement. I put this before the people and let it go for what it is worth.

Mr. CONKLING. Now, Mr. President, on that state of facts can we not vote?

Mr. PADDOCK. I hope the amendment of the Senator from Illinois will not prevail. I think it is a mistake decidedly to undertake to pass it. The House has already passed upon it, and it will be utterly hopeless.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

Mr. HITCHCOCK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Eaton, Edmunds, Ferry, Frelinghuysen, Jones of Florida, Kernan, Logan, McMillan, Maxey, Mitchell, Morrill, Morton, Oglesby, Patterson, Sargent, Spencer, Stevenson, Wadleigh, West, and Windom—29.

NAYS—Messrs. Bogy, Claytor, Cockrell, Cooper, Davis, Gordon, Harvey, Hitchcock, Paddock, Ransom, and Saulsbury—11.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Booth, Cameron of Pennsylvania, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hanlin, Howe, Ingalls, Johnston, Jones of Nevada, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Randolph, Robertson, Sharon, Sherman, Thurman, Wallace, Whyte, Withers, and Wright—31.

So the amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to increase the cavalry force."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had agreed to the resolution of the Senate to appoint a joint select committee to prepare a suitable form of government for the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 897) granting a pension to Andrew Evarts;

A bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia;

A bill (H. R. No. 3478) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes; and

A bill (H. R. No. 4085) to repeal part of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876.

CLERKS TO COMMITTEES.

Mr. SPENCER. I desire to offer the customary and usual resolution on the last day of the session:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the clerks of the several standing committees of the Senate their usual per diem compensation for the month of August instant.

Mr. SARGENT. I object. It is contrary to law. The law expressly says the pay shall be during the session.

Mr. SPENCER. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The motion was agreed to.

PAY OF PAGES.

Mr. CONKLING. I move that the Senate do now adjourn until twelve o'clock to-morrow.

Mr. WEST. I ask the Senator to withdraw that motion for a moment that I may offer a resolution.

Mr. CONKLING. Offer it to-morrow.

Mr. WEST. One objection will carry it over then.

Mr. CONKLING. Very well.

Mr. WEST. I offer the following resolution:

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to retain in the employ of the Senate until the 1st day of September, 1876, all pages now employed, and that the usual per diem compensation be paid to them until that date.

Mr. DAVIS. Let that go to the committee.

Mr. CONKLING. Very well. One objection carries it over. It will be in order to-morrow. I move that the Senate adjourn until twelve o'clock to-morrow.

Mr. LOGAN. I move that the Senate take up House bill No. 58, so as to have it the order for to-morrow morning. Then I shall be willing to adjourn.

Mr. CONKLING. What has become of my motion?

Mr. LOGAN. I hope the bill will be taken up and then I shall not object.

Mr. EDMUNDS. Debate is not in order.

HOUR OF MEETING.

The PRESIDENT *pro tempore*. The hour having been fixed for eleven o'clock, it will require a separate motion to change the time.

Mr. CONKLING. I move that when we adjourn it be to meet at twelve o'clock to-morrow. We must have some sleep.

The PRESIDENT *pro tempore*. The Senator from New York moves that when the Senate adjourn it be to meet at twelve o'clock to-morrow.

The motion was agreed to.

Mr. LOGAN. I now make my motion.

Mr. CONKLING. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up the bounty bill, pending which the Senator from New York moves to adjourn.

Mr. CONKLING. It is not very important, but I moved to adjourn without any reference to taking up any bill and before any such motion was made. I do not want to antagonize any bill, but I want to go home and get some sleep, so that we may come here and do some business to-morrow.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate adjourn.

Mr. LOGAN and Mr. PATTERSON called for the yeas and nays; and they were ordered and taken.

Mr. PATTERSON. I ask permission to offer a resolution.

Mr. EDMUNDS. You cannot offer any resolution now.

Mr. PADDOCK. I hope the bill—

The PRESIDENT *pro tempore*. Debate is not in order during the roll-call.

The result was announced—yeas 16, nays 17; as follows:

YEAS—Messrs. Anthony, Bogz, Cockrell, Cooper, Davis, Eaton, Edmunds, Frelinghuysen, Gordon, Jones of Florida, Jones of Nevada, Kernan, Maxey, Saulsbury, Stevenson, and Window—16.

NAYS—Messrs. Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Ferry, Harvey, Hitchcock, Logan, McMillan, Morton, Oglesby, Paddock, Patterson, and Spencer—17.

