

the Senate, and after having examined it in conference we have come to the conclusion that with some little amendments it ought to be passed in the form in which we reported it here to-day.

The question being taken, the report of the committee of conference was agreed to.

Mr. SINGLETON moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC ROSHON.

Mr. MONROE, by unanimous consent, introduced a bill (H. R. No. 4780) granting a pension to Isaac Roshon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN J. HOLLINGER.

Mr. MONROE also, by unanimous consent, introduced a bill (H. R. No. 4781) granting a pension to John J. Hollinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. B. M'CARTHY.

Mr. LANDERS. I ask unanimous consent to submit a resolution, for reference to the Committee of Accounts, to pay J. B. McCarthy for services to committee investigating police commissioners.

Mr. CONGER. Is that for one of the experts? I think the resolution had better go over. I object to the reference.

NEW EDITION OF REVISED STATUTES.

Mr. ACKLEN. I ask unanimous consent to take from the Speaker's table for present consideration the joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes of the United States, with a view to putting the same upon its passage. The joint resolution has the approval of the Committee on the Revision of the Laws. Every member of the House is interested in seeing this matter disposed of at once.

There being no objection, the joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes was taken from the Speaker's table, and read a first and second time.

The joint resolution was read, as follows:

Resolved, That the 15,000 copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States, approved March 2, 1877, to be printed and bound, shall be disposed of by the Secretary of State as follows: to the President of the United States, 4 copies, one of which shall be for the library of the Executive Mansion, and 1 copy for the use of the Commissioner of Public Buildings; to the Vice-President of the United States, 2 copies; to each Senator, Representative, and Delegate in Congress, 1 copy; to the Secretary of the Senate, and the Clerk of the House of Representatives, 1 copy; to the Librarian of the Senate, for the use of Senators, 120 copies; to the Librarian of the House, for the use of Representatives and Delegates, 410 copies; to the Senate of the United States, for distribution, 160 copies; to the House of Representatives, for distribution, 2,920 copies; to the Library of Congress, 14 copies, including 4 copies for the law library; to the Department of State, for the use of legations and consulates, 380 copies; to the Treasury Department, including those for the use of officers and customs, 280 copies; to the War Department, including 5 copies for the use of the Military Academy at West Point, 55 copies; to the Navy Department, including 3 copies for the library of the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, 70 copies; to the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of land offices, 255 copies; to the Department of Justice, including those for the use of the Chief and Associate Justices of the Supreme Court, the judges and officers of the United States and territorial courts, 450 copies; to the Department of Agriculture, 5 copies; to the Smithsonian Institution, 2 copies; to the Government Printing office, 2 copies; and the Secretary of State shall supply deficiencies and offices newly created.

And that the residue of said 15,000 volumes, together with any further number thereafter printed and bound, shall, by the Secretary of State, be sold at the cost of paper, press-work, and binding, with 10 per cent. added thereto; and said Secretary is authorized to make arrangements with booksellers to keep on sale said Revised Statutes, to be sold as aforesaid, for such part of the 10 per cent. above actual cost as he may deem just and reasonable. And whenever the said residue of said 15,000 copies shall be exhausted said Secretary shall cause another 5,000 copies to be printed and bound, at the expense of the United States, to be sold in like manner, unless otherwise disposed of by order of Congress, the cost of the same to be paid from the general appropriation for printing.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ACKLEN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE TARIFF.

Mr. BUTLER, by unanimous consent, introduced a bill (H. R. No. 4782) to provide for a commission to aid in the revision of the tariff; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FRAUDS UPON THE REVENUE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a draught of a bill to prevent frauds upon the revenue; which was referred to the Committee of Ways and Means.

A. G. LAWRENCE.

The SPEAKER also, by unanimous consent, laid before the House

a letter from the Secretary of the Interior, recommending an appropriation to pay Hon. A. G. Lawrence, commissioner to Sioux Indians; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RICE, of Ohio, on account of important business, for one week from to-morrow;

To Mr. JONES, of New Hampshire, for four days; and

To Mr. RAINY, for four days.

Mr. PAGE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petitions of James McMullen and of Patrick McDonough, for pensions—to the Committee on Invalid Pensions.

By Mr. BLAIR: The petition of J. S. Weeks and 369 other citizens of Troy, Ohio, for a constitutional amendment prohibiting the manufacture, sale, importation, exportation, and transportation of distilled alcoholic liquors, except for medicinal, mechanical, and scientific uses, from and after the year 1900, and for a commission of inquiry—to the Committee on the Judiciary.

By Mr. DAVIS, of California: Resolutions of the Legislature of California favoring the amendment of the law so as to provide for the lapse of at least five months between the day fixed for choosing electors for President and Vice-President of the United States and the day fixed for casting their votes—to the same committee.

Also, resolutions of the Legislature of California favoring the repeal of such revenue laws as create a distinction between the taxation upon the deposits in savings-banks having a capital stock and upon those in savings-banks having none—to the Committee of Ways and Means.

By Mr. GIDDINGS: The petition of George W. Sampson and Benjamin Henricks, of Austin, Texas, for compensation for the use of certain premises by the United States—to the Committee of Claims.

By Mr. HUBBELL: The petition of citizens of Antrim County, Michigan, for the construction of a ship-canal between Torch Lake and Lake Michigan—to the Committee on Commerce.

By Mr. HUMPHREY: Resolutions of the Legislature of Wisconsin relating to the better protection of fish—to the Committee on Agriculture.

By Mr. KIDDER: A paper relating to the establishment of a post-route from Casselton to Frostville, Dakota Territory—to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of J. A. Whittier, president Saginaw (Michigan) Lumber Association and Board of Trade, against the passage of the Wood tariff bill—to the Committee of Ways and Means.

By Mr. LIGON: The petition of citizens of Bibb County, Alabama, for the creation of a fund for popular education from the sale of public lands—to the Committee on Public Lands.

By Mr. MANNING: The petition of M. P. Lowrey and others for the passage of the bill (H. R. No. 1670) relating to the creation of a fund for educational purposes—to the Committee on Education and Labor.

By Mr. MCKINLEY: The petition of Joseph S. Hurtley and Jane Edgerton, in behalf of the Ohio yearly meeting of Friends, held at Salem, Ohio, for the settlement of all differences among nations by international arbitration—to the Committee on Foreign Affairs.

By Mr. STARIN: The petition of Jonas McLean, for the amendment of his record in the War Department—to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, May 8, 1878.

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

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 173) granting the use of tents at the soldiers' reunion to be held at Des Moines, Iowa, received yesterday from the House of Representatives, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the petition of John Williams and others, citizens of Campbell County, Virginia, praying for the establishment of a mail-route from Lynchburg to Loving Creek in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MERRIMON. Mr. President, I believe I can truly say that the great body of the people of North Carolina are very much opposed to that provision of the internal-revenue law imposing a tax of 10 per cent. upon State bank circulation. I this morning present three petitions upon this subject, very numerously signed by professional

men, bankers, business men of all kinds, including a great number of farmers. As these petitions are very brief, I ask that one of them may be read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the petition referred to will be read.

The Chief Clerk read as follows:

To the Congress of the United States:

We, the undersigned, believe that the tax of 10 per cent. on the circulating notes issued by banks chartered by the different States is unjust, and against the best interests of the people. We therefore most respectfully petition Congress to repeal that clause in the national banking law which levies a tax of 10 per cent. on the circulating notes of State banks.

Mr. MERRIMON. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. OGLESBY. I present the petition of 700 citizens of Chicago, Illinois, merchants, traders, mechanics, and laborers, praying for the immediate repeal of the bankrupt law. This petition was started on the 4th of May, in consequence of the impression there that the law would not be repealed immediately; and, after a very short effort, a number of signatures was sent me with this statement, which I shall read:

Your petitioners would most respectfully urge the immediate repeal of the bankrupt law, for the following, among other reasons:

Our Government, in the practical operation of this law, says to every debtor that by paying \$150 to the officers who are connected with its courts in bankruptcy, and delivering to them as much of his property as he shall choose to surrender, he can obtain an effectual discharge from all his debts. His estate yielding comparatively nothing to his creditors, is only valuable to those who administer it. A measure capable of results so foreign to the purposes of its originators, and which has thus become so hostile to our commercial prosperity, should not, in the judgment of your petitioners, be longer continued in the jurisprudence of the country.

The experience of the last few days shows that men owing small sums, and whose debts were contracted for family supplies, are resorting to this mode of paying them.

The recent subsidence of the hope of the immediate repeal of this law has cast a deep gloom upon the business prospects of the West, which we still trust will be dispelled by the final action of your honorable body.

I move that the petition lie upon the table.

The motion was agreed to.

Mr. BOOTH. I present a joint resolution of the Legislature of California, in favor of the repeal of such parts of the revenue laws as create a distinction between the taxation upon the deposits in savings-banks having a capital stock, and upon those in savings-banks having none. As the preamble is short, and sets forth all the facts, I ask that the joint resolution may be printed in the RECORD.

The joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas, by the provisions of the internal-revenue laws of the United States, savings-banks having a capital stock, although paying more than the prescribed dividend of 4½ per cent. per annum to their depositors, are excluded from the privilege of exemption from the tax on deposits for deposits not exceeding \$2,000, if said savings-banks are paying more than 8 per cent. per annum to their stockholders; and

Whereas in California the standard of interest exceeds considerably said limit of 4½ per cent. per annum, and depositors obtain much higher dividends, to wit, from 7½ to 10 per cent. per annum, and no savings-banks could be patronized or exist in this State unless paying such higher dividends, while obviously no guarantee funds could be obtained without paying dividends thereon exceeding 8 per cent. per annum; that is, exceeding the average rate paid to the funds intended to be guaranteed; and

Whereas by reason thereof the savings-banks having a guaranteed fund for depositors, called "capital stock" in California, are made to pay nearly the entire amount of tax paid by such banks in the United States, to wit, \$149,033.08 out of a total of \$161,148.40, according to the report of the honorable Commissioner of Internal Revenue for 1877, which fact establishes an extraordinary and oppressive discrimination against depositors in such savings-banks in the State of California, from whose earnings almost the entire tax in the United States is taken: Therefore,

Resolved by the senate, (the assembly concurring,) That our Senators be instructed and our Representatives requested to use all means in their power to secure the passage of an act of Congress repealing such parts of said revenue laws as create a distinction between the taxation upon the deposits in savings-banks having a capital stock and upon those in savings-banks having none.

Resolved, That the governor of this State be requested to forward to each of our Senators and Representatives a copy of this preamble and of this resolution.

JAMES A. JOHNSON,
President of the Senate.
C. P. BERRY,
Speaker of the Assembly.

Mr. HOAR presented the petition of Alexander H. Rice and 224 others, citizens of Massachusetts, praying for the passage of the bill (H. R. No. 4245) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army, on the retired list; which was ordered to lie on the table.

Mr. CONKLING presented the petition of B. B. Brooks and others, captains and masters of steamers passing through Hurl-Gate in the Harlem and East Rivers, praying for an increased appropriation for the improvement of the Harlem River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BURNSIDE. If there is no further morning business—

The PRESIDENT *pro tempore*. Reports of committees are next in order.

Mr. HARRIS, from the Committee on Claims, to whom was referred the petition of Treadwell S. Ayres, praying compensation for property taken and appropriated by United States authorities during the

late war, submitted a report thereon, accompanied by a bill (S. No. 1205) for the relief of Treadwell S. Ayres.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Thomas M. Redd, praying compensation for property taken and destroyed by United States troops in 1864, submitted an adverse report; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. SARGENT. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 109) authorizing Lieutenant T. B. M. Mason, United States Navy, to accept a medal conferred by the King of Italy for extinguishing a fire on a powder-ship, to report it back and to ask that it be referred to the Committee on Foreign Relations. That committee has had charge of that class of bills, I think.

The PRESIDENT *pro tempore*. That change of reference will be made, if there be no objection.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1098) to transfer Paymaster Robert Burton Rodney from the retired list to the active list of the Navy, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 853) to aid in the construction of a military, commercial, and postal rail highway from the military headquarters of the United States Army at San Antonio, in the State of Texas, to the Rio Grande, at or near the town of Laredo, asked to be discharged from its further consideration, and that it be referred to the Committee on Railroads; which was agreed to.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 8) for the relief of Othniel P. Hollis, of the Soldiers' Home, Augusta, Maine, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 532) granting a pension to John Frey, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3569) granting a pension to Ovid H. Clark, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3731) granting a pension to Rebecca T. Scott, widow of Major John B. Scott, late of the United States Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1029) for the relief of John M. Lord, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Emily Hughes, of Clay County, Kentucky, praying to be granted a pension, submitted a report thereon, accompanied by a bill (S. No. 1206) granting a pension to Emily Hughes, alias Burch.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 351) for the relief of the domestic and Indian missions and Sunday-school board of the Southern Baptist convention, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3824) to authorize the survey of the Cattaraugus Indian reservation in the State of New York, reported it without amendment, and filed with the bill letters from the Commissioner of Indian Affairs and the Secretary of the Interior relating to the subject.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 214) for the relief of George Hebb, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 486) to extend the provisions of the act of June 8, 1874, in relation to prize-money, to all fleet officers, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1207) to provide ocean mail steamship service between the United States and Portugal; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1208) authorizing the publication for sale of an edition of the narrative of the Polaris expedition; which was read twice by its title, and referred to the Committee on Printing.

Mr. WHYTE asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 1209) for the relief of Charles B. Phillips; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1210) granting a pension to Henry A. Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1211) to encourage the introduction of a supply of fresh water on the desert west of Fort Yuma; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1212) providing for the payment of the amounts due the employees in, and the contractors who furnished casting to, the United States armory at Harper's Ferry, Virginia, in 1861, and prior to April 19 of that year; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1213) granting right of way over the public domain to the Black Hills Narrow-Gauge Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1214) granting a pension to Amos Angle; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Elizabeth Bailey have leave to withdraw from the files of the Forty-fourth Congress the paper accompanying her petition for a pension.

INTERCOURSE WITH MEXICO.

Mr. MORGAN submitted the following concurrent resolutions; which were read:

Concurrent resolutions touching the relations of the United States of America with the Republic of Mexico.

Whereas the people of Mexico, animated with the love of free government which distinguishes the people of the United States of America, have long adhered to a republican form of government, as that which is best suited to preserve their liberties, and have maintained their free republican institutions under the embarrassment of the most adverse circumstances with an honorable devotion to their principles which merits the sympathy and regard of the American people; and

Whereas the most essential interest connected with the welfare and prosperity of the people of both governments in their various relations require that permanent peace should be maintained between them, and that confidence, good-will, free intercourse, and liberal reciprocal advantages of trade and commerce should be established:

Resolved by the Senate, (the House of Representatives concurring therein.) That in defining and settling by treaty the relations of the United States of America with the Republic of Mexico it is just and expedient, and in accordance with the interest which the people of the United States have in the maintenance of the right of self-government on this continent, that the present boundaries between Mexico and the United States shall be guaranteed as permanent and inviolable.

2. That it is proper that both governments shall engage that the territory of each shall be protected against conquest by any power residing beyond the seas.

3. That it is expedient that liberal provisions shall be made by treaty to secure to the people of both countries the equal and reciprocal advantages of intercourse, trade, and commerce with each other; and that, to increase the advantages of such intercourse and to place upon a stable footing the peace and friendship of the two republics, it is expedient that such mutual agreements shall be entered into as will protect the borders of both countries from the predatory raids of bands of outlaws; and that persons who are citizens of either country residing in the other shall enjoy the rights of hospitality secured to the citizens of the most favored countries, and shall be free from all unlawful interferences with or arbitrary exactions and assessments upon their persons or property.

4. And it is also expedient to provide by treaty for the protection and encouragement of such citizens of either country as shall, with the consent of the government of Mexico, build and equip a line of railroad from the City of Mexico to the Rio Grande in the direction of San Antonio, in Texas, or to any point on the borders of the United States, to connect with the line or lines of railroad at the boundary between the United States and Mexico, and to secure the safe transit of the citizens of each republic and their property over such line or lines of railroad within the territory of each country, subject to such commercial regulations as shall from time to time be agreed upon by the respective governments.

Mr. MORGAN. I expect to have the resolutions referred to the Committee on Foreign Relations. For the present I desire that they be printed and lie upon the table, as I wish to submit some remarks upon the subject.

The PRESIDENT *pro tempore*. The resolutions will be printed and lie upon the table.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. INGALLS submitted an amendment intended to be proposed by him to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes; which was referred to the Committee on Appropriations.

TEXAS PACIFIC RAILWAY.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (S. No. 1186) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto; which was referred to the Committee on Railroads, and ordered to be printed.

AMENDMENT TO POST-ROUTE BILL.

Mr. JOHNSTON submitted an amendment intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which was referred to the Committee on Post-Offices and Post-Roads.

COMMITTEE ON PUBLIC LANDS.

Mr. OGLEBY. I am instructed by the Committee on Public Lands to ask leave of the Senate for that committee to sit during the sessions of the Senate. There are many measures of pressing importance before the committee which will require its attention for perhaps two days.

The PRESIDENT *pro tempore*. Is there objection to granting leave to the Committee on Public Lands to sit during the sessions of the Senate? The Chair hears no objection, and leave is granted.

EUNICE J. STOCKWELL.

Mr. BRUCE. I move that the vote be reconsidered by which the bill (S. No. 965) for the relief of Eunice J. Stockwell was indefinitely postponed, in order that it may be placed on the Calendar with the adverse report of the committee. The bill was reported from the Committee on Claims a few days since by the Senator from Minnesota, [Mr. McMILLAN.] Had I been in my seat at the time, I should have made the request that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The vote indefinitely postponing the bill will be reconsidered, if there be no objection. The Chair hears no objection. The bill will be placed on the Calendar with the adverse report of the committee.

THE PENSION LIST—ORDER OF BUSINESS.

Mr. INGALLS. Yesterday when the pension appropriation bill was under discussion the Senator from California [Mr. SARGENT] stated that the whole number of pensioners that were placed upon the roll under the law of March 9 last, granting additional pensions to soldiers of the war of 1812, had been 10,491. I stated to him by way of interruption that that was the number of applications.

Mr. MITCHELL. Will the Senator from Kansas allow me to suggest that the Senator from California is not now in his seat?

Mr. INGALLS. This is a matter that does not particularly affect him. The Senator from California observed that the number that had been placed on the roll up to last Saturday was 10,491, if he was capable of understanding a direct statement by the Commissioner of Pensions. I replied to him that I had inquired upon the subject, and that the number that he named defined the applications and not the number that had been placed upon the roll. In order that there might be no misunderstanding, and in justice to myself and to the Commissioner of Pensions, I sent immediately a telegram to that office asking for information upon that subject. He has stated to me that under the act of March 9, 1878, the number of claims that had been filed was 11,063, and that on the 4th day of the present month the number of pensioners that had been placed upon the rolls was one hundred and fifty-six. Therefore I was correct in my understanding of what the Commissioner of Pensions stated.

I make these observations in justice to him, and in no sense whatever criticising the Senator from California, although I thought at the time that he denied very hastily and somewhat curtly the observation that I made.

Mr. DAWES. I desire to call up, if there is no further morning business, the resolution in reference to the Washington Monument. Its consideration will take but a few minutes.

Mr. INGALLS. Yes, let us pass that.

The PRESIDENT *pro tempore*. The Senator from Rhode Island [Mr. BURNSIDE] rose some time ago for the purpose of asking the Senate to proceed to the consideration of some measure, and the Chair will first recognize him.

Mr. BURNSIDE. I ask the Senate to proceed to the consideration of the bill (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. SARGENT. I have no objection to that bill. I should like, however, to make a remark if the Senator from Rhode Island will yield to me a moment.

Mr. BURNSIDE. I wish to offer an amendment to the bill first.

Mr. SARGENT. I do not want to speak to this bill, but to make a single remark in reference to a statement made during the only moment I have been out of the Chamber this morning. I understand that the Senator from Kansas explained with regard to the number of pensioners of the war of 1812, under the new legislation, and read a telegram from the Commissioner of Pensions. I dare say the Senator from Kansas is correct in his figures in reference to that matter; but the point which I stated is untouched by his criticism of my figures, and that is, that the effect of the legislation of March last is to put between twenty-two and twenty-three thousand new persons upon the pension-rolls. Whether they have all got on the pension-rolls now, or whether it will take six months to get them all there, or six years, the unquestioned fact is that that will be the increase of the pension-rolls by means of that legislation.

I do not care now to discuss the matter and did not care to discuss

it upon the pension appropriation bill except so far as to remark that sometimes when we understand that one or two or three thousand may be added to the roll, the result is that the language used is broad enough to carry twenty thousand or thirty thousand, and instead of costing three or four hundred thousand dollars it may cost a million and a half, as it does in this case, as I am informed, when we shall have reached the full amount. That was the point. So far as the accuracy of the particular state of the pension-roll to-day, I would trust the Pension Committee, for it is their business to study it. I simply stated what I understood to be the effect of the legislation.

Mr. WITHERS. I wish to make a remark in reply to my friend from California as to the statement made by the chairman of the Committee on Pensions and to defend the action of the committee and the action of this body by the passage of the pension act of March 9, last. It might be inferred from the remarks of my friend from California who has just taken his seat that the passage of that act was secured by some *suppessio veri*, that is, by an understatement of the number of pensioners who would receive benefit under it and of the cost involved. I would call the attention of the Senator and of the Senate to the fact that at the time the bill was passed, embodied in the report which was read here in the Senate, is the estimate made by the Commissioner of Pensions of the number of soldiers and widows of soldiers who would be added to the roll under the operation of that bill provided it should become a law. Therefore the Senate was fully informed with regard to the charge that would be involved by the passage of the act.

It is true that the other day, on my first reappearance in the Senate after a considerable absence, in joining issue with my friend from California as to the correctness of his statement that twenty-two thousand names had been added to the roll, I asserted my belief that that was an impossibility, that he must be mistaken, that it must have involved the names of all the pensioners from all the wars. He insisted upon it that he was correct. My statement, made at the time from recollection merely, was that the Commissioner of Pensions had estimated the addition to the rolls of soldiers of the war of 1812 at between three thousand and four thousand. Since that time I have examined his reply to my inquiry and I find that he fixes the probable addition to the pension-roll of the soldiers of the war of 1812 under the act which we passed at forty-five hundred and thirty-one. That is the number which he estimates as the soldiers of the war of 1812 who will be added to the roll under the operation of that law. He went on afterward to make a conjectural estimate of the number of widows of soldiers of the war of 1812, who were married subsequently to the treaty of peace, and he put the estimate of those widows at thirteen thousand. Therefore the whole addition that will be made to the rolls under the operation of that law by the estimate of the Pension Bureau itself, which was read to the Senate before the bill was passed, would aggregate about seventeen thousand five hundred. The Senate was in possession of every one of these facts and all these estimates at the time the bill was passed, and I think it unnecessary now to attempt to imply that any suppression of the facts of the case was made in order to secure the passage of the bill, affecting the probable cost to the Treasury which would be involved by the passage of the bill, because there was before the Senate the report of the Commissioner making the estimates of the addition, of which the Senate was fully informed at the time action was taken.

Mr. BURNSIDE. Now let us proceed with the bill.

Mr. SARGENT. Mr. President—

Mr. HOAR. I call for the regular order.

Mr. SARGENT. I do not desire to take time from the Senator's bill, but I ask him to allow me now to say a few words. I do not think the Senator would gain anything by refusing me an opportunity to reply to the Senator from Virginia.

Mr. BURNSIDE. Very well. I am not objecting to the Senator from California proceeding.

Mr. HOAR. I call for the regular order.

Mr. BURNSIDE. I was going to allow the Senator from California to proceed.

Mr. SARGENT. What is the regular order?

Mr. ALLISON. The regular order is the Indian appropriation bill. The PRESIDENT *pro tempore*. That is the unfinished business, and will not come up until the expiration of the morning hour.

Mr. SARGENT. I have an impression that I shall have an opportunity to say a word further on this subject during the day without trenching on my friend's courtesy.

Mr. HOAR. I called for the regular order because I am satisfied that this matter will lead to a long discussion.

The PRESIDENT *pro tempore*. The Senator from Rhode Island obtained the floor and yielded to the Senator from California. The Senator from Massachusetts calls for the regular order, which will be the Calendar in the morning hour. The first bill on the Calendar where its consideration was last left off will be reported on the request of the Senator from Massachusetts.

Mr. BURNSIDE. I hope the Senator from Massachusetts will allow this bill to proceed; it will take but a few moments. I have been trying for two or three days to get it up.

Mr. SARGENT. I object.

Mr. BURNSIDE. I yielded the floor to the Senator from California, and I think he will not now object to proceeding with the bill.

Mr. SARGENT. Very well, then I withdraw my objection.

Mr. BURNSIDE. I do not object to the Senator from California making an explanation.

Mr. SARGENT. I would have been through by this time if the Senator had allowed me to proceed. I simply want to say that I do not wish to do injustice to the Committee on Pensions. I have no doubt that they faithfully and well did their duty and at the time understood the facts; but there was a strange lapse of memory on the part of my friend from Virginia since that time, because the seventeen thousand has shrunk to some four thousand, and he was insisting that that was the number involved by the legislation in his remarks the other day. Of course it was a mere lapse of memory. I do not impeach the committee; I simply say that the Senate itself carelessly passes these things; and while it may be true that officially we were informed, technically were informed by the report laid upon our table, (and perhaps the committee did all it could to call the facts to our attention,) still I do not believe that any one understood at that time that we were to put seventeen thousand persons on the roll under that legislation. If the Senate did understand it, my opinion is now—I adhere to it; it has not been impeached—that the ultimate number will be over 22,250.

Mr. WITHERS. That is a mere question of opinion, because the number of applications has only reached between ten and eleven thousand and it is a mere matter of conjecture as to what the whole number will probably be.

Mr. SARGENT. In two months it has reached nearly eleven thousand.

Mr. WITHERS. I have the same right to my opinion that the Senator has to his, and I take it for granted that probably a large majority of those entitled to apply have already applied.

Mr. SARGENT. But the Commissioner of Pensions on this point confirms my statement; that is, that the number will be over twenty-two thousand.

ISSUE OF ARMS TO TERRITORIES.

The PRESIDENT *pro tempore*. There being no objection, the bill moved by the Senator from Rhode Island [Mr. BURNSIDE] is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3679) to amend a joint resolution authorizing the Secretary of War to issue arms, approved July 3, 1876.

Mr. BURNSIDE. I move to insert the word "and" in the seventh line, after the word "word," where it occurs the second time. It will then read:

By inserting in the fifth line, after the word "States" and before the word "each," the words "and Territories," and by striking out, after the word "each" in said fifth line, and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories."

Mr. SPENCER. The amendment is simply to insert the word "and" before the word "Territories."

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I should like to have the bill read as it stands.

The Chief Clerk read as follows:

That a joint resolution approved July 3, 1876, entitled "Joint resolution authorizing the Secretary of War to issue arms," be amended as follows: By inserting in the fifth line, after the word "States" and before the word "each," the words "and Territories," and by striking out after the word "each" in said fifth line and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories."

Mr. DAVIS, of West Virginia. I wish the Senator would explain what the meaning of the bill is. Upon its face it does not explain.

Mr. BURNSIDE. It simply allows the issue of arms to the Territories as well as the States.

Mr. DAVIS, of West Virginia. Is that intended to take from the States a part of their present quota?

Mr. BURNSIDE. It does not take from the States. It authorizes the issue of arms to Territories as well as States.

Mr. DAVIS, of West Virginia. Does it make an appropriation for that object? How do you distribute the arms without an appropriation?

Mr. BURNSIDE. The bill does not make an appropriation. The arms are issued by the Ordnance Department; the arms are on hand in the Ordnance Department and they issue a certain quota to each State under this statute referred to here. Now the Territories are to be included as well as the States in this statute. It requires no additional appropriation, I will say to the Senator from West Virginia. They are taken from the stores on hand in the Ordnance Department.

Mr. DAVIS, of West Virginia. I beg pardon of the Senator. As I understand the reading of the bill, no such provision is made. The Senator will recollect that there is now and has been since 1808 a permanent appropriation of \$200,000 annually for arms to be distributed among the States. Now, if an additional number is to be distributed among the Territories, where is the appropriation to come from to pay for the arms that go to the Territories? Is it not taken from the States, thus lessening their number?

Mr. BURNSIDE. They are issued in precisely the same way they would be to new States. If these Territories were all admitted as States by Congress, then the Ordnance Department would begin to issue arms to them. Now, if we pass this bill the Ordnance Department will simply issue arms to these Territories precisely the same as

they do to the States. As I understand, the \$200,000 is not exactly used in the distribution of arms to the different States each year.

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. BURNSIDE. No; I think there is a surplus of arms all the time.

Mr. DAVIS, of West Virginia. I have recently had a conversation and also correspondence with the ordnance officer. At the beginning of the year the \$200,000 appropriated by a permanent appropriation is divided among the States according to population, and the quota of arms is entered up to the credit of each State, and that is taken from the appropriation of \$200,000 that is annually applicable. Now, if you give any arms to the Territories there must be some provision by way of appropriation to pay for them. It cannot be taken from any other particular appropriation. It must come from some source.

Mr. BURNSIDE. The Senator from West Virginia is right in one thing. The distribution is made upon that basis; there is no question about that. But then there is a large surplus of arms on hand in the Ordnance Department all the time, and as each new State is admitted of course it is entitled to its distributive share, and so will be the Territories if we pass this bill. There is a sufficiency of arms in the Ordnance Department to issue to these Territories at once.

Mr. DAWES. The Senator from West Virginia is in a slight error if he supposes that two hundred thousand dollars' worth of arms is distributed to each State in proportion to population. As I understand it \$200,000 is appropriated each year in a permanent appropriation toward the supply of arms, accoutrements, and everything pertaining to the supply of military stores, and from our armory from time to time the arms are distributed to the States. There is no provision in the law for distribution to the Territories. The proposition of the Senator from Rhode Island, I understand, is to include in this distribution the Territories to the amount of five hundred per annum. The \$200,000 is appropriated, part of it, to the manufacture of arms; part of it is appropriated to the manufacture of saddles, part to bridles, part to swords, and part to pistols, so as to keep a supply on hand. The standing law of the land distributes them from time to time, in proportion, to the States, and now the Senator from Rhode Island proposes to add "the Territories," with the limitations in the bill.

Mr. BURNSIDE. In other words, it puts the Territories upon the footing they would be if they were admitted as States at once.

Mr. PADDOCK. It is true that up to 1876, when the resolution was passed to which this bill is amendatory, the rule of distribution to the Territories *pro rata* obtained, the same as the rule of distribution to the States. They were distributed on the basis of representation in Congress. That rule obtained all the time until 1876. By that act the Territories were left out. This bill, as I understand, is simply to restore the Territories to their relationship under the law as it stood before.

Mr. DAVIS, of West Virginia. The Senator from Massachusetts and the Senator from Nebraska are both in error. According to the report of the ordnance officer, which I hold in my hand, a report made this year, under the appropriation to which I referred each State is allotted the amount of money to which it is entitled, and the Territories are included with the States and have a regular allotment. If this bill passes, it will be giving to the Territories an additional amount of arms that the States do not get.

Again, the appropriation is in money, not in arms, and each arm is valued at so much by the Department and charged to the State as it is drawn.

Mr. DAWES. I wish the Senator from West Virginia would read it and let us hear how it reads.

Mr. DAVIS, of West Virginia. I will send it to the desk to be read.

Mr. BURNSIDE. I should like to call the attention of the Senator from West Virginia to the fact that a large number of States have not drawn the arms at all and have large amounts of money due them, some of them have overdrawn, some of them are in debt. The \$200,000, as I said a moment ago, is appropriated for the purpose of keeping up a supply of arms for distribution; but the distribution is not made in accordance with that appropriation exactly; that is, there are not exactly two hundred thousand dollars' worth of arms distributed each year, because they are not issued to the States unless the States call for them. The State of Rhode Island has not at this moment, but it had two months ago twenty-five or thirty thousand dollars to its credit, but we have drawn what we are entitled to with the exception of two or three thousand dollars' worth, I think. There is no regular issue of two hundred thousand dollars' worth of arms each year. This bill simply puts the Territories on the same footing as the States.

Mr. DAVIS, of West Virginia. They are now. According to the report of the ordnance officer, the Territories and States are treated just alike.

Mr. BURNSIDE. I understand not.

Mr. SPENCER. I ask the Clerk to read the report of the ordnance officer, which he holds in his hand.

Mr. DAVIS, of West Virginia. The heading of the report.

Mr. SPENCER. Read the special letter from the Ordnance Office.

The CHIEF CLERK. The heading of this statement on page 8 is:

Apportionment of arms for the fiscal year ending June 30, 1877, under the law of 1865 for arming and equipping the militia, as amended by the seventh section of the act approved March 3, 1855, and regulations established in conformity therewith.

Mr. DAVIS, of West Virginia. Now, in that statement each State and Territory is given, and the amount in money that each State and each Territory is entitled to is embraced in that table.

Mr. BURNSIDE. I will state to the Senator from West Virginia that they cannot receive the money.

Mr. DAVIS, of West Virginia. Of course not. I stated that they receive it in arms.

Mr. BURNSIDE. And the Territories can receive up to the amount of five hundred, but they cannot receive more than that, no matter how much population they have, and how much they are entitled to.

Mr. SPENCER. I ask the Clerk to read the letter from the Ordnance Office.

Mr. BURNSIDE. The object of this bill is to do away with any difference as between the States and Territories in the issue of arms.

The PRESIDENT *pro tempore*. The Senator from Alabama asks for the reading of a letter, which will be read.

The Chief Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, March 15, 1878.

In the opinion of this office it would be wise legislation to enact the bill introduced by Mr. FENWICK amending the joint resolution, July 3, 1876. There seems to be no good reason for making a distinction between the States and Territories as regards the number of arms to be issued; and as far as the knowledge of this office extends there is as much if not more necessity for furnishing arms to the Territories as to the States bordering upon them. The words "and Territories" should be inserted instead of the word "Territories."

S. C. LYFORD,
Acting Chief of Ordnance.

Respectfully returned to the Secretary of War.

Mr. BURNSIDE. This simply removes the limitation which now exists, and allows the Territories, if they are entitled to them, to receive more than five hundred arms each. That is the object of this bill. It is certainly just that the bill should be passed.

Mr. MORRILL. I do not know that I have any particular hostility to this bill; but the general policy of distributing arms throughout the country I think is a vicious one. The arms become entirely useless in a few years, because they are not taken care of; and at present, as I am informed, the Government itself has less than ten thousand of the best of arms on hand outside of those that are in the hands of our troops in the field. Therefore, to distribute the best arms that we have it seems to me is a very vicious policy, for they are sure to go into hands where they will not be taken care of, and if a time of need should arise when they will be required for national or any other purposes, they would be wholly useless.

Mr. PADDOCK. If the Senator from Vermont will allow me to read from the resolution of 1876, to which this bill is amendatory, he will see that his statement is incorrect. There is a proviso of this character:

Provided, That such issues shall be only from arms owned by the Government which have been superseded and no longer issued to the Army.

So that the kind of arms he speaks of, the improved patterns of arms, are not to be distributed at all, but it is only those arms which have been superseded, the old style of muskets, &c., which are in store in abundance; and this resolution provides that they shall be distributed to the States, a thousand to each State. That is, the limitation is a thousand to the States, and the limitation of five hundred is put on the Territories. If there is occasion anywhere to have these arms, it is certainly in the Territories, on the border, where they are liable always to have Indian troubles.

Mr. MORRILL. I am not objecting to the passage of this bill for the Territories; and if the statement of the Senator is correct that the arms which are to be distributed are only such as have been superseded, we might nearly as well distribute wooden guns as to distribute these.

Mr. PADDOCK. It was not so during the war. They were issued then and thought to be good arms. It happens now that we have repeating rifles and that sort of improved arms, that we had not then; but at that time those we had were thought to be very good arms, and our friends on the border are very glad to receive them now in this time of danger.

Mr. DAVIS, of West Virginia. I admit readily that the Territories are as much entitled to arms as the States, and I have no wish to deprive the Territories of getting their just apportionment; but, according to the report of the ordnance officer, they are now equally provided for with the States according to population.

Mr. BURNSIDE. I call the attention of the Senator to the letter of the Chief of Ordnance, just read at the desk.

Mr. DAVIS, of West Virginia. The document I hold in my hand from the Ordnance Office, dated February 5, 1878, in making an apportionment of the \$200,000 annually appropriated, shows that the Territories are provided for just as the States are; and there should be no difference. I am perfectly content that the Territories should have their equal proportion; but I do not want them to have a double proportion, inasmuch as it is taken from the States to give it to them.

Mr. BURNSIDE. This simply puts them on a footing with the States. It corrects a law which discriminates against the Territories.

Mr. DAVIS, of West Virginia. I suggest to the Senator to amend his bill so as to say that it shall not be taken from the quota now apportioned among the States.

Mr. BURNSIDE. I will accept that.

Mr. PADDOCK. That seems to me to be an absurdity, because the law to which this is amendatory emphatically states that the arms shall be distributed to the States, exactly as the Senator undertakes to insure by his amendment.

Mr. DAVIS, of West Virginia. Then the amendment will do no harm.

Mr. BURNSIDE. I accept the amendment; it will do no harm.

Mr. PADDOCK. I think it will; it is tautology.

Mr. SPENCER. I hope the amendment will not be insisted on; it forces the bill to go back to the House, and there is a pressing necessity for the Territory of Idaho to have arms.

Mr. BURNSIDE. It has to go back anyhow. An amendment has been made putting in the word "and."

Mr. DAVIS, of West Virginia. The amendment I suggest is that in the distribution of arms the quota now belonging to each State shall not be lessened. That is the substance of it.

Mr. SPENCER. The Senator had better prepare his amendment and submit it in writing.

Mr. DAVIS, of West Virginia. The Clerk can put it in form.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from West Virginia will be read.

The CHIEF CLERK. At the end of the bill it is proposed to insert:

Provided, That the quota to the States now authorized by law shall not hereby be diminished.

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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3987) to regulate the advertising of mail-lettters.

The message further announced that the House had passed the joint resolution (S. R. No. 23) providing for the distribution and sale of the new edition of the Revised Statutes of the United States.

RETIREMENT OF LEGAL-TENDER NOTES.

Mr. DAWES. Mr. President—

Mr. COCKRELL. I ask that the Senate now take up and dispose of the motion of the Senator from Vermont [Mr. MORRILL] about the reference of the bill (H. R. No. 4663) to forbid the further retirement of United States legal-tender notes. It will only take a moment.

Mr. DAWES. Will not the Senator allow me to pass the Washington Monument resolution?

Mr. COCKRELL. It will only take a moment, I apprehend, to dispose of the motion to refer.

Mr. SARGENT. The morning hour has expired.

The PRESIDENT *pro tempore*. Is there objection?

Mr. WHYTE. I object.

Mr. MORRILL. I hope the Senator from Maryland will not object. I understand the Senator from Missouri desires favorable action on the motion to refer, so as to have the bill referred to the committee. There is no longer any opposition, and I trust the Senator from Maryland will not object.

Mr. WHYTE. I withdraw the objection.

The PRESIDENT *pro tempore*. The bill is before the Senate. The question is on the motion of the Senator from Vermont [Mr. MORRILL] to refer the bill to the Committee on Finance.

Mr. COCKRELL. It was no intention of mine in calling up this bill to attempt to force immature action upon it; and from statements which have been made by the members of the Finance Committee that they will report this bill back and that it can probably be reported by next Tuesday, I shall not interpose any objection to its reference because that would be as soon as I should attempt to hasten action upon it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to refer the bill to the Committee on Finance.

Mr. BAYARD. I will merely say a word in all frankness before the motion is voted on. The composition of that committee is well known to the Senate; the opinions of the various members, as probably indicated by the discussion on this general subject, are well known. I would merely say that the committee will no doubt act in accordance with their known opinions on the subject, and that on a majority of that committee will rest the disposition of the bill. There is no understanding of any kind further than that. There is meant to be no delay of any kind on the part of those who may oppose the measure. That is all I wish to say before the vote is taken.

The motion to refer was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this

day approved and signed the act (S. No. 15) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

ORDER OF BUSINESS.

Mr. ALLISON. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. DAWES. Will not the Senator from Iowa allow me to pass the monument resolution? It will only take a few moments.

Mr. ALLISON. It may take some time. I wish to say to the Senate that I am compelled to be absent from the Senate to-morrow and having charge of this appropriation bill I want to complete it to-day. If there is time after the appropriation bill, I have no doubt the Senate will take up that matter.

Mr. DAWES. I am under the necessity of being gone several days myself.

Mr. DAVIS, of Illinois. The Judiciary Committee has reported a bill providing for the distribution of the award made under the convention between the United States of America and the Republic of Mexico. It is absolutely necessary that that bill should be passed in some shape by this Congress. I do not ask for its consideration now; but I give notice that I will beg the Senate to consider it the first case in the morning after the morning business is over; or I would ask that it be considered immediately after this bill.

Mr. ALLISON. I ask for the regular order.

Mr. DAWES. If the monument resolution leads to debate I shall not press it.

Mr. ALLISON. I am very sure that the measure proposed by the Senator from Massachusetts will lead to more or less debate, and I am pressed on all hands with reference to other matters; therefore I must insist on the regular order.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4549) 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, 1879, and for other purposes.

The PRESIDENT *pro tempore*. The pending amendment is to strike out the words "Indian Territory," in line 772, and insert "Territory of Idaho;" so as to read

For this amount, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, in the removal of the Nez Percé Indians of Joseph's band, now held as prisoners of war at Fort Leavenworth, Kansas, to a suitable location in the Territory of Idaho, and for their settlement thereon, and for clothing, subsistence, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid in teaching them civilized pursuits with a view to their future self-support, the sum of \$20,000."

Mr. ALLISON. Yesterday when that question was up for discussion there was some difference of opinion with reference to the condition of the lands in the Indian Territory. I have a communication from the Indian Bureau upon that subject which is very full and very clearly shows that some sixteen million acres of land in the Indian Territory are subject to the disposal of the United States. I do not ask that this be read in detail unless some Senator requires it, but that it may be printed in the RECORD.

Mr. BECK. Let it be read.

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

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, May 8, 1878.

SIR: In reply to your verbal inquiry of yesterday, as to the amount and condition of land in the Indian Territory, west of the ninety-sixth degree, I have the honor to inform you:

First. That the following lands west of said degree have been granted in fee or purchased and paid for by the tribe occupying the same, to wit:

	Acres.
The Osage reservation.	1,466,167
The Sac and Fox reservation.	479,667
The Seminole reservation.	200,000
The Chickasaw reservation.	4,630,935
About one-half the Choctaw reservation.	1,667,000
About one-half the Creek reservation.	1,607,747

Total 10,647,392

Second. There has been conveyed by treaty or act of Congress, to be paid for when their lands in Kansas and Nebraska are sold:

	Acres.
To the Kansas Indians.	100,141
To the Pawnee Indians.	283,096
To the Pottawatomies.	375,877

Total 939,044

Third. There has been granted by treaties of 1867, (15 Stats. 581-593,) to the Kiowas and Comanches, and to the Cheyennes and Arapahoes for their absolute and undisturbed use and occupation:

	Acres.
To the Kiowas and Comanches.	2,908,893
To the Cheyennes and Arapahoes.	3,938,117
And by unsatisfied agreement of October 19, 1872, to the Wichitas.	743,610

Or a total of 7,600,620

The Cheyennes and Arapahoes, however, have not occupied the territory as-

signed to them by the treaty of 1867, but have been in occupation under executive order of August 10, 1869, of 4,297,771 acres of land south and west of the Cimarron River and the old Cherokee line.

Fourth. The actually unassigned lands in the Indian Territory, west of the ninety-sixth degree, are as follows:

One hundred and five thousand four hundred and fifty-six acres in the forks of the Arkansas and Cimarron River, east of the Pawnees; 683,139 acres north of the Cimarron and south of the Arapahoe and Cheyenne grant, by treaty of 1867; 1,645,890 acres south of the above tract and between the Cimarron and Canadian Rivers and west of the Sac and Fox Indians; 2,279,618 acres west of the Cimarron River and north of the lands covered by executive order of August 10, 1868, now occupied by the Cheyennes and Arapahoes; and 1,511,576 acres in the southwestern corner of the said Territory and west of the north fork of the Red River.

There are therefore of absolutely unappropriated land west of the ninety-sixth degree, 6,695,679 acres, and of appropriated, but unoccupied land, 3,958,117 acres, or a total of 10,653,796 acres of land upon which other tribes may be settled.

Of the 7,266,664 acres occupied by the Arapahoe and Cheyennes and the Kiowa and Comanches, only about 1,500,000 acres is required for their settlement, allowing them 160 acres for each individual.

With each of these tribes treaty provisions exist allowing the settlement of other Indians among them.

The total number of acres, then, west of the ninety-sixth degree, upon which Indians may be located, is 16,420,460 acres.

Further information with regard to the status of the lands in Indian Territory can be found in Executive Document No. 32, Forty-Fifth Congress, second session.

I have the honor to be, very respectfully,

E. A. HAYT,
Commissioner.

Hon. W. B. ALLISON,
United States Senate.

Mr. INGALLS. The statement that has just been read from the office of the Commissioner of Indian Affairs, as it is said about a well-executed counterfeit, is well calculated to deceive. The Commissioner endeavors to leave the impression upon the Senate, inadvertently, I presume—

Mr. BECK. Will the Senator from Kansas yield to me? I desire to ask the consent of the Senator managing the bill to allow the five-minute rule to be extended to ten minutes, on this amendment at least, so that the Senator from Kansas and others may express themselves more fully, as it is too important to limit debate to five minutes.

The PRESIDENT *pro tempore*. That can be done by unanimous consent. Is there objection to the extension of time for debate on this amendment? Is there objection to extending the time to ten minutes instead of five on this amendment? The Chair hears none, and it is so ordered.

Mr. INGALLS. The Commissioner, inadvertently I have no doubt, leaves upon the mind of the Senate the impression that this land belongs to the United States, and that here is a vast unoccupied, unassigned territory, west of the ninety-sixth meridian of longitude, upon which Indian tribes can be located without any expense to the Government. It is not correct. I call the attention of the Senate to the language of the Cherokee treaty, article 16:

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severality as the United States may decide.

Now mark—

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

If Indians are located upon these lands they must be paid for at a price to be agreed upon between these several civilized nations and the President of the United States, or, if they cannot agree, then the President is to fix the price. I want the Senate to understand that here is not unoccupied public domain belonging to the United States upon which these Indians can be located, but that this is an attempt on the part of the Committee on Appropriations to compel the United States Government to purchase land there for the purpose of locating these Indians when they do not wish to go, and when they have a reservation themselves that is amply sufficient for their purposes.

Mr. MAXEY. Mr. President, I stated yesterday evening pretty fully, or at all events as fully as I could do under the five-minute rule, some of the objections which I had to the passage of this bill containing the clause sought to be stricken out by my motion. It in effect converts the Indian Territory into a Botany Bay, on three sides of which are three of the States of this Union. Disguise it as you may it is the conversion of the Indian Territory into a Botany Bay into which are to be turned all the loose wild tribes of Indians which the Government of the United States acknowledges it is unable to control wherever they may happen to be, and in the particular instance in hand, to turn loose into the Indian Territory a tribe of Indians who were driven from their homes in the Territory of Idaho because they were murderers, because they had murdered twenty-five or thirty families in that Territory; and the inexorable, unjust policy is sought to be followed here of forcing those people into the Indian Territory against, so far as anything comes before us, the wishes of the people of the Indian Territory.

It has been clearly shown by the Senator from Kansas that the Terri-

tory known as the Indian Territory is not the property of the United States. In my judgment every foot of land covered by the Indian Territory, as it was originally assigned to the Cherokees, the Choctaws, the Creeks, the Seminoles, and the Chickasaws, is patented land. Bear that in mind. It was patented to these various tribes; and the moment the United States Government issued patents to these nations for those lands the United States became divested of the title, and the title therefor became vested in these tribes. If that position be correct, and that it is there can be no question, then we are endeavoring to take from the Indians, without their consent, their property.

I stated yesterday evening that the United States Government had recognized the Indians as distinct nations, as distinct political communities, that they have done so from the earliest settlement of the colonies, and that Great Britain anterior to the independence of the people of the United States, and while we were colonies of Great Britain, recognized the Indians as distinct political communities, as distinct nations, as nations to be treated with like any other nations of the earth. Hence I stated that if these people are nations, there is but one way under the Constitution of the United States whereby a contract can be made with or the interests of those people affected, and that is by treaty. If you have to deal with those people by a treaty, a law which attempts to take from them their property without their consent is violative of their rights and not sustained by the Constitution of the United States or by any law on the face of the earth.

More than fifty years ago, the great case of *Worcester vs. The State of Georgia* was before the Supreme Court of the United States, and the opinion was delivered by Chief-Justice Marshall. What was that case? There was a law of the State of Georgia which attempted to prohibit people from settling inside of the Cherokee Nation, except by the consent of the State of Georgia, and a man who should go there without a permit from the governor of the State of Georgia was liable to be indicted and expelled. A missionary, bearing with him God's holy cross, went inside the Cherokee Nation for the purpose of carrying out his mission, and he was indicted for a violation of the laws of the State of Georgia. That case came finally to the Supreme Court of the United States, and the decision was delivered by Chief-Justice Marshall on behalf of the court, the ablest jurist that ever sat upon that bench, and he clearly and unequivocally declared that the act of the State of Georgia attempting to invade the Cherokee Nation and expel therefrom a man who was there by their consent, as was Worcester in this case, was violative of the Constitution of the United States, null and void.

Mr. KIRKWOOD. What became of the missionary? Do you remember?

Mr. MAXEY. I am not sufficiently fresh on that point to remember. I was treating of the question of law. I have not time in the very few minutes allowed me to quote from this decision largely, but I will read from the syllabus enough to cover the point. After going on and tracing out the history of the Indians, the Supreme Court say:

The extraterritorial power of every Legislature being limited in its action to its own citizens or subjects, the very passage of this act is an assertion of jurisdiction over the Cherokee Nation and of the rights and powers consequent thereto.

That is what they say is the claim of the State of Georgia. Speaking of the law adopted by the discoverers of this continent, it says:

It regulated the right given by discovery among the European discoverers, but could not affect the rights of those already in possession, either as aboriginal occupants or as occupants by virtue of a discovery made before the memory of man.

They were well understood to convey the title which, according to the common law of European sovereigns respecting America, they might rightfully convey, and no more.

Speaking of the grants to the various colonies:

This was the exclusive right of purchasing such lands as the natives were willing to sell. The Crown could not be understood to grant what the Crown did not affect to claim, nor was it so understood.

The third article of the treaty of Hopewell acknowledges the Cherokees to be under the protection of the United States of America and of no other power.

This stipulation is found in Indian treaties generally. It was introduced into their treaties with Great Britain, and may probably be found in those with other European powers.

The treaty of Holston, negotiated with the Cherokees in July, 1791, explicitly recognizing the national character of the Cherokees and their right of self-government, thus guaranteeing their lands, assuming the duty of protection, and of course pledging the faith of the United States for that protection, has been frequently renewed and is now in full force.

The treaties and laws of the United States contemplate the Indian Territory as completely separated from that of the States, and provide that all intercourse with them shall be carried on exclusively by the Government of the Union.

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights as the undisputed possessors of the soil from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed; and this was a restriction which those European potentates imposed on themselves as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others."

Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister-States and by the Government of the United States.

The Cherokee nation, then—

Say they in conclusion—

is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of Congress.

The act of the State of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity.

Mr. President, I read that for what purpose? To show you the character of the title which the Indians hold east of the Mississippi River. What is true of the Cherokees is true of the Choctaws, the Chickasaws, the Creeks, and the Seminoles; and when they, by reason of the vast influx of the American people upon that magnificent country which they had occupied, and more especially after the discovery of the cotton gin, which settled all that country up as a great cotton country, were forced to leave there, the United States solemnly pledged itself when they went across to occupy the then wilderness where they now live that they should occupy it unmolested; the plighted faith of the Government was given that it should be theirs, for them and their heirs forever, so long as grass grew and water ran.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Senator's time has expired.

Mr. MAXEY. I should like if the Senate would permit me to finish the argument I was going on with.

Mr. WITHERS. Mr. President—

The PRESIDING OFFICER. The Senator from Texas desires to continue his remarks. Is there objection?

Mr. WITHERS. I will take the floor and yield my time to him.

Mr. SARGENT. I rise to a point of order. I have no objection to the Senator from Texas going on; but if we get into the habit which prevails in another body, the one taking the floor and yielding to another, the rule loses all its force. I hope it will not be done.

Mr. WITHERS. The only object I had was to give the Senator from Texas additional time.

The PRESIDING OFFICER. Is there objection to the Senator from Texas continuing his remarks?

Mr. ALLISON. How much time does the Senator want?

Mr. EDMUND. Let him take what time he needs. It is a very important question.

Mr. ALLISON. Very well.

Mr. EDMUND. I am listening with a great deal of interest to what the Senator from Texas is saying.

The PRESIDING OFFICER. The Senator from Texas will proceed, there being no objection to his continuing.

Mr. MAXEY. Mr. President, that was the character of title which the Indians held east of the Mississippi River; and when, as I stated, by this great cloud of emigration which went from every portion of the United States into what was then a new country, into Georgia and Alabama and Mississippi, which had been made so immensely valuable to the American Union by reason of the discovery of the cotton gin and the opening up of magnificent cotton plantations, the homes that these Indians owned and which they and their fathers had owned from time immemorial were so coveted by the American people that they were driven from their homes; and the manner in which it was done is a foul spot upon the history of this country. But they were sent where they now live on the plighted faith of the American people, who felt that great wrong had been done them, that they should not be disturbed when they went there. It was a wilderness at that time; Texas was then under the dominion of Mexico; Arkansas was then a territory; Kansas was wholly unsettled; it was all a wilderness. They went there and for long years they were not disturbed. Then for the first time in the history of this country, I will say to the chairman of the Committee on Indian Affairs, a wise, humane, and judicious policy was pursued by the American Government toward those five civilized tribes. They were fostered and encouraged in building up schools, opening up farms, acquiring property, making homes, making governments for themselves, and they have been a prosperous and a progressive people. If it is ever to be demonstrated that Indians are capable of self-government, you have the nucleus there with these five tribes now to build up Indian civilization.

Now what course is pursued? When these people are struggling to have a government of their own, struggling to have schools and churches, a government of law, a government of order, we find hurled into their midst, without their consent so far as the Senate knows, people who are driven from where they were born and reared down into the Indian Territory because they are murderers. You are making this beautiful country a Botany Bay. You are doing it against the solemn protest of the Senators who represent the State of Kansas, the State of Arkansas, and the State of Texas, the three States which border upon this Indian Territory, and, so far as I know, also against the consent of those whom it is proposed to remove.

But, again, it was yesterday asserted, and the position was broadly taken I believe by the very able Senator from Iowa, the chairman of the Committee on Indian Affairs, [Mr. ALLISON,] that the United States Government has the right to dispose of this Territory. I deny the proposition *toto cœlo*. The United States Government parted with the title to this property by patent, by grant, which is a better word, to these various tribes. Subsequently it is true that these tribes agreed to surrender a certain amount of property upon conditions;

but in the treaties of 1866 all the Indians retained the right not to be disturbed in their property except by their consent, and that consent was to be shown through the national council. Have you got it? Where have you anything to show that the national councils of these people have agreed that these Nez Percés shall go and settle among them?

Mr. SARGENT. Allow me to ask a question. I understand by the letter of the Commissioner of Indian Affairs that between sixteen and seventeen million acres of land within the Indian Territory are not the property of the Indians, never have been, never were assigned to their use, but are entirely open and unappropriated, and are available for this purpose.

Mr. MAXEY. He intends to state there, and a close reading of the letter will show it, that the Choctaws, the Chickasaws, the Seminoles, the Creeks, and the Cherokees had parted with that land which was their land, and it is strange that Senators cannot comprehend the real character of this title. It was a title which passed by the Government to them by patent, or by grant, which is a better word, and they agreed to permit this land to be settled up by other tribes of Indians placed there by the United States by their consent, they being paid for it. What evidence have you got that they have agreed through their national councils or otherwise to this thing? How can you legislate in regard to these nations in this way? Contracts made with these nations must be by treaty, and I am proud to say that I have the distinguished authority of the chairman of the Judiciary Committee, [Mr. EDMUND,] who I understand, from remarks made not long since upon a question involving this very point, entertains that view, and it is going back to the law as it always has been from the very foundation. From the very first transactions of the Government they have been recognized as nations, and so it has run along on down to the last decision I know anything of in 17 Wallace, Holden *vs.* Joy, which, although hinging on the doctrine that laws may be made, still does maintain the original principle that—

Laws have been enacted by Congress in the spirit of those treaties, and the acts of our Government, both in the executive and legislative departments, plainly recognize such tribes or nations as States, and the courts of the United States are bound by those acts.

So say the Supreme Court of the United States in Holden *vs.* Joy, 17 Wallace, the opinion being delivered by Mr. Justice Clifford. Now if this be true, we require here, I apprehend, as everywhere else, the best evidence. These Nez Percés are a turbulent people, so turbulent that it is declared on the Senate floor that they cannot be sent back to the reservations which had been assigned to them by the Government, and for that reason they are put in the Indian Territory, thereby making it a Botany Bay. If it be the policy of this Government to turn loose all these wild tribes into the Territory, they inflict a grievous injury upon the surrounding States.

Mr. President, I have trespassed upon the time of the Senate as long as I care to do, but I wished to express my views in regard to the nature and character of the title of the civilized Indians to this Territory, and that the Congress of the United States have no control over it.

Mr. COKE. Mr. President, the State of Texas, which I in part represent on this floor, is so much interested in the pending question that, although my colleague has stated fully the reasons for striking out the clause objected to in the appropriation bill, I feel that it is my duty to say something in support of the motion.

The Indian Territory embraces about sixty-eight thousand square miles. It is one of the finest tracts of country upon this continent. Its climate and soil make it susceptible of every variety of production. With a thrifty and industrious population there is no area of territory of the same size in the United States that would produce a greater amount of wealth. The States of Kansas, Arkansas, and Texas border it. All three of those States are interested in the settlement of that Territory. They are all interested that the Territory shall be inhabited by a people who will make good neighbors. The State of Texas especially, bounded as we are on one side by the Rio Grande, and across it with Mexican neighbors, would very much deprecate the establishment of an Indian population upon our northern border.

Besides, there is another consideration. It is about three hundred miles across this Territory from Kansas to Texas on the line of the Missouri, Kansas, and Texas Railroad. The Gulf ports of Texas must do a great proportion of the trade of the great Northwest. The railroads leading from the Gulf of Mexico up into the great Northwest must carry a great proportion of their supplies and bear off a great proportion of their products. Upon the line of the Missouri, Kansas and Texas Railroad to-day there is a wilderness of three hundred miles, where there is no cultivation, where there is no evidence of any productiveness. The freight and passenger travel over that railroad going into Texas and passing out is taxed annually to the extent of maintaining that three hundred miles of road because there is no way traffic and no way travel there.

If you make this Territory a recipient for the wild tribes of Indians you dedicate it to the same waste condition in which it now is. You place an embargo upon the commerce of the Northwest and upon the highest interest of Texas. That embargo consists in the tariff for maintaining in running repair all the railroads which traverse three hundred miles of territory which, if settled and placed in a productive condition, would help to lighten the burdens of the traffic.

I do not know that I would agree with my colleague in all his propositions. I do agree with him in believing that the Nez Percé Indians should not be sent there, and that is the question now. The State of Texas has had an experience with the Indians located in that Territory by the Government of the United States, which I hope may not be repeated. The Kiowas, the Apaches, and the Comanches located at the Fort Sill reservation have devolved upon the State of Texas and upon its people a taxation of from \$350,000 to \$500,000 a year to maintain State troops for the defense of the frontier. Up to 1877 those Indians raided upon Texas an average of twice a week. I can show you a report to the President of Indian Agent Walker, who says, in enumerating the property of the Comanches and the Kiowas, in stating the amount of property they held, that these Indians own about 16,000 horses and mules, the bulk of them notoriously stolen from Texas. He says, further, that these Indians habitually, openly and boastfully brought into the agency the scalps of men, women, and children murdered upon the Texas frontier. He recites these facts. He is a great friend of the Indian, and facts stated by him I take it at least are not exaggerated. Yet, Mr. President, during the time when the people of Texas were being plundered and their women and children and men were being murdered and scalped and some taken into captivity, their property being stolen, I had the honor to be the governor of Texas, and I know the fact to be that the authorities of Texas were never notified that any property of the people of Texas was within this agency in order that the people might go and reclaim it. I know the fact to be that the controllers of these Indian agencies, the agents, denied the extent and the enormity of these depredations; and while the State troops of Texas were fighting the Indians nearly every day, Indians armed with guns furnished by the Government of the United States and with ammunition and clad in clothing furnished by this Government, and with blankets branded with the brand of this Government, these agents were denying that the depredations were being committed. Since I have been here I find the admission of the agent that they were being committed, that the bulk of the property held by the Comanches was stolen from Texas, and that it was a common thing to have war dances over scalps at the agency brought from the Texas frontier.

Now, Mr. President, we do not want any more such neighbors; they are not pleasant people to interchange social civilities with. We do not want the Nez Percés, who have been driven from their reservations for similar offenses, quartered down near Texas where they can join the Comanches, the Kiowas, and the Apaches in making raids upon the Texas frontier.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BECK. Mr. President, as a member of the Committee on Appropriations it became my duty to look somewhat into this matter, and I am at a loss to see how we can avoid agreeing with the House of Representatives in the proposition they have made. We have now on the Leavenworth reservation some four hundred or five hundred of these Indians. They are described by the Senator from Kansas and the Senator from Colorado as men who have been measurably civilized. Let me read what the Senator from Kansas [Mr. INGALLS] said about them; he knows them better than I do:

From time immemorial they have been regarded as friendly Indians; they have been the allies of the United States Government in the Northwest; they had a quasi civilization; they were upon a reservation that was exceedingly fertile and exceedingly desirable; they had certain treaty stipulations with the United States Government, and, as the Senator from Colorado has said, they have been the victims of the grossest wrong and the most monstrous oppression. I have been at the camp of these Indians upon the Fort Leavenworth military reservation. I have seen them in their present confinement. They live in lodges and tents. They are a noble, heroic-looking race of men. They are intelligent; they are peaceable; they are inclined to submit to law; they are obedient; they are willing to labor; but in their reservation in the Northwest they were subjected to continuous encroachments by the white settlers around them; the Government neglected to carry out its treaty stipulations with them; and what was there left under the circumstances for them to do except to revolt and rebel?

Then he spoke of the heroism with which they carried on the war and the manner of men they were. That is the testimony borne by the Senator from Kansas. Now they are on our hands. It is proposed to put them in the Indian Territory. I was amazed at the statement of the Senator from Arkansas [Mr. DORSEY]—and that was what troubled me yesterday—that we had no right to settle any Indians there at all, when by the treaty of 1866, which abrogated many of the old treaties because they were changed after the war of the rebellion closed, as the map will show, we have a right to settle any Indians north of the Chickasaw, Choctaw, Kiowa, and Comanche reservations, and all west of the Creek country and south of the Cherokee country—over seventeen million acres in the center of the Territory. There is no idea of settling these men anywhere within one hundred or one hundred and fifty miles of the Texas frontier. All along the Texas frontier and one hundred miles north of it the country is occupied by the Choctaw Nation and the Chickasaw Nation—nations that the Senator from Texas [Mr. MAXEY] said were so far civilized and so friendly that when fugitives from Texas escape to the Indian Territory these men surrender them, and when fugitive Indians from these tribes go into Texas, Texas surrenders them back. All along the Texas frontier they are located and for one hundred miles in the interior; so that we are not locating these Nez Percés near Texas.

The Creeks and Cherokees are toward Arkansas and Missouri, but

removed from them and from the settled part of Kansas. The territory surrendered by the Cherokees was given to the Arapahoes and Cheyennes, and by order of the President they are now temporarily occupying a part of it. All this country has been paid for by the United States to the Cherokees and is now open for use. These five hundred Indians that we have on our hands must be located somewhere, and if they be settled where it is proposed to locate them they will be one hundred and fifty miles west of Arkansas and an equal distance from Missouri, and the Commissioner of Indian Affairs assured me to-day when I spoke to him that the tribes there were not only willing to have them but desired them. I went and asked the question myself.

Mr. MERRIMON. Permit me to ask the Senator a question which I think is pertinent to the point under discussion. What is the special consideration for putting these Indians in the Indian Territory. Why not let them go back to where they belong?

Mr. BECK. I can answer that question in a few moments. These Nez Percés were formerly located there, [indicating on the map,] in the corner of Washington Territory. The Klamaths and they got into a quarrel. The quarrel deepened; they were semi-civilized; they had a reservation; they had their lands; they were working; they were allies of the United States; hostile Indians were allowed to depredate upon them and the United States failed to do them justice. They got into war, and in the midst of the war committed atrocities. The result has been that the people of that Territory have notified the Commissioner of Indian Affairs that if they are sent back there they will be murdered. He can put them into this Territory among friendly Indians, where no white man can go, where liquor is not allowed to be sold, where they can be guarded and protected; but they will be surely murdered if they are sent back to where they came from, and the Commissioner says it is horrid cruelty to send them back. They wanted to go back, but I understand since they have come to understand the condition of affairs that exist in their old neighborhood they are willing to go to the Indian Territory. That is the report that I get.

The climate of the reservation where it is proposed to put them is very much the same as that of their old home. So I am advised by the Commissioner. The isothermal line is all along here [indicating] running up toward the Pacific coast. When the Northern Indians come down here [indicating] it is injurious to their health; but those men coming from this region can be taken to the point where these Indians are to be put without any serious disadvantage.

Some time ago we had trouble with the Modocs and they were removed. Here is the report of the Commissioner of Indian Affairs in regard to them. They were regarded as the most warlike and dangerous of all; and yet those Modocs have been settled near Missouri and Arkansas and have not only not committed outrage, but are as peaceable and industrious and are working as faithfully as any Indian will work. They are a pastoral people, and do not work like white men; but the report of the Commissioner shows that, out of one hundred and twelve, thirty are going to school, and no complaints are made on the part of the other Indians as to them.

I agree with the Senator from Kansas that when the Indian Territory was surrendered in good faith to the civilized tribes it was to be theirs forever; and all the arguments of the Senator from Texas [Mr. COKE] who was last up that they are in the way of civilization and that there is no transportation for railroads must not be heeded in this controversy, because he will observe that the railroad which he has spoken of runs through the Choctaw and Cherokee country and does not come within seventy-five miles of where it is proposed to put these Indians. Are the Creeks and Cherokees and Choctaws to be put out now because they do not furnish railroad transportation? The treaty obligations are valid and binding, and these Indian reservations ought never to be touched by the United States as long as good faith exists.

While the original rights of the Cherokees and Choctaws ran as far as the line here [indicating] in 1866 they were all surrendered except the reservation they now hold, which is laid off here, and which they hold by patent and under pledge that they shall never be disturbed, railroad or no railroad, transportation or no transportation, as long as there is justice in the United States Congress. But as to the rest of the country we have a right to place these Indians, such as these Nez Percés are described to be, instead of their being sent back to be butchered or to butcher other people, or being put where they cannot be protected or put among people who have given notice to the Department that they will murder them as soon as they get there because of the old Indian warfare in which they committed atrocities as semi-civilized men always will—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARGENT. I hope the Senator will be allowed to proceed.

Mr. MERRIMON. I should like to have information on one point.

Mr. BECK. If I can give it, I will.

Mr. MERRIMON. First, are these Indians willing to go into the Indian Territory; and, second, are the Indians in the Indian Territory content that they shall go there?

Mr. BECK. The last question I can answer definitely, because the Commissioner of Indian Affairs this morning told me that the Indians in the Indian Territory were willing and desirous to have them there. The object of the Indians in the Indian Territory is to keep out white men, but they are willing to have these Indians among them.

As to the first question I can only say that the Commissioner said to me—I think I recollect it exactly—that while these Nez Percés preferred and were very anxious at one time to go back to their old neighborhood, yet now knowing what would happen they are willing to go to the Indian Territory. That is my recollection.

Mr. MAXEY. I would ask the Senator from Kentucky in what manner the Indians of the civilized tribes have manifested their willingness to receive them? The treaties point out how that shall be done.

Mr. BECK. I say to the Senator from Texas that I did not ask the Commissioner the form in which it was done or the willingness expressed. Perhaps it might be well to amend this clause to prescribe the form of consent.

Mr. SARGENT. The treaties cover that point.

Mr. MAXEY. They require it to be by the national council.

Mr. SARGENT. Then this legislation will not put them there.

Mr. BECK. I have said about all I desired to say. I took the pains this morning to go and make inquiry.

Mr. MERRIMON. I am willing to vote to put them there if they are willing to go and the Indians in the Indian Territory are willing to take them.

Mr. ALLISON. I desire to say one word in addition to what has been said by the Senator from Kentucky. The two very pertinent inquiries made by the Senator from North Carolina are both to be answered in the affirmative. In the first place, the treaties distinctly provide that the United States may place friendly Indians within the Indian Territory, so that the consent of these civilized tribes is not now required. But I understand, in addition to that, that they are willing and desirous that other tribes should come in there and occupy the Territory and fraternize with them. The treaties made between these Indians and the United States distinctly provide for other Indian tribes coming in there and for their participation in an Indian council, the expenses of which are paid by the United States.

So much for the permission of the Indian tribes. Now, with reference to this band of Nez Percés, I understand that they also are willing to go there. I understand that four of their principal chiefs have already gone from the Fort Leavenworth reservation, under the authority of the Government, to the camp of Sitting Bull, with a view of inducing the remainder of those hostile Nez Percés to join this band in the Indian Territory. In the Territory of Idaho in which these Indians rebelled, some fifty or sixty of them have been indicted, I understand, for murder under the laws of the Territory of Idaho. The murder can be proven clearly, of course, because it is perfectly notorious in that Territory that these murders were committed, and that portions of these hostile bands committed the murders under a sense of wrong on the part of the whites there. If these Indians return to their reservation or to the Territory of Idaho, they will be tried for those offenses unless pardoned by the President of the United States. Therefore, under the circumstances surrounding them, I understand it is their desire and wish to be located and settled in the Indian Territory. There are only about one hundred of these Indians that are adult males; the remainder are women and children. It is the intention of the Department of the Interior to place these Indians at some point on the reservation where they will be enabled to sustain and support themselves by grazing and agriculture. It is an experiment no doubt, but an experiment that has been successful in the Indian Territory, notably in the case cited by the Senator from Kentucky, of the Modocs.

Mr. MAXEY. I ask the Senator from Iowa if the United States Government has a right to settle any Indians within the Indian Territory, except civilized tribes, by any treaty?

Mr. ALLISON. I understand they have. Just what is a civilized tribe of Indians I would not say.

Mr. MAXEY. Article 15 reads:

The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of ninety-six degrees, on such terms as may be agreed upon by any such tribe and the Cherokees.

Mr. ALLISON. Undoubtedly, and it is not proposed to place these Indians within that region at all. That applies to that portion of the Cherokee country lying east of the ninety-sixth meridian. Of course these Cherokees do not desire that uncivilized Indians shall be placed in the Cherokee and Choctaw country proper, but they did provide by the sixteenth article of this same treaty, which the Senator did not read quite far enough to see, that friendly Indians may be located west of the ninety-sixth meridian upon the Cherokee lands. But the Cherokees do not own all the country west of the ninety-sixth meridian. The Seminoles, the Choctaws, and the Creeks own a portion of this Territory. The Seminoles, by a treaty made with the United States, parted with a portion of their lands absolutely to the United States in 1866; and the Chickasaws and Choctaws by a treaty made in 1855 leased to the United States over seven million acres of land west of the ninety-eighth meridian, and by a subsequent treaty made in 1866 the United States absolutely purchased those seven million acres, and we have as clear a title to it as we have to any other land belonging to the United States. Seven million acres west of the ninety-eighth meridian are now the absolute property of the United States. So with reference to the lands owned by the Cherokees west of the ninety-sixth meridian we have the right to purchase those lands from the Cherokee Nation upon such terms as may be agreed upon between the United States and the Cherokees,

and in failure to make an agreement the President of the United States himself is to decide the price which the Government is to pay for those lands.

These Nez Percés may be placed on lands absolutely owned by the United States, not costing the Government a dollar. They may be placed upon the Cherokee lands west of the ninety-sixth meridian by paying for them a reasonable sum, and that sum has been agreed upon at various times at about fifty cents per acre. So that there is no difficulty in the way except a question of public policy. Is it a good policy for this Government to locate any more Indians in the Indian Territory?

I was pleased with the argument of the Senator from Texas [Mr. MAXEY] in reference to this country, and I join hands with him in saying that I will with him endeavor by legislation to secure this country to the absolute control of the civilized Indian tribes. They left the most beautiful country that exists under the control of the United States, comprising the States now of Tennessee, of Georgia, of North Carolina, and of Alabama. Nearly the whole of those States belonged to the five civilized tribes now west of the Mississippi in the Indian Territory. When we induced them to leave those fertile fields which they were cultivating long before the independence of the United States was achieved, when we, by treaty stipulation, secured their removal from those fertile lands which they were cultivating and earning their own livelihood upon without any interference on the part of the United States, until the settlers reached out and undertook to seize their lands, when we placed them upon this reservation we said to them "You shall occupy this land as long as grass grows and water runs; you shall have an absolute, indefeasible title to this property," and I am for maintaining them in that title so far as we can in the future.

Mr. BECK. Allow me to suggest to the Senator from Iowa that the Commissioner says that while the Indian Territory contains about sixty-eight thousand square miles, there are only sixty thousand Indians upon it, being less than an Indian to a square mile.

Mr. ALLISON. Of course this Territory belongs to the five civilized tribes, and whatever rights we have acquired in the Territory we have acquired by treaty stipulations with them. In 1834 or 1835 we ceded to the Cherokees seven million acres of land in addition to the lands then occupied by them, and we said to the Cherokees that they should have all the land west of that country until it met the civilization of the United States westward. Under these provisions these tribes have control of all the land in the Indian Territory save and except that ceded by them by treaty stipulations with the Government of the United States.

Now, Mr. President, it is a question of policy for the Senate to decide whether or not this small band of Nez Percés shall be returned to the Territory of Idaho or to the State of Oregon, from whence they recently came, or whether we shall permit them to enjoy a small portion of this land in the Indian Territory.

Mr. SAUNDERS. Mr. President, I dislike to differ with my friends of the Indian Committee upon a subject of this kind; nevertheless I do on this question. I look upon this subject as one of very great importance. Whatever course we pursue toward these Nez Percé Indians we should pursue toward all other Indians in the north. If it is proper to send them into the southern country and into the Indian Territory, then it will be proper to send the others also; and we might just as well settle the question now as at any other time; and it is very much better that we settle it now and save money to the Government, unless we intend to follow this up.

A year or two ago I would have taken the position that is taken by the majority of the Committee on Indian Affairs on this question; that is, that we should send all these Indians to the Indian Territory. I thought then it was probably the best thing that could be done; but I am now convinced, unless Senators wish to carry out the doctrine of the extermination of the Indian, that it would not be proper to send any more from the north into that country. The country is probably healthy enough for the people who live in it, but when men try to be acclimated in going down to that warmer country and more humid atmosphere they die off rapidly. Let me show you what effect it has had on the Indians that went even from my own State, which is further south than the Nez Percé Indians and many others that arrangements are about to be made with to send them south. The Pawnees, according to the report of 1875, numbered over twenty-two hundred; I have forgotten the exact number, but about twenty-two hundred and fifty, I think. Two years ago they were removed to the Indian Territory. The report in the Commissioner's office to-day shows that the number is only about fifteen hundred. Over 33 per cent. of them have died in twenty-four months, in other words, and we do not know the number that have died since that report was made. That is the fact as to the Pawnees.

Another tribe that went from our country, the Poncas, were taken only about twelve months ago into the Indian Territory, and a gentleman well informed on the subject told me yesterday that 20 per cent. of them were already dead. That is the effect it is having on the Indians that go from the North, from the dry atmosphere we have in the North into that humid atmosphere of the South. If the object is to exterminate the Indians, then let us send them there; but if we want to take care of them and treat them as wards properly, as we should, then in my opinion we should either put them on some of the smaller reservations of the North or make arrangements for larger

ones, for there is a very large reservation for which arrangements could be made no doubt in the northern part of Dakota or Montana. There is the country on Bear River and on Milk River that would hold all the northern Indians without any trouble, and a very rich and fertile country it is, where they can raise all the small grains, particularly wheat, to very great advantage, and where for hunting purposes they would be much better off than they would be in the Indian Territory.

My opinion is that we must either leave these Indians on the small reservations and let the whites settle around them and finally train them up in civilization in that way, or we have got to have another large reservation for the Indians of the north. I have made up my mind fully on that subject, and I will therefore vote against sending these Nez Percé Indians down into the southern country. If they go of themselves, if they are willing to go, of course I shall say nothing against it. I believe an amendment has been suggested to require their consent. I almost know what the answer will be, that they will not be willing. I do not know that it is best to send them back to Idaho where this war commenced; but there are other reservations that are large enough to be divided up. The reservation that they had in Idaho Territory was more than they could ever cultivate; it was too large for them. There is another reservation in that Territory still larger, and there is a very large one in Oregon, where the Umatillas and the Walla-Wallas are now located. There is another very large reservation in Washington Territory. There are large reservations in Dakota and in Montana; so that there is plenty of room to be had for them in other places. If there were not, we might of necessity have to send them South; but I say, taking the observations and the facts and figures as we have them before us now, that I do not believe it will be good policy to send any more Indians from the north into the southern country, and, if we did, what should we be making out of it?

I am astonished when I come to learn what I have from being in some of these committees, to find how little they have progressed on this subject of civilization. Take the tribes that gentlemen are speaking about, the confederated tribes of the Indian Territory, the Cherokees, the Chickasaws, the Creeks, the Seminoles, and the Choctaws; what have they done? What progress have they made? They are here to-day asking for rights under treaties that are more than forty years old, showing how far back they date with their attempts at civilization; and yet to-day there is not, according to their own testimony, one in ten who wants to have a territorial form of government or to be represented as the white people are represented in this Government. There are only about one-third part of the grown persons, according to the best testimony we can get, that can talk our language. They do not want their land divided up into severally. They do not want a territorial form of government. They want to be let alone, they say, in their tribal relations and live as a separate nation. That is the progress they have made in fifty years! If that is what they have done, who have been friendly, who have been taught our language, who have been educated many of them in our schools, then I say, if that is the success we have had with them, what hope have we with these who have no affinity for us or any of our arts or any of our improvements? I believe that the best way at present will be to let them alone in their own Territory, in their own reservations. Our people are surrounding them; they are friendly. In my State they are equally friendly and as civilized as the same number of whites are. Nobody objects to them. Their neighbors trade with them. They are visiting around through the country there. There is no more fear of Indians with us than there would be of the same number of whites. Then so far as most of the tribes are concerned, I shall oppose hereafter the sending of any more of them south unless they express by some act of theirs that they want to go.

On that account, without taking any further time, I shall vote against sending these Indians down there unless they themselves express their willingness and anxiety to go. I shall seek for them somewhere else a place where there is room; and I know there is a disposition on the part of the committee to take care of these Indians as best we can. We are all aiming at the same thing, which is to do the best we can for the Indians, and I am convinced from observations that have come before me that it is not the best thing to send them to a country that they know not of, to a climate that they have never lived in, and a place that has proved for others a burial almost as fast as they got there.

Mr. COKE. Mr. President, with the consent of the Senate I would like to add to the observations I made a few moments ago, when cut off by the operation of the ten-minute rule, the following: I did not intend to be understood as desiring to deprive the Indians of their land in the Indian Territory. On the contrary, from examination of their treaties with the United States, I believe that they have a perfect legal and equitable title to their lands; I believe that they should be maintained in the enjoyment and possession of their lands. But I do believe, Mr. President, that the position taken by some Senators that these tribes are independent nations is erroneous. I believe that these Indian tribes are as much under the jurisdiction of the United States as the inhabitants of any other Territory in the United States. Whenever the question has been before the Supreme Court they have so declared. Whenever Congress has exercised authority over those tribes—and it has done so in numerous instances—the Supreme Court of the United States have always maintained that

being the political authority, the action of Congress must be sustained. In the Cherokee tobacco case, 11 Wallace, the question is squarely met. In that case the Supreme Court lay down the law as follows:

In the *Cherokee Nation vs. Georgia*, Chief-Justice Marshall, delivering the opinion of this court, said: "The Indian Territory is admitted to compose a part of the United States. In all our geographical treatises, histories, and laws it is so considered." In the *United States vs. Rogers*, Chief-Justice Taney, also speaking for the court, held this language: "It is our duty to expound and execute the law as we find it, and we think it too firmly and clearly established to admit of dispute that the Indian tribes residing within the territorial limits of the United States are subject to their authority, and where the country occupied by them is not within the limits of one of the States Congress may, by law, punish any offense committed there, no matter whether the offender be a white man or an Indian." Both these propositions are so well settled in our jurisprudence that it would be a waste of time to discuss them or to refer to further authorities in their support. There is a long and unbroken current of legislation and adjudications, in accordance with them, and we are aware of nothing in conflict with either. The subject, in its historical aspect, was fully examined in *Johnson vs. McIntosh*. In the eleventh section of the act of the 24th of June, 1812, it was provided "that it shall be lawful for any person or persons to whom letters testamentary or of administration shall have been or may hereafter be granted by the proper authority in any of the United States or the Territories thereof to maintain any suit," &c. In *Mackey vs. Coke* it was held, that the Cherokee country was a territory of the United States, within the meaning of this act.—11 Wallace, 619.

I simply propose to assert the proposition in the remarks submitted awhile ago, without arguing it, that this Indian Territory is under the jurisdiction of the United States and of Congress as fully as any Territory within the United States; but I say at the same time that treaty obligations require the United States to maintain the title of these Indians to their lands. I concur with my colleague and with the Senator from Kentucky in that regard.

But with reference to another proposition they lay down, I cannot agree with them. I do not believe that public policy or treaty obligation requires the United States to maintain the Indian Territory in a condition of waste, in a condition in which it can add nothing to the wealth of the country, and especially in a condition where it must be a serious drawback to three or four States of the Union on account of its non-productiveness and the character of its population. I hold that the United States Government is compelled by no treaty obligation to do this, and, whenever public policy shall dictate, that the Government has a right to take such steps as while maintaining the absolute title of the Indians to their lands at the same time will throw open the Territory for general settlement. That is all I intended by the proposition asserted in my first remarks.

The PRESIDING OFFICER, (Mr. ROLLINS.) The question is on agreeing to the amendment of the Senator from Colorado, [Mr. TELLER.]

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

Mr. SARGENT. Before the question is taken by yeas and nays I wish to say a few words. It may be a question of policy much insisted upon by the Senators whose States border the Indian Territory whether the original dedication of that Territory for Indian purposes shall be maintained or there shall be a new departure of policy; whether, as says one of the Senators from Texas, the railroads shall be allowed to go there and realize their land grants and open up communication between parts separated by that country or whether they shall be prohibited from doing so. It may be a question of policy, but there certainly can be no policy urged in favor of the amendment of the Senator from Arkansas.

Mr. DORSEY. Will the Senator allow me to state that I have not an amendment pending?

Mr. SARGENT. I ask that the pending amendment be read.

The CHIEF CLERK. In lines 772 and 773 it is proposed to strike out the words "Indian Territory" and insert "Territory of Idaho."

Mr. DORSEY. That is the amendment of the Senator from Colorado, [Mr. TELLER.]

Mr. SARGENT. Nevertheless it is the amendment in effect, as my friend knows, (although it may not be on the record,) of the Senator from Arkansas. I am speaking to the fact and not to the form. I say there is nothing in the way of policy to recommend this amendment. You may say that if the Government will not persist in its policy of settling Indians in the Indian Territory that it shall take care of those Indians. Very well; then take care of them at Fort Leavenworth where they now are. It may cost considerable money, but what of that in comparison with the interests of harmony in the Territories, the lives of the white settlers or the lives of these Indians and their families if they depend upon it. It has been suggested on this floor—and cannot be disputed—for it is a fact, that if these Indians return to Idaho Territory they will necessarily lose their lives and in the experiment of taking their lives perhaps the lives of white men will be lost also. But why send them back where they go to inevitable persecution? Is that the way to treat them? Is that a humane settlement of the question?

Mr. DORSEY. If the Senator is appealing to me—

Mr. SARGENT. No; I am not.

Mr. DORSEY. I presume that in the Territory of Idaho, from where these Indians came, there is country enough outside of the little reservation which they formerly occupied to provide them with proper homes, where they would slaughter nobody and would not be slaughtered themselves. It seems to me, if the Senator will allow me, that it is about the worst argument which could be urged here as a reason why the Indians should go to the Indian Territory because they are going to kill anybody.

Mr. SARGENT. There is not a foot of land in Idaho that the Senator can say will be open to the peaceful occupation of these Indians for two years to come.

Mr. DORSEY. Why?

Mr. SARGENT. For the same reason that there was none in the Black Hills, the most inaccessible point of the North American continent, where the Indians were peaceably living. Partly by the mis-calculated action of the Government of the United States and partly by an irresistible tide of immigration, gold-seekers and other settlers rushed in and ousted them from their possessions. The result was a long and expensive Indian war. The result of it was great injustice to the Indians. The result of it was the writing of a chapter of our history which is shameful. So it is with regard to Idaho or any other Territory of the United States. There is only that little spot of land called the Indian Territory dedicated for Indian purposes where the white man cannot go. The Indians were rooted out of Kansas since the time that I have been in Congress by just this same immigration—

Mr. DORSEY. I should like to have the Senator state in what respect the Indian Territory is dedicated to the Indians any more than the Indian reservation in Idaho is dedicated to these Indians, on which he says the white people go.

Mr. SARGENT. The difference is just this, that in Idaho Territory settlers can go at will all over it, and approach the reservation with their settlements, and the white man, with such opportunity, gets to encroach upon the Indians there. There is a fertile valley, perhaps, which runs through a reservation, and the white man extends his stakes one after another until he gets in on the reservation and eventually crowds the Indians out, or the Indian, feeling the injustice, burns down the settler's house, and he shoots at the Indian, and the Indian shoots at him, and an Indian war occurs. But in the Indian Territory the reservation is inside a boundary that the white man has no legal right to cross. He violates the law if he goes across the line at all. It is not a mere tempting line of a reservation, but the boundary of a Territory. Therefore the Government can protect the Indians who go there, and there is nothing assailing the occupation by the Indians of the Indian Territory except the cupidity of certain railroad corporations and the influences which they can bring to bear on the minds of members of Congress.

Mr. DORSEY. I think the statement of the Senator from California is entirely gratuitous. I think the railroad corporations of the Indian Territory have no more to do with influencing members of Congress than the railroad corporations of the Pacific coast have to do with influencing the members of Congress from that region. I think it is entirely gratuitous.

Mr. SARGENT. When in argument this very day it has been urged upon this floor that this Indian Territory, occupied by the Indians, is in the way of railroad communication, I have a right to say that such suggestions come in the interest of railroad corporations.

Mr. DORSEY. The Senator has no right to say that the railroad corporations seem to exercise influence upon members of Congress in respect to this question. He has no right to say that, because it is not true.

Mr. SARGENT. I speak of facts that come to my observation. I say the railroad companies have for years been trying, in one form and in another, to get possession of this land. They came here originally and got grants of land in the Indian Territory and got a promise on the part of the United States to extinguish the title to these Indian lands, and when Congress extinguishes the title they will have the grants of land. The railroad companies since that time have tried by every possible device to effect the extinguishment of that title. They have set up all sorts of schemes for the government of the Territory. As I said yesterday, if some government should be organized among the Indians that would look favorably upon the proposition to let the white people in, it would be the method of enabling these railroad companies to get these tracts of lands. I am speaking of the question pending in Congress, which has been urged upon Congress, and naturally, reasonably, justly, I do not say unfairly or improperly, influencing the minds of Senators. That is a large portion of the pressure which accounts for this hostility to the settlement of the Indians in the Indian Territory. The more Indians that are settled there the more difficult it will be to extinguish their rights and move them elsewhere. It has been said in this debate that this Territory is sparsely settled, and that is urged as a reason why the whites should be allowed to go in there. Am I to close my eyes to the tendency of these things, and not refer to the great interest that lies behind all these movements in opposition to the present policy of the Government?

The Indians in the Indian Territory are peaceable. We sent the Modocs there; we sent the Kiowas and Comanches there. The Comanches were the red devils of the plains whose sway spread from the Sioux territory into Texas, but when they were put into the Indian Territory they became peaceable and quiet. They were guarded and cared for, and protected themselves from aggressions, and during the last five or six years there have been no aggressions from these wild tribes at all. The Senator from Texas [Mr. MAXEY] says they are so law-abiding and have so much regard for law that when criminals from Texas escape into their borders the Indians deliver them up and that they deliver up the criminals which escape from the Indians to them.

Mr. DORSEY. The Senator from Texas did not say that at all. The Senator from Texas said nothing of the sort. He said that was true of the Choctaws and Chickasaws and the civilized tribes in the Indian Territory, but not of the Comanches. The Senator shows furthermore that he does not understand the history of these Indians at all when he states that the Comanches were removed to the Indian Territory. The Comanches have lived there from time immemorial, and they have not been removed from the plains.

Mr. SARGENT. I take back not one word that I have said, and I am not at all instructed by the remarks of the Senator from Arkansas. These Indian questions are not new to me. I simply reiterate, exactly knowing the basis of the remarks which I have made, and that is to say that these Kiowas and Comanches who roamed along through the whole country being put upon an express and limited reservation of the Indian Territory have been peaceable ever since. Before that time they were called the red devils of the plains and were the most dangerous and deadly enemies of the white settlers of the West.

Mr. DORSEY. They were not located there, but have always occupied that Territory.

Mr. SARGENT. A part of them had a sort of roaming title to lands covered by a piece of the Indian Territory, but the fact is that they were segregated on a reservation and protection given them and it has changed their character. What has changed the character of these very Indians who are called civilized tribes? Simply by being put in the Indian Territory and the white man being kept out with his whisky and the missionaries allowed to go among them, and the Government fostering schools among them. A larger proportionate number of their children are now attending schools than are children in the State of the Senator who interrupts me, and with most beneficial results; so that when the census of illiteracy shall be taken it will not be to the disadvantage of the civilized tribes, as they are called, of the Indian Territory.

Here is a piece of fertile land which is most earnestly coveted by others who are adverse in interest to the Indians. They want to get at the land. They do not like to have that barrier, as they call it, between the various States. There is no justice in their claim, because public faith is pledged that the Indians shall have the land. When the Indians were removed from Mississippi, and Alabama, and Georgia, and everywhere else, and placed far out beyond the then bounds of civilization, in the Indian Territory, it was marked out for them. The experiment has been a great success. The question pending here to-day is not whether three or four Indian tribes shall be put in the same condition with a right to better their lot in life, to have education for their children, to become decent members of the American States. That is not the mere question, but the question is whether the Indian experiment with all its civilization shall fall and go down before the cupidity, and I will say it again, of certain railroad corporations who want to seize upon this territory. I insist that the momentous question is, whether we are to pursue the humane and peaceful policy of the past or whether we are to abandon it, and abandoning it to root out the rights of the Cherokees and the Creeks as well.

Mr. DORSEY. I should like to ask the Senator from California a question. Is there any proposition here to send these Indians to the section of country where the railroad companies now claim that they have a title? I ask if it is not already occupied by these Indians, and if the question of railroad lands is not entirely independent and outside of that?

Mr. SARGENT. The whole question of the Indian Territory hangs together. If you can seize one part of it you can seize the rest. It is simply an entering-wedge—

Mr. DORSEY. Who is proposing to seize it? Is not the Senator from California proposing to take it for these Indians?

Mr. SARGENT. We propose to give them a home and to maintain them there.

Mr. DORSEY. What more right have you to do that than to seize upon it for the railroads?

Mr. SARGENT. Because there are seventeen million acres of unappropriated lands there under the treaties granted by the United States for this very purpose.

Mr. DORSEY. Yesterday the Senator from California said there was not an acre there that did not belong to the civilized tribes.

Mr. SARGENT. The Senator is mistaken. I did not say a word of it.

Mr. DORSEY. Now the Senator says there are seventeen million acres there.

Mr. SARGENT. The Senator misrepresents me. My remarks of yesterday can be referred to. That was the position of the Senator from Kansas.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARGENT. On account of interruptions I ask a moment more; I said yesterday that every foot of the Indian Territory was dedicated for the purpose which I described yesterday, and to-day I referred again to it, and the Government of the United States have no right to dedicate a foot of it for any other purposes. I now say, on being informed thereof by the Commissioner of Indian Affairs, whose letter has been read at the desk, that there are nearly seventeen million acres that are unappropriated for this purpose, and which can be used for this purpose, and that the experiment of putting the wild tribes in the Indian Territory has been a success, as in the instance of

the Modocs, the desperadoes of the lava-beds, a large number of whose children are now, in proportion to the whole number, attending school, and they have settled down into peaceful pursuits. They have vindicated the fact that they possess not merely bravery but humanity and industry. I want the same system extended. The last hope of its being extended is by voting down this proposition, because it is a test that is now being forced upon us. The whole system has got to be abandoned unless the bill as reported is insisted upon. The Senator from Texas says that these Indians would be dangerous neighbors on the border line of Texas. On the contrary there are some seventy-five or eighty miles of intervening civilized tribes between these Indians and Texas. The trouble from Texas, as I say again, has not risen from the occupants of the Indian Territory. It has arisen from the Kickapoos, who came over from the borders of Mexico and who have been floating backward and forward between Texas and Mexico, and floating up around the edge of the Indian Territory, and sometimes perhaps other Indians like the Kickapoos make a short cut across the Indian Territory, but have no local habitation or place there.

Mr. MAXEY. Does the Senator know how far it is from the Fort Sill reservation to the Texas line? That is the territory I spoke of.

Mr. SARGENT. The Senator can inform me.

Mr. MAXEY. Not exceeding forty or fifty miles.

Mr. SARGENT. Very well; that is a good belt of country.

Mr. MAXEY. That is close enough to endanger our people.

Mr. DORSEY. Mr. President—

Mr. SARGENT. I will say to the Senator from Texas—

Mr. DORSEY. Mr. President, I should like to say a word.

Mr. SARGENT. I think I have the floor.

The PRESIDING OFFICER. The Senator from California has the floor, but is proceeding by unanimous consent.

Mr. DORSEY. I object to the Senator from California proceeding.

The PRESIDING OFFICER. The Senator from California can only proceed by unanimous consent.

Mr. SARGENT. Then I shall take my seat.

Mr. EDMUND. Why?

Mr. SARGENT. Because I would not allow the Senator from Arkansas to interrupt me while I was answering a question of the Senator from Texas.

Mr. EDMUND. Who has the floor?

Mr. SARGENT. I had the floor for the purpose of speaking to the question when the Senator from Arkansas interposed an objection.

The PRESIDING OFFICER. The Senator from California can only proceed by unanimous consent.

Mr. EDMUND. I hope no Senator on a question of this kind will object to the Senator from California continuing his remarks.

Mr. DORSEY. I asked the Senator from California the privilege of saying a word. He has been talking nearly twenty minutes. He declined to yield to me; therefore I object to his further proceeding with his remarks.

Mr. SARGENT. I am glad not to be indebted for the privilege of proceeding to the courtesy of the Senator from Arkansas, which I find so scant, although I have frequently yielded to him. I was endeavoring to reply to the Senator from Texas when the Senator from Arkansas insisted on at once asking a further question.

Mr. EDMUND. I move that this bill be indefinitely postponed; and on that question I think the Senator from California can finish what he has to say.

Mr. SARGENT. I was saying, in reply to my friend from Texas, that there is a good belt of country between the Indians and the Texas border.

Mr. MAXEY. I hope from the remarks just made that the Senator from California will not suppose that I had any possible object in consuming his time.

Mr. SARGENT. Not at all.

Mr. MAXEY. I did so merely with a view of giving the fact.

Mr. SARGENT. Certainly; and I never object to reasonable interruptions. There are civilized tribes and a broad belt of territory—a sufficient cushion—between any blow that could be struck by this little, feeble band of Indians at the people of Texas. There are, I understand, only one hundred of this band who are warriors, and there are two or three hundred women and children. These poor beings are now living in their lodges upon the reservation at Leavenworth at very considerable expense to the Government, and they certainly cannot be a terror to the people of Texas.

Mr. MAXEY. But it would establish a precedent for the removal of other tribes.

Mr. SARGENT. No, it would not be a precedent. The precedent was set within a year or so in the very case of the Modocs, who were removed into that Territory, and who since that time have done themselves great credit and have done great credit to the experiment which the Government has entered upon. Now we propose to take these poor creatures, who were driven by hardships, by a violation of their treaties, as was eloquently stated by the Senator from Colorado, away from their homes, away from the place where they thought they had a foothold, and by our encroaching settlements, by the merciless system of our settlers, not merciless in design but in effect—they were driven away from Idaho with a price set on their heads, with indictments found against them in that Territory for murders committed under whatever provocation, visited with a threat that

if they returned they should all be exterminated, and that the people would not tolerate them there, and there is no home there for them.

I ask why should we not do this for this poor, little, feeble band that we are under obligation to take care of, because they are the captives of our bow and spear? We have taken them in war. We have carried them down to Fort Leavenworth. They are in our hands to do with them what we will. Why should the great State of Texas say that these men, separated from their frontier by forty miles, shall not have leave to settle in that Territory and make their little farms there and raise their cattle and do as the Modocs have done, who were more murderous than they, less humane than they, for the Joseph band never were treacherous? I say, why shall they not have this opportunity? If I did not think that this was a test question involving the whole question of maintaining the integrity of the Indian Territory I would not speak so earnestly and so persistently in favor of the bill as reported from the committee. When we have it on the recommendation of the Commissioner of Indian Affairs and on the recommendation of the Secretary of the Interior, with all the light we can have shed upon it in favor of the experiment, it certainly can do no harm.

Mr. EDMUND. Will the Senator from California allow me to ask him what he has to say in response to the observations of the Senator from Texas that in this Indian Territory the United States are not the exclusive proprietors of the land, and therefore that the sending of these Indians is an imposition upon those who have the control of the title?

Mr. SARGENT. The Indians having the original control of the title by treaties made subsequent to its acquisition, agreed with the United States that all lands west of the ninety-sixth meridian should be under the control of the Government of the United States for the purpose of settling friendly Indians upon them.

Mr. EDMUND. Where is that provision?

Mr. SARGENT. It is in the treaty. It has been cited in the debate.

Mr. EDMUND. I should like to look at it.

Mr. SARGENT. I think there are several treaties: one with the Creeks, one with the Cherokees, &c., but that is the provision of the treaty. It may be that the Government of the United States, under that provision would be required to pay for these lands a certain price. That is very likely. In the scale of mercy that would not weigh. It would be certainly cheaper to buy this land under the provision of the treaty and to settle these people upon it than to incur the blood and cost of another war. The dearest way to settle the Indian question is by exterminating Indians.

Mr. EDMUND. But this statute does not provide for buying it. What I want to get at is whether we are under any obligation.

Mr. SARGENT. Of course if the Government is under obligation to pay for these lands it should pay the price. It has a right to settle these Indians upon the land by virtue of these treaties, and can pay whenever it ascertains the amount due. I say again, I believe that this is a test question involving the whole matter. I really trust that the committee will be sustained upon it; but certainly if the committee are not to be sustained let us not send these men to Idaho, where we send them into the jaws of a certain death. Let them rather remain at Leavenworth and let the Government maintain them there and furnish them with rations, or let us send them anywhere but to the country which is so hostile to them.

Mr. TELLER. If I believed, as stated by the Senator from California, that this was a test question whether the Indian Territory should be set apart and occupied by Indian tribes, I would vote against the amendment which I have offered; but I do not believe that is the true view of this question. I shall vote for the amendment for the reason that I know it is contrary to the dictates of humanity to force these people upon that ground without their consent. As to the railroad companies, it is not possible that any railroad company can have any interest in that matter at all. It is not proposed to put any of these Indians on the lands that the railroad companies claim or in that vicinity. The proposition can only be sustained upon the theory that it is in pursuance of a principle which we have already established by the removal of the Modocs and by the removal of the Poncas, that we have a right to remove this tribe to that section of country.

I shall vote for the amendment because I believe that these people ought to be returned to their homes, and not because I have any objection to putting Indians into the Indian Territory who go there with their consent.

The PRESIDING OFFICER. The question is on the motion to indefinitely postpone the bill.

Mr. EDMUND. I withdraw the motion.

The PRESIDING OFFICER. The motion to postpone indefinitely being withdrawn, the question recurs on the amendment of the Senator from Colorado, on which question the yeas and nays have been agreed to.

Mr. DORSEY. I withdraw my call for the yeas and nays. I will reserve this amendment when we get into the Senate. I shall call for the yeas and nays on the amendment in the Senate, we being now in Committee of the Whole.

The PRESIDING OFFICER. If there is no objection the demand for the yeas and nays will be withdrawn and the amendment will be agreed to.

Mr. MITCHELL. I do not agree to the amendment, for one.

Mr. EDMUND. Let the amendment be reported.

The CHIEF CLERK. In lines 722 and 723 it is proposed to strike out "Indian Territory" and insert "Territory of Idaho."

Mr. MITCHELL. I wish it understood that I object to that amendment.

The PRESIDING OFFICER. The Chair will put the question.

The amendment was rejected.

Mr. MAXEY. I renew my amendment to strike out, commencing in line 767 to line 782, inclusive, the following words:

NEZ PERCÉS OF JOSEPH'S BAND.

For this amount, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, in the removal of the Nez Percé Indians of Joseph's band, now held as prisoners of war at Fort Leavenworth, Kansas, to a suitable location in the Indian Territory, and for their settlement thereon, and for clothing, subsistence, and such other articles as may be required for their advancement in civilization, including the employment of such skilled labor as may be necessary to aid in teaching them civilized pursuits with a view to their future self-support, the sum of \$20,000: *Provided*, That such amount of the above sum as may be necessary for said removal and for subsistence for remainder of the fiscal year ending June 30, 1878, may be immediately available.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas.

Mr. MAXEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUND. I move to amend the clause proposed to be stricken out, in line 772, before the word "suitable" by striking out "a" and inserting after the word "Territory" which ends in that line the words "as the United States have a right to use for such purpose consistently with existing treaties or arrangements with the tribes occupying the Indian Territory," so as to keep us on that part of the Territory that we are entitled to occupy. I presume the chairman of the Committee on Indian Affairs will have no objection to that.

Mr. ALLISON. Not the slightest. It only makes clear and definite by legislation what is proposed to be done.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. EDMUND.]

Mr. ALLISON. There is no objection to that. That is a very good amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Texas, on which the yeas and nays have been ordered.

Mr. TELLER. I desire to offer an amendment to the clause. After the word "available," in line 782, I move to insert:

And provided further, That the consent of such band be first obtained.

I desire to make their removal contingent on their consent.

Mr. ALLISON. I submit to the Senator from Colorado that while I do not think there would be any special objection to that amendment, these Indians are now prisoners of war and they are held under the military authority of the Government of the United States. I do not see exactly how their consent can be obtained.

Mr. BECK. They are under duress.

Mr. ALLISON. They are under restraint absolutely.

Mr. DAVIS, of West Virginia. And at much expense, too.

Mr. ALLISON. They might say, "We prefer to remain here at the Fort Leavenworth reservation and be fed by the military authorities."

Mr. TELLER. I would inquire of the Senator if the war is not over with these Indians?

Mr. ALLISON. We shall not be captious about that matter. I do not think that is a very important question to ask.

Mr. EDMUND. It might be important to the rights of these people who are to be extradited.

Mr. ALLISON. They are under the authority of the Government; they are fed by the Army, and are on our hands. I have no other desire than the Senator has. If he thinks the amendment suggested is important I shall not object to it.

Mr. TELLER. I do. I think it is important, to the credit of the United States if nothing else, that these Indians should not be put there unless they consent to it.

Mr. ALLISON. Suppose they want to go somewhere else; what then?

Mr. TELLER. I have not much doubt but what they will be compelled to consent, but we shall at least go through the form and have the credit of saying when somebody points his finger at us, as I trust he may, for this legislation, that they consented.

Mr. SARGENT. Suppose the Modocs had objected and said they wanted to go back to the lava-beds, would it have been to their interest to let them go back; or were we under any obligation, after capturing them, to put them back there? It seems to me it is putting an impossible condition. It is unquestionably for the interest of these Indians that they should be settled upon a pleasant tract of that fertile country and there given school facilities. We are their guardians and they are our wards, and we should exercise our authority for their good. They may have a prejudice against going to that place, and it would be unwise if they were allowed to exercise their option. My impression is that they are satisfied to go there; and I am fully convinced that it is to their interest to do so.

Mr. EDMUND. The observations of the Senator from California have certainly great force in the way he puts them, as his observations always have; but this bill treats these persons as prisoners of

war and not as the wards of the United States the Government being their guardians. If under existing law the United States are the guardians of this particular band of Indians or part of a band held at Fort Leavenworth, if we are their lawful guardians, of course it is perfectly right to provide in our discretion a proper place for them to be, and to stay, and to be educated, and to work, and to behave themselves. On that ground, of course, if the Senator is right in his premises, there is no answer to it so far as I see; for aught I know this is a good place; but taking the bill as it comes to us and as the committee have reported it, these Indians do not stand in the attitude of wards, or we in the attitude of guardians; they stand as prisoners in our hands by force of the exertion of the military authority of war.

Mr. SARGENT. That is an adventitious addition to the fact.

Mr. EDMUND. I know, and I only take it as it is stated in the case. If the bill is to go as saying that these people are prisoners of war, and if it appears from the inquiry of the Senator from Colorado that the war in which they were made prisoners has terminated, then I respectfully submit to the Senator from Colorado that even as to Indians it is not altogether consistent with the principles of civilization to insist upon holding a prisoner of war as such after the war is over. That would hardly do. If the war with this band of Indians is over, then their restraint on this particular military reservation out of the country to which they properly belong, as I suppose the Fort Leavenworth reservation is, as a matter of course is entirely contrary to the principles of civil law, or of military law, or of international law. I am sure my friend will agree to that.

Mr. SARGENT. If the Senator will allow me to make one observation, I will state that our whole system of Indian reservation is contrary to the ordinary principles of law. We set aside in a certain manner a reservation and collect all the Indians upon it, and really do not ask their leave to go there; it is a necessity of the situation.

Mr. EDMUND. But I think the Senator states that, according to my recollection, a little too broadly. According to my recollection whatever the fact may be, the paper will show, that in all these instances the tribe of Indians has engaged to part with a portion of its land to the United States and to reserve another part and to live upon that.

Mr. SARGENT. That is true as to one class, but not as to the class to which this proposition relates.

Mr. EDMUND. That may be. Then as to that class, we compel them to stay upon the reservation that they have agreed to occupy in exactly the way that we compel other public factions, nations as we call them, to conform to their arrangements with the United States. There is not any court that we can do it in, and we do it therefore by moral and physical force, by persuasion and argument, if that will answer, and if it will not then by the *ultima ratio regum*. That is the way we do it. Therefore compelling an Indian to stay on a reservation that his tribe has agreed he shall stay upon, is the exertion of a correct power, a necessary power, and one that is not obnoxious to any principle of international justice. But the bill says that these people are prisoners of war. The Senator in charge of the bill states, if I understand him, that the war is over. As prisoners of war, it will not do to say that they can be sent to the Indian Territory or anywhere else unless they agree to it.

If they stand in the attitude of wards, then let the bill say so and provide that Congress in the exercise of its guardianship over these Indians thinks it fit to send them to this Territory. But whether wards or not, depends not on the fact that their color is red and that their hair is black and straight; it depends upon what they as a nation or band, having a separate autonomy, have agreed shall be done, as it seems to me. Therefore as a matter of justice and humanity the bill ought to be put upon some solid ground, as it strikes me.

Mr. HOAR. It seems to me that the Senator from Vermont is in error in his statement of the principle of law applicable to this case. Where a war is over by a treaty of peace with an existing nation, it may be that all prisoners of that war are set at liberty. Where the only termination of a war consists in the capture of the entire hostile nation or band, without any treaty of peace or surrender, certainly it is no violation of the law of nations to take that captured band, transport them to a particular place in our country where they are to be clothed and provided for and found with homes, and there set them at liberty. It seems to me, therefore, that the right of the United States to treat and deal with these Indians as prisoners is perfect under the particular circumstances, and the principle which the Senator from Vermont states about the termination of a war is not at all applicable to such a termination of a war as this.

Mr. EDMUND. Then my statement was correct as to the principle, but the application of it was wrong, which is a little different from the character that my honorable friend gave it when he opened that part of the discussion. That may be perfectly correct; but I take it it would be open to a little question. If the United States were to invade Canada, if that were possible, (of course Canada is so much stronger than we are that that is totally out of the question, and therefore the illustration will not offend anybody,) and capture the whole body of British subjects then and there present and being, it would hardly be said to be according to the modern law of nations a fit thing for the United States to do to carry all the Canadians and British subjects down to the Indian Territory and coop them up there forevermore at the pleasure of Congress. That would not do in a case of conquest of that kind where the opposing force is entirely

overthrown. Then the duty of peace comes in, I respectfully submit, and as incident to that conquest you may levy exactions upon the people where they are; but to banish them to some distant part of the earth is, according to my observation and study of the modern law of nations, not a sound proposition. Of course, a thousand years ago, and perhaps much less than that, my honorable friend could find statements in the law-writers upon that subject, that you could put them all to death, that you could throw them into the sea, that you could do the very thing he suggests, of extraditing them to some distant country and leave them to either feed or starve, as the case might be, or keep them in perpetual subjection, slavery—because slavery does not necessarily imply that the slave is to work; slavery is a constant deprivation of liberty by the judgment of law, as we all understand. Therefore it appears to me that we could hardly stand upon the theory of sending this whole tribe, this nation, as you may call it, in the eye of the law, away from the country where we conquered them to a distant country and hold them in durance there; but I may be mistaken.

Mr. MERRIMON. Mr. President, I have about got the consent of my judgment to vote against striking out so much of the bill as provides for the removal of these Indians to the Indian Territory. First, I understand that the Indians are semi-civilized, they are not savage; secondly, that the Government has the right under treaties with the Indians in the Indian Territory to occupy certain parts of that Territory upon which these Indians may be placed, and that without expense to the United States; in the next place, that these Indians are willing to go there, and probably that the Indians who live in the Indian Territory are willing that they shall go there. These Indians are now prisoners of war. They are in the custody of the Government through its Army. They must be disposed of in some way. They are fed at a very large expense, and that is to continue until some disposition is made of them.

If these facts are true, and I understand from members of the committee that they are true, I do not see any better disposition that can be made of them than to send them to that place, and probably it would be doing them a great blessing. It brings them nearer to a complete civilization, and then it may save their lives, for we are told that if they go back to where they were captured they will certainly be killed there.

Upon these grounds, I shall vote against striking out the provisions in the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado.

Mr. EDMUND. Let the amendment be reported.

The CHIEF CLERK. After the word "available" in line 782, at the end of the clause, it is proposed to insert:

And provided further, That the consent of such band be first obtained.

The question being put, there were on a division—ayes 16, noes 19; no quorum voting.

Mr. TELLER. I call for the yeas and nays. There is a quorum here.

The yeas and nays were ordered; and being taken resulted—yeas 21, nays 28; as follows:

YEAS—21.

Burnside,	Ferry,	Morrill,	Spencer,
Cockrell,	Ingalls,	Oglesby,	Teller,
Coke,	Kellogg,	Paddock,	Voorhees.
Dorsey,	McCreery,	Patterson,	
Edmunds,	Maxey,	Rollins,	
Eustis,	Morgan,	Saunders,	

NAYS—28.

Allison,	Eaton,	Johnston,	Mitchell,
Bailey,	Garland,	Jones of Florida,	Randolph,
Bayard,	Gordon,	Kernan,	Sargent,
Beck,	Grover,	Kirkwood,	Wadleigh,
Blaine,	Harris,	Lamar,	Whyte,
Cameron of Wis.,	Hereford,	Matthews,	Windom,
Davis of W. Va.,	Hoar,	Merrimon,	Withers.

ABSENT—27.

Anthony,	Chaffee,	Hamlin,	Plumb,
Armstrong,	Christianity,	Hill,	Ransom,
Barnum,	Conkling,	Howe,	Salsbury,
Booth,	Conover,	Jones of Nevada,	Sharon,
Bruce,	Davis of Illinois,	McDonald,	Thurman,
Butler,	Dawes,	McMillan,	Wallace.
Cameron of Pa.,	Dennis,	McPherson,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Texas, [Mr. MAXEY,] to strike out the paragraph, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 27; as follows:

YEAS—21.

Anthony,	Dorsey,	Morgan,	Teller,
Bailey,	Edmunds,	Morrill,	Voorhees,
Burnside,	Eustis,	Patterson,	Wallace.
Cockrell,	Ingalls,	Rollins,	
Coke,	Kellogg,	Saunders,	
Dawes,	Maxey,	Spencer,	

NAYS—27.

Allison,	Davis of West Va.,	Grover,	Johnston,
Bayard,	Eaton,	Harris,	Jones of Florida,
Beck,	Garland,	Hereford,	Kernan,
Cameron of Wis.,	Gordon,	Hoar,	Kirkwood,

Lamar,	McCreery,	Merrimon,	Randolph,
Matthews,		Mitchell,	Sargent,
		Oglesby,	Whyte,

ABSENT—28.

Armstrong,	Chaffee,	Hamlin,	Paddock,
Barnum,	Christianity,	Hill,	Plumb,
Elaine,	Conkling,	Howe,	Ransom,
Booth,	Conover,	Jones of Nevada,	Salsbury,
Bruce,	Davis of Illinois,	McDonald,	Sharon,
Butler,	Dennis,	McMillan,	Thurman,
Cameron of Pa.,	Ferry,	McPherson,	Wadleigh.

So the amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the head of "Osages," at the end of line 820 of section 1, to insert:

Provided, That the Secretary of the Interior may authorize the expenditure of a sum not exceeding \$10,000 of the principal of said fund, to be used in the erection of houses, on application of any head of a family, such application being approved by the Indian council of the Osage Nation.

Mr. EDMUND. I call the attention of my honorable friend from Iowa to the fact that the committee put this in the form of a proviso to the appropriation. I suggest to him that probably it would be construed the same to merely strike out the word "provided" and make a period and say "and." It is not in the nature of a proviso to the appropriation at all; it is a direct grant of so much money.

Mr. ALLISON. There is no objection to that.

The PRESIDING OFFICER. There being no objection, this modification of the amendment will be made. The question is on agreeing to the amendment of the committee as modified.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and continued till he reached the following paragraph in the appropriations for the Sacs and Foxes of the Mississippi:

For interest on \$800,000, at 5 per cent, per second article of treaty of October 11, 1842, \$40,000: *Provided*, That the sum of \$1,500 of this amount shall be used for the pay of a physician and for purchase of medicine, and the further sum of \$1,000 for the support of a school and farmer for the Sacs and Foxes of the Mississippi at the agency in Iowa; in all \$51,000.

Mr. EDMUND. I ask the Senator in charge of the bill whether the proviso just read is consistent with the treaty?

Mr. ALLISON. I think it is entirely consistent with the treaty. I understand it to be the policy of the Indian Bureau to remove at the earliest practicable moment the Sacs and Foxes that are now in Iowa to the Indian Territory, where the others are, with their consent, of course; not without.

Mr. EDMUND. Yes; but I wish for one to keep our promise, and not by sheer force of power to break treaties. My inquiry was directed to the existing condition of things appearing in this proviso, that the sum of \$1,500 to be paid under the treaty shall be used for the pay of a physician and for the purchase of medicine, and another sum of \$1,000 for a school. If the treaty requires us to pay over this money for the use of the Indians according to their discretion, it is not right to exercise our discretion to direct the uses to which it shall be applied, however good the uses may be. I presume from the fact that it is in the bill and from what the Senator has said, that the treaty authorizes the exercise of such a discretion. If it does not, I submit, not with great confidence but I submit, it would be well enough to follow the treaty.

Mr. INGALLS. I understand that the treaty between the United States and these Indians expressly requires that they shall abide in the Indian Territory, and that no member of the tribe shall be entitled to any annuity or assistance unless they are so located and dwelling; but that in violation of the provisions of this treaty a certain proportion of these Indians have remained in the State of Iowa, where they now are located, and that the Commissioner of Indian Affairs, in violation of treaty stipulation, has divided the funds that belong to these Indians and paid a certain proportion to those remaining in Iowa and the balance to those in the Indian Territory. I am very clear in my convictions that this provision of the bill is in violation of the treaty and of the law under which these Indians are located in the Indian Territory. I do not believe that we have any right to appropriate any portion of the money that is due to the Sacs and Foxes of the Mississippi to that portion of the tribe which remains at the present time in Iowa. I am convinced that the Department ought to require the consolidation of these scattered bands of Sacs and Foxes in the Indian Territory, and that they should there receive their annuities and compensation as stipulated in the treaty.

I would add that there is a certain proportion of these Indians in a sort of wandering and nomadic condition in the State of Kansas at this time. It is the desire of the inhabitants of that State, and particularly of that portion where these Indians are at this time roaming and wandering, that they should be assigned to their proper location in the Indian Territory.

I hope that the Senator having charge of the bill will assent to an amendment to this clause providing that none of this money shall be paid to these Indians except in accordance with the provision of the treaty made with them.

Mr. ALLISON. I have no objection to such an amendment, of course, if that is the treaty. I cannot lay my hand on the treaty.

Mr. EDMUND. Here it is.

Mr. ALLISON. Has the Senator the treaty of 1842?

Mr. EDMUND. Yes. It is article 2. I do not see that article 2 provides for making any discount or reservation out of this interest, or for applying it to special uses. The treaty appears from a hasty reading to require the money to be paid over to the Indians; but it is only a hasty perusal of the article that I have made.

Mr. KIRKWOOD. While my colleague is looking over the treaty I merely desire to say that these Indians have been for a long time in our State. For some years past, I do not know how many years, they have been receiving a portion of the annuity going to the tribe. Whether it was done by act of Congress or by the direction of the Interior Department, I do not know; but for several years last past payments have been made to them and an agent has been acting for them in Iowa. Of course if it is in violation of the treaty it ought not to be continued. These people own land in Iowa to farm, and they are doing reasonably well there. If their condition would be improved by having them removed from the State they should be removed. I do not know but that they have been receiving for some years past a portion of this money.

Mr. ALLISON. They have been receiving it for a great number of years. I have no objection to an amendment that is suggested to me by the Senator from California, [Mr. SARGENT,] to add, in line 972, after "provided that" the words "with the consent of said Indians."

Mr. EDMUND. That will do. The other point to which allusion has been made does not arise under this provision. It is an appropriation under the treaty for the whole tribe, and if the tribe has been divided up into separate factions or bands, of course it belongs to the Executive Department justly to ascertain in what manner the money ought to be paid. I should not think there would be much difficulty about that.

Mr. ALLISON. I move to insert "with the consent of said Indians;" so as to read:

Provided, That, with the consent of said Indians, the sum of \$1,500 of this amount shall be used for the pay of a physician and for purchase of medicine.

Mr. EDMUND. That is entirely right.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill to the end of line 1022 of section 1.

Mr. EDMUND. I wish to ask the Senator from Iowa whether the words in parenthesis in lines 1018 and 1019 are in the treaty with the Seneca Indians? This provides for a certain expenditure for their wants and for improvements in agriculture as their chiefs may designate, and in parenthesis is inserted "(with the consent of their agent)"; which means with the consent of the United States. If that is not in the treaty, of course it makes an entire difference. The fact of its being in parenthesis led me to make the inquiry. Had it not been in parenthesis I should take it to be as per the treaty.

Mr. ALLISON. I have no doubt it is in the treaty.

Mr. EDMUND. We will look it up. Go ahead.

Mr. ALLISON. The Senator from California is looking at that treaty.

Mr. DAVIS, of West Virginia. I take it there will be no objection to passing this informally and going on with the reading of the bill.

Mr. SARGENT. I find in the treaty the words "with the consent of their agent," though not in brackets as they are in the bill.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the head of "Sioux of different tribes, including Santee Sioux of Nebraska," in line 1152 of section 1, after the word "Interior," to strike out "at \$10 per head," and in line 1153, after the word "persons," to strike out the word "roaming;" so as to read:

For ninth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, for twenty-one thousand persons, \$210,000.

The amendment was agreed to.

The next amendment was, after the word "treaty," in line 1157 of section 1, to strike out "pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for industrial school at the Santee Sioux agency, fifty-five thousand," and insert "ten thousand four hundred;" so as to read:

For pay of physician, five teachers, one carpenter, one miller, one engineer, one farmer, and one blacksmith, per thirteenth article of same treaty, \$10,400.

Mr. EDMUND. I should like to hear that explained. As it stands in the text in the print I have, the appropriation is \$55,000, and the change is to \$10,400.

Mr. ALLISON. The Senator has the old print. The House provision gathered together three or four different estimates, and the Committee on Appropriations separated those items so as to make specific appropriations for specific purposes, as provided in the treaty. The House lumped them together. In reference to these particular appropriations, we have reduced the amount some \$16,000.

Mr. EDMUND. But the enormous diminution just here arises from the fact that it is separated into items in other places, as I understand?

Mr. ALLISON. Yes, sir; the committee strike out all after the word "treaty," in line 1157, and insert the words printed in italics down to line 1166. All that ought to be read as one amendment.

The CHIEF CLERK. It is proposed to strike out after the word "treaty," in line 1157, being the words:

Pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for an industrial school at the Santee Sioux agency, \$55,000.

And in lieu thereof to insert:

Ten thousand four hundred dollars.

For pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, \$25,000.

For industrial schools at the Santee Sioux and Crow Creek agencies, \$3,000 each, \$6,000.

Mr. INGALLS. I should like to hear the amendment from line 1161 to 1166 explained. There seems to be a very great addition to the number of employés at these agencies.

Mr. ALLISON. There are a great number of employés at these several agencies in Dakota. The Secretary of the Interior estimated \$47,000 for this purpose. The committee appropriated \$25,000 last year, and thought it best to confine the appropriation this year to the same amount.

Mr. INGALLS. What are these employés?

Mr. ALLISON. The various employés of the agencies.

Mr. INGALLS. Not millers or farmers, because those are provided for in the original text from line 1155 to 1157.

Mr. ALLISON. They are employés engaged in furnishing the supplies authorized by the treaty to be paid to these Sioux.

Mr. INGALLS. I think before we are called upon to vote this additional sum of \$25,000 there ought to be some clearer explanation than has yet been made of the necessity for it.

Mr. ALLISON. If the Chair will pass that for a moment, I will send for the expenditures of last year.

Mr. DAVIS, of West Virginia. The Senator from Iowa will allow me to suggest that this is not an addition but really a reduction of the whole. The Senate committee separate several of these items to conform to the bill of last year and to what they believe the law is. They were lumped by the House.

Mr. INGALLS. It may not be additional, but the amendment says it is additional.

For pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, \$25,000.

The Senator from West Virginia says that is not additional.

Mr. DAVIS, of West Virginia. If the Senator will cast his eye on the paragraph above he will see that the House made the total \$55,000.

Mr. ALLISON. The Senator from West Virginia misapprehends what the Senator from Kansas desires. He desires to know specifically how this money was expended last year; whether these employés were engaged in cutting hay or distributing provisions, or what particular service they were doing in these agencies. I have sent for the book which shows the expenditure, in order that he may see how the money was expended last year, and I presume it is to be expended the same way this year.

Mr. DAVIS, of West Virginia. This is for the several agencies. The employés are for taking care of the goods and merchandise that go there and for distributing them and doing general work about the reservations.

Mr. BECK. I may not throw any light on this matter, but I know what I have learned in committee. The House inserted a provision in these words:

For pay of physician, five teachers, one carpenter, one miller, one engineer, one farmer, and one blacksmith, per thirteenth article of same treaty, pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for industrial school at the Santee Sioux agency, \$55,000.

We strike out all after the word "treaty," striking out "pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota, and for industrial school at the Santee Sioux agency, \$55,000," and making provision only in this clause for the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith under the treaty, \$10,400, and then, being unwilling to make provision for an industrial school which we did not believe was necessary there after making the other provisions, but believing that additional employés were necessary, we put in \$25,000 for that, and then put in at the Santee Sioux and Crow Creek agencies for industrial schools, \$3,000, reducing the whole appropriation of the House from \$55,000 in one item to \$41,000 in three items. That was the idea we had about it.

Mr. SARGENT. A reduction of \$14,000.

Mr. BECK. A reduction of \$14,000.

Mr. SARGENT. Furthermore, the items were mixed up in the House bill in such a way that the whole amount might be used for a particular object, whereas we thought it ought to be distributed in the proportion we have named among the various objects, and for that reason we separated them.

Mr. BECK. That was the idea we had.

Mr. SARGENT. We aimed at accuracy and also at saving the amount of \$14,000.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1172 of section 1, after the word "exceeding," to strike out "two hundred" and insert "one hundred and eighty;" in line 1176, after the word "Red Cloud," to strike out "to a location on or near White River, in the vicinity of the mouth of Corn Creek, Dakota;" so as to read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, and other acts,

\$1,125,000: Provided, That of the foregoing amount a sum not exceeding \$180,000, or so much thereof as may be necessary, to be immediately available, may be used in the removal of the bands of Sioux Indians under the chieftainship of Red Cloud.

The amendment was agreed to.

The next amendment was, in line 1179, after the word "Spotted Tail," to strike out "to the vicinity of the mouth of the south fork of the White River, Dakota" and insert:

To such convenient points within the Sioux reservation as the Secretary of the Interior, by direction of the President, may be able to select after conference with said Indians.

So as to read:

And of the bands under the chieftainship of Spotted Tail to such convenient points within the Sioux reservation as the Secretary of the Interior, by direction of the President, may be able to select after conference with said Indians.

Mr. EDMUND. I should be glad to hear that explained. According to this agreement, as I read it hastily, it does not appear very plain to my mind that we have a right to take this subsistence money to be expended in compelling the Indians to locate on a particular part of the reservation, even if we have the authority to compel them to locate upon a particular part of the reservation at all without their consent, which this bill does not provide for. It is at the mere will of the President.

Mr. ALLISON. This is a very difficult question at best. We have agreed by these treaties to subsist these Sioux. There is no specific sum required, but we are to provide them subsistence until they become self-supporting. Under this treaty these Sioux agreed to go near the Missouri River. That is the treaty of stipulation practically.

Mr. EDMUND. Ah, let us see about that. Article 3 says:

The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation and in the vicinity of the Missouri River as the President of the United States shall designate.

That is merely an agreement that they will receive the delivery of what we are to give them, at a particular place, which is quite a different proposition from what this bill contains that these Indians as a body shall be removed and set down to stay at any particular place.

Mr. ALLISON. If the Senator can embody language that will more certainly express the idea conveyed by that provision of the treaty, the committee I think would be glad to accept it. All there is intended here is that these people shall have such location for the receipt of their supplies, &c., as the Secretary of the Interior, by the direction of the President, may be able to select after conference with the Indians. Of course that does not mean in contravention of the treaty stipulation. It means in pursuance of the treaty stipulation that they shall select a particular spot, whether it be at the mouth of this White River or at the mouth of some other creek, because there is a latitude allowed in the treaty which may be provided for by an agreement between these Indians and the President.

Mr. EDMUND. That is clear enough, but here comes the will of the sovereign power by law which the President is bound to execute, because a law may violate a treaty—he cannot stand on the ground that it is not constitutional—which provides that \$180,000 of this money that we have agreed to expend for their subsistence shall be expended for the removal of the bands of Sioux Indians under the chieftainship of Red Cloud and under the chieftainship of Spotted Tail to such convenient points in that vast territory called the reservation as the President of the United States chooses to select of his own will. It is true it says he shall confer. The sheriff who carries a prisoner to jail confers with him before he does it, and shows his warrant to take him. I take it that laws generally ought to be made to mean what they say. It is more convenient to interpret statutes that mean what they say than it is to interpret those that mean what they do not say or say what they do not mean; at least it is in most countries.

Mr. ALLISON. Now what the Senator desires, I suppose, is that we shall keep within that provision of the treaty.

Mr. EDMUND. That is the proposition, that we shall stand by our engagements.

Mr. ALLISON. Then we can insert that it shall not be in contravention of the treaty provisions; but it means that now.

Mr. EDMUND. If any Senator thinks the meaning of it now is not what I have stated, then the English language does not mean in the political or executive eye what it means in the dictionary, because it provides for the absolute removal and location of these Indians at particular places. That is what it says.

Mr. ALLISON. That is a location for subsistence purposes and for the purposes of the treaty, because it is not expected that these Indians will remain at a particular point.

Mr. SARGENT. The difficulty endeavored by the House bill to be solved, and which the Committee on Appropriations addressed themselves to, arose, as I understand, under these circumstances: the Sioux by their treaty in effect said that they would receive their supplies on the part of their reservation near the Missouri River. On the banks of the Missouri River and for twenty, thirty, or forty miles away from it is probably the best land which they can occupy, provided they are to be a pastoral people or do any farming; but they never have been accustomed to this mode of life and it comes hard to them. They are a very large and powerful nation of Indians, amounting to scores of thousands. They, however, were compelled to go to the Missouri River under this treaty and have been discon-

tented ever since, and out of that circumstance arose the Red Cloud war and the Sitting Bull war. Sitting Bull rebelled and has taken refuge in Canada after a series of events that are fresh in the minds of Senators.

I understand that the chiefs of these Indians during the last summer were here in Washington and represented to the Secretary of the Interior and to the President the hardship that they considered they were compelled to undergo by being located near the Missouri River, and the President promised them—you may say he had no right to promise them, but they went back with a promise from the President that they should have a right to go to the points which are mentioned in the House bill. Those points named in the House bill, that is to say, in the vicinity of the south fork of the White River and at the mouth of Corn Creek in Dakota, are so far away from the Missouri River that transportation becomes extremely expensive. The Senate Committee on Appropriations, while unwilling to go back on this promise made by the President and to thereby imply to the Indians that the Great Father had not authority to make any such promise or had made an improvident one, used a little more general language leaving it for a matter of agreement between the United States authorities and the Indians how near the Missouri River they would be willing to go so that if possible they should cheerfully assent to it, that we might be able to subsist them at less expense, and that they might be on land which they could cultivate and use for pastoral purposes instead of taking them to the barren hills where they might find a few buffalo but where they would not make any progress in the arts of life.

Mr. PADDOCK. The mistake my friend from California makes in his statement is this: they did not want to go to the Missouri River because it was a barren and inhospitable country, a waste, a place where they cannot engage in pastoral pursuits. They were living in the country of their choice, one of the most fertile districts in all that section of country; from this they were compelled to go in a most inclement season to the Missouri River.

Mr. SARGENT. Very well; it only strengthens my argument if that is so. I am obliged to the Senator for his correction. My information, however, coming from the Commissioner of Indian Affairs, differs from that; but if that is so, it makes my point stronger.

Mr. PADDOCK. If the Senator will allow me one more word, they never understood from the requirement of the treaty that they should go for their provisions as nearly as practicable to the Missouri River, that they were to go there to live, to locate, to settle, to have their permanent abode. Their understanding was simply that they should go as nearly as practicable to meet the supplies, but that they should remain in the fruitful district where they were and had been for a long time established.

Mr. SARGENT. Article 3 of the treaty is:

The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation and in the vicinity of the Missouri River as the President of the United States shall designate.

I agree with my friend that that does not absolutely require them to live on the banks of the Missouri River. They at any rate are very much dissatisfied with the requirement to locate them on the banks of the Missouri River, but they are willing to go to the places which are mentioned in the House bill. That makes about one hundred miles of transportation over a difficult country; and our object is, if possible, to cut down the great cost of transportation which will be caused by that, while answering the reasonable requests of the Indians. Therefore we have not required the Executive to put them, as the House bill does, at the particular places named in that promise, but we purpose to leave a latitude of discretion to the President in the removal whether they shall go to these places or to some others where the cost of transportation to the General Government will be less. The provision of the Senate committee's amendment is in the interest of economy, while at the same time we desire to have this done with the consent of the Indians and consistent with the alleged promise made to them by the President.

Mr. EDMUND. I move to amend in line 1183 by striking out the words "after conference" and inserting the words "with the consent of," as this is clearly a case of location.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BECK. I will not call for a division on that; I only desire to say a word. The Senator from Vermont perhaps did not hear article 3 of the last treaty of 1877 read.

The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation and in the vicinity of the Missouri River as the President of the United States shall designate.

The Senator may not be aware of the fact that they have selected two points which require over one hundred miles of wagon hauling, and we thought it was putting the United States to an enormous expense and wasting a very large portion of the supplies in that hauling, and we thought perhaps the President who had made the promise ought to take the responsibility, if they were located at these very expensive points, the most expensive perhaps on the reservation, of doing it himself, especially as the treaty gave him authority to do it. The difficulty is to get their consent. I do not know so well about

that. I will not object to it; but there are so many men interested in having long hauling and making it expensive and making the Indians dissatisfied, that whenever those interpreters and others get the Indians to understand that they have to agree to it, they will make them select such a place that those fellows will make the most money out of the Government.

Mr. EDMUNDS. That is perfectly true probably to the extent the Senator has stated; but there are other considerations. The treaty as I understand it, because it is a treaty although it is made by law, leaves these Indians at liberty to locate, to live, to have their villages, wherever in that reservation they choose. Now, this provision undertakes, as it stands or did stand before it was amended, to confer upon the President of the United States the power, after talking with them about it, to compel them to have their villages where he thought fit. If I understand justice and fair play and the meaning of agreements, that is directly in the face of what we have undertaken to do. Suppose it to be true, as my friend from Kentucky says and very likely correctly, that people engaged in Government contracts for transportation, &c., wish to have these Indians at the greatest possible distance from the steamboats, and that they can delude the Indians, in spite of the exertions of the President, into thinking that that was the best place to stay, it would be vastly cheaper if the Indians wanted to stay there for us to submit to that enormous expense of transportation than it would to force them to some other place against their will and give them a just ground of resisting the whole thing and saying "we will go to war." Then the Senator from Nebraska has said that these places near the river are totally unfit for Indian habitations, for the purposes that were designed, namely for agricultural pursuits, in order that they might make progress in civilization. So it appears to me if we are to treat these people as human beings at all, it is worth our while, when we are proposing to do something that we have agreed we will not do, to endeavor to get their consent to it.

Mr. ALLISON. I do not object to the amendment proposed by the Senator from Vermont; it is substantially what the committee supposed they had reported with reference to this matter. Of course it never has been the intention of the committee or the President to compel these Indians to settle in a particular spot on this reservation, and there is no such thing contemplated in this amendment or in this paragraph of the appropriation bill. But I cannot allow the Senator from Vermont and the Senator from Nebraska to say that the reason why these Indians object to the Missouri River is because there are not arable lands there.

Mr. EDMUNDS. I did not say that, because I know nothing about it. I said the Senator from Nebraska said so.

Mr. ALLISON. Then I refer to the Senator from Nebraska, as quoted by the Senator from Vermont. The truth is that these Indians desire to go to a point where it is impossible for them to sustain themselves by agricultural pursuits. We are compelled either to teach them pastoral or agricultural pursuits or to maintain them at the expense of the Government of the United States. Every interest requires that we shall do the best we can in that direction. The Sioux reservation at best is a reservation that is not very well adapted to the support and sustenance of these Indians.

Now, what the committee desire, and what I am sure we all desire, is that the best possible thing shall be done in making a location for these Indians, because this will be a central point around which they will radiate, either for grazing purposes or agricultural purposes. We wish to make the best possible location for their interests, with their assent after consultation, so that at some time or other we can get rid of making these enormous appropriations for their subsistence.

Mr. EDMUNDS. We all agree to the correctness of that. The chairman has stated it with entire propriety.

Mr. PADDOCK. I supposed it was a matter of universal knowledge on the part of everybody who knows anything of the Upper Missouri River country, north and west of Fort Randall, that there was no arable land worth mentioning in all that vast region of country. It is a series of sand ranges and hills and barren plains.

Mr. ALLISON. But my friend will remember that we do not propose to have these Indians above Fort Randall. The proposition is to put them on the Missouri River far below Fort Randall.

Mr. PADDOCK. That is not the place that was chosen for them by any manner of means. I speak of the Red Cloud branch of the Sioux. They are away above Fort Randall. They judge of the character of that country to which they were compelled to go last year to receive their rations by what they saw of it there at that particular locality, and from their personal knowledge of a country over which they have roamed for many years; and they insist upon it that there is no place anywhere in all that Missouri River region of country where they can find a suitable habitation. When my friend says that the section to which they propose now to go is a sterile country, he certainly states that of which I am sure he cannot personally know, and the sources of his information cannot be good, because, as I understand it, the section which they have chosen and which they prefer, and to which the Secretary of the Interior thinks they should be permitted to go, is the valley of the White Clay Creek, north of the Nebraska line some twenty or thirty miles, and it is one of the best grazing sections of all that region of country. It is a well-watered and well-timbered district. It is a country in which these Indians have lived for years and years, and which they consider to be their home, and to

that country they should be permitted to return. It is in the interest of peace and good order and economy that their wishes in this regard should be fully acceded to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 1186 of section 1, to strike out the words "expense of survey, subdividing, and."

The amendment was agreed to.

The next amendment was, after the word "civilization," in line 1189 of section 1, to insert:

Provided further, That of the foregoing amount the further sum of \$20,000, or so much thereof as may be necessary, may be applied to the survey of such portions of said Sioux reservation as may be required for agricultural purposes, said surveys to be made under the direction of the Commissioner of the General Land Office.

Mr. INGALLS. I hope the Senator having the bill in charge will explain the necessity of surveying any portion of the Sioux reservation.

Mr. ALLISON. I do not know that there is any necessity for surveying any portion of the Sioux reservation. I only know that under the provision as it came to us from the House \$200,000 might be expended for that purpose, because the whole of this sum might be devoted to surveying this reservation. Therefore the committee struck out in line 1186 "expense of survey, subdividing, and;" but inasmuch as the treaty provides that these Indians shall have a right to take one hundred and sixty acres of land each and make improvements and erections thereon, the committee thought it wise to supply a sum, to be used of course in the discretion of the Secretary of the Interior, not exceeding \$20,000 for the purpose of surveys. I think myself it is of very doubtful propriety to survey any considerable portion of the Sioux reservation; and if the Senator from Kansas thinks \$20,000 is too much, I trust he will move to reduce the sum. I think, however, that there being seven distinct agencies on this Sioux reservation, and all of them more or less agricultural, and all of them having some farming land attached to the agency, it is wise to allow perhaps this sum to be used in the discretion of the Secretary of the Interior for this purpose.

Mr. PADDOCK. I should like to inquire of the Senator having charge of the bill if there is not somewhere in the treaty—I have not examined the treaty latterly—a provision looking to an ultimate extension of the homestead principle?

Mr. ALLISON. There is a provision in the treaty which requires the Government of the United States to set apart, at the request of any head of a family, one hundred and sixty contiguous acres of land. So, of course, if any head of a family should require this, it would be the duty of the Government to set apart the land in accordance with the treaty; but that cannot be done unless the land-survey system of the United States is extended into and upon the reservation.

Mr. PADDOCK. Is this appropriation recommended by the Indian Office? Do they contemplate any surveys?

Mr. ALLISON. The Indian Office, as I understand, recommended an indefinite sum out of this \$200,000 for the purpose. In other words, as this bill came from the House the whole sum of \$200,000 could have been used for the purpose of surveying the Sioux reservation.

Mr. PADDOCK. That is, it might be used within the discretion of the Department.

Mr. ALLISON. It might be used in the discretion of the Department. The Committee on Appropriations supposed that a smaller sum would be sufficient to provide for these surveys, and therefore we limited the amount to \$20,000. Of course the Indian Bureau desires some fund set apart.

Mr. WINDOM. And also provided, if the Senator from Iowa will allow me, that it should be done under the direction of the General Land Office, so that it would be connected with the general surveys of the country and would not have to be surveyed again at some future time.

Mr. TELLER. I move to strike out the word "twenty" and insert "ten." I think \$10,000 is enough.

Mr. ALLISON. I suggest to the Senator that he make it \$15,000.

Mr. TELLER. I will make it "fifteen." Fifteen thousand dollars is certainly sufficient.

Mr. INGALLS. I suggest that inasmuch as the Senator from Iowa admits that this is an amendment of very doubtful propriety—

Mr. ALLISON. I said I thought the survey of the Sioux reservation was a matter of very doubtful utility, and I think so.

Mr. PADDOCK. Whether the Senator said so or not, it certainly cannot be true that it is not well at all events to survey the valleys of that part of the reservation in which they propose to fix their abode, where they propose to have their villages.

Mr. INGALLS. If the Senator from Nebraska is through I will continue my remarks.

Mr. PADDOCK. The Senator from Kansas had not commenced his remarks when I rose.

Mr. INGALLS. I was proceeding to say that inasmuch as the Senator from Iowa had admitted that this was an amendment of very doubtful propriety, I hoped he would not insist upon it. It must be apparent to every Senator who is called upon to vote for it that when

you have not even got the Indians upon the reservation, when this very section proceeds upon the theory that they are to be removed at a subsequent period, and by the expenditure of a very large sum of money, this amendment providing for the survey of a portion of the reservation is certainly grotesque in its absurdity. In the first place, the exterior lines of this reservation will have to be established. In the next place, there is no evidence whatever that any single Indian has expressed any desire to have a homestead taken under the treaty within the limits of this reservation. And to appropriate the sum of \$20,000 for this purpose appears to me to be absolutely without any reason whatever. I hope, therefore, that instead of asking for an appropriation of \$20,000, the Senator from Iowa will consent to have this amendment stricken out. I ask the Senate to disagree to the amendment proposed by the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I ask the Senator if he proposes to keep the bill as it came from the House?

Mr. INGALLS. Certainly not. Nobody claims that there is any necessity for a survey in this reservation. There is not any considerable number of Indians, not even one so far as we are advised, who desires to cultivate any portion of this land; in fact they are not on the land contemplated by the amendment; and to ask an appropriation of \$20,000 looks to me very much like trying to get up something to give a job to some man who wants to run a few lines for the purpose of a survey. I hope the Senate will disagree to the amendment.

Mr. SARGENT. The very fact of putting the Indians upon a new reservation implies the necessity of some surveys. A part of this amendment which is just as liable to criticism is that which includes the "purchase of stock-cattle, agricultural implements, wagons, &c., plowing lands to be located upon, and erection of necessary agency and school buildings."

What do we want to plow lands for, if there is not an Indian who has expressed a wish to engage in agriculture? Why not strike that out? Why furnish them any agricultural implements? Why do a thing for the next fiscal year toward enabling them to engage in agriculture at all? The treaty provides that at the request of the head of a family one hundred and sixty acres shall be set off for him, and here it is provided that it shall be plowed. Whose land is to be plowed? One of the greatest curses of the tribal system is that land is held in common; that if an Indian raises a crop of barley on a few acres all the rest of the Indians feed their ponies on it. It is one thing in the way of their civilization; they have to be taught that there is a difference between *meum* and *tuum*. They have to be taught that they can own that which they raise with their own hands and that nobody else has a right to interfere with it, and that they must keep off another man's potato-patch or another man's crop of barley or wheat. We propose to plow their land, not to plow lands held in common, but to plow lands that are assigned to heads of families, segregated for them. In order to make that segregation, of course a survey must take place. The amount of \$20,000 does not go very far in surveying; and when a man is on hand doing the surveys, whoever he may be—I do not know who he may be and I do not care—or a party of men are in the field, you had better survey to the extent that is necessary rather than send out a few one year and send out a few more the next year.

Furthermore, I suppose no one doubts that this land some time or other the Indians will be away from; it will be a part of the public domain, and it will be sold to actual settlers or taken up as homesteads. That is the history of all the land of the country, and it will be in reference to this ten years from now, twenty-five years from now, or seventy-five years from now. This amendment wisely provides that we shall establish the meridian lines, that the surveys shall be in accordance with the general system of the country, so that it will not be in irregular patches but will be on the rectangular system of surveys by which the land can be hereafter described and sold without further survey to settlers or given to them as homesteads.

These were the reasons that influenced the committee to concur with the request of the Commissioner, giving him a limited amount of money for this purpose, and we imposed upon the House bill which made the whole appropriation, some \$200,000, available for that purpose. We say "no, you shall not expend more than \$20,000 for that use," and we think that is necessary.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado to the amendment to strike out "twenty" and insert "fifteen."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee.

Mr. INGALLS. I move to amend the amendment of the committee by inserting after the word "offices," in line 1195, the words "and in conformity with the public land surveys of the United States."

The object is to prevent isolated and detached portions of this land being taken up in the center or any other portions of the reservation and surveyed at a great expense, which will ultimately become useless whenever these lands are thrown into market for occupation under the homestead and pre-emption laws. I propose that if these surveys are to be made, they shall be so made from the meridian lines established by the public-land system. I hope there will be no objection to the amendment.

Mr. ALLISON. Certainly, none whatever. The clear and plain meaning of the provision as it now stands is just exactly what the

Senator from Kansas proposes, and therefore I hope his amendment will be adopted, so that there may be no question about it.

Mr. DAVIS, of West Virginia. I think the amendment already provides for it; but I have no objection.

The amendment to the amendment was agreed to.

Mr. INGALLS. I think the sum that is named here is rather too large; and these Indians are impoverished; they are greatly in need of subsistence and of supplies. It seems to me unjust to abstract from their scanty appropriation the sum of \$20,000 for a survey that they do not want. Now if this bill passes this amount will be withheld from the appropriations for the corn, and flour, and beef, and pork, and supplies they need for their subsistence. I hope the amount will be diminished and that this paltry pittance which has been awarded to them already of \$180,000 will not be diminished by the sum of \$20,000 for this mere survey.

Mr. PADDOCK. I should like to ask the Senator if he can discover anything in the provision authorizing the survey involving an absolute requirement on the part of the Secretary of the Interior that the money shall be absolutely withheld and expended for the survey. It says "so much thereof as may be necessary," and no more, within his discretion.

Mr. INGALLS. I do not understand the Senator from Nebraska.

Mr. PADDOCK. I supposed the Senator understood me.

Mr. INGALLS. I do not understand the question of the Senator from Nebraska.

Mr. PADDOCK. I wanted to know if the Senator from Kansas thought it would be incumbent on the Secretary of the Interior to withhold the money for the purpose mentioned and expend the whole sum because in his discretion he is authorized to use so much of it as it may be useful to expend in the manner indicated.

Mr. INGALLS. This will be charged up under the heads of appropriation, \$20,000 for surveys, and the appropriation made for these Indians will be diminished by that amount. There is no use disguising that proposition. This is so much money withheld from their subsistence under the terms of the bill, and they do not need it.

Mr. PADDOCK. So much thereof as may be necessary, and no more.

Mr. INGALLS. It will be withheld from their appropriation. Congress by this bill authorizes the appropriation of \$20,000 for surveys, and when the account under the present appropriations is opened that amount will be charged up to surveys on the books of the Department. I can see no use for it, and I hope that the amount will be diminished. I move to strike out "twenty" and insert "five," so as to make the amount \$5,000. I am very sure it will be sufficient to meet the demands of these Indians for surveys.

Mr. SARGENT. The Senator has studied the bill so well that I should suppose his amendment ought to carry great force. He says the little pittance of \$180,000 is the amount allowed these Indians, and the \$20,000 is to be taken from it.

Mr. INGALLS. In the proviso.

Mr. SARGENT. That is not the pittance allowed to the Indians. The little pittance allowed to them is \$1,125,000 for beef, pork, &c., and the proviso does not refer to beef or pork or anything of the kind. I trust my friend will now withdraw his amendment, as he sees that he is only about \$900,000 out of the way in estimating "the pittance," a very small amount of course!

Mr. ALLISON. I move to reduce the amount to \$16,000.

The PRESIDING OFFICER. There is an amendment to an amendment already pending. The Senator from Kansas has moved to reduce the amount to \$5,000.

Mr. ALLISON. I move to amend his amendment by inserting "sixteen" instead of "five;" so as to make the amount \$16,000.

The PRESIDING OFFICER. The Chair will put the question on the motion of the Senator from Iowa, to strike out "twenty" and insert "sixteen."

The amendment to the amendment was agreed to.

Mr. INGALLS. Was my amendment at the close of the clause?

The PRESIDING OFFICER. It has been inserted. The question now recurs on the amendment proposed by the Committee on Appropriations as amended.

The amendment, as amended, was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment was, in line 1202 of section 1, to strike out "thirty-one thousand eight" and insert "eighteen thousand two;" so as to read:

For residences for employés at seven Sioux agencies, as required by article 7 of above agreement, pay of a matron at the Santee agency, and for pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of the same treaty, \$21,800; in all, \$1,518,200.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 1230 of section 1.

Mr. ALLISON. In line 1278 I move to strike out "Southern" and insert "several;" and then change "agency" to "agencies;" so as to read:

For pay of employés at the several Ute agencies, \$5,000; in all \$75,020.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to

strike out from line 1399 to line 1411, inclusive, of section 1, in the following words:

That the unexpended balance, or so much thereof as may be necessary, of the funds appropriated by the act of March 3, 1877, for the Indian service at the Fort Peck agency, Montana, for the fiscal year ending June 30, 1877, be, and the same hereby is, reappropriated, to be expended, under the direction of the Secretary