ABSENT—Messrs. Alcorn, Allison, Barnum, Bayard, Booth, Cameron of Pennsylvania, Conkling, Conover, Dawes, Dennis, Dorsey, Goldthwaite, Hamilton, Hamlin, Howe, Ingalls, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Mitchell, Morrill, Norwood, Randolph, Ransom, Robertson, Sargent, Sharon, Sherman, Thurman, Wadleigh, Wallace, West, Whyte, Withers, and Wright—33.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, but there is no quorum voting.

Mr. LOGAN. Now, I move—

The PRESIDENT *pro tempore*. There is not a quorum present.

Mr. DAVIS. I believe it is in order to adjourn.

Mr. LOGAN. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois moves a call of the Senate.

Mr. PADDOCK. I am sure we ought to take up this bill.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 21, noes 14; and (at two o'clock and ten minutes a. m., Tuesday, August 15,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, August 14, 1876.

The House met at twelve o'clock m. Prayer by Rev. JOSEPH L. TUCKER, rector of Christ church, Rochester, New York.

The Journal of Saturday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with an amendment,

in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 2230) providing for the sale of saline lands.

ENROLLED BILL SIGNED.

Mr. POPPLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

LEAVE OF ABSENCE.

Leave of absence was granted by unanimous consent as follows:

To Mr. HURLBUT for the remainder of the session, on account of serious illness in his family; and

To Mr. CASWELL indefinitely.

WITHDRAWAL OF PAPERS.

Mr. VANCE, of North Carolina, asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of J. R. Harrington.

POST-OFFICE DEPARTMENT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the acting Postmaster-General, transmitting certain papers referred to the Post-Office Department; which was referred to the Committee on the Post-Office and Post-Roads.

SOUTH PASS OF THE MISSISSIPPI.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the 29th ultimo, a communication from the Superintendent of the Coast Survey, together with a map of surveys of the South Pass of the Mississippi River; which was referred to the Committee on Commerce.

NATIONAL SAVINGS-BANK OF THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* also laid before the House a letter from the treasurer of the National Savings Bank of the District, transmitting the annual statement of that institution in conformity with the requirements of section 8 of the act of May 24, 1870; which was referred to the Committee on Banking and Currency.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This being Monday, the first business in order after the reading of the Journal is the call of States and Territories for the introduction of bills and joint resolutions on leave for reference only to their appropriate committees, without debate, and not to be brought back by motion to reconsider; during which call joint resolutions of State and territorial Legislatures may be introduced for reference and printing. The morning hour begins at twelve o'clock and thirty minutes.

Mr. RANDALL. Does the Chair rule that a report from a committee of conference could not interrupt the morning hour on Monday?

The SPEAKER *pro tempore*. The Chair has not so ruled.

Mr. RANDALL. I have a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Indian appropriation bill.

The SPEAKER *pro tempore*. On the contrary, the Chair would rule that a report of a committee of conference may interrupt or precede the morning hour of Monday.

Mr. RANDALL. I will wait until the call of States has been concluded.

Mr. SPRINGER. It is evident that no bills introduced at this time of the session can be acted upon before the close of the session. I therefore ask unanimous consent that the morning hour be dispensed with.

Mr. HOLMAN. I would suggest that, instead of the regular call of States for bills for reference, gentlemen be allowed to introduce for reference such bills as they may desire to introduce.

The SPEAKER *pro tempore*. The Chair does not like to entertain any proposition that will interfere with the morning hour on Monday.

Mr. COOK. I insist upon the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the morning hour will now begin, and the call rests with the State of Virginia.

Mr. RANDALL. Under that ruling of the Chair I would prefer to come in ahead of the morning hour with the report of the committee of conference on the Indian appropriation bill, in order that that bill may be sent to the Senate. And I will ask consent that the report be acted upon at once and sent to the Senate before I submit a few remarks which I desire to make. This is the last of the general appropriation bills, and I desire to make some general remarks upon the subject of appropriations.

Mr. HOLMAN. I would suggest to the gentleman from Pennsylvania [Mr. RANDALL] that it will take but a short time to enable such gentlemen as have bills to introduce them for reference.

Mr. RANDALL. I have no objection to accommodate myself to the desire of the House.

The SPEAKER *pro tempore*. The Chair will certainly recognize the gentleman from Pennsylvania to submit a conference report; but he will rule against any other business interfering with the call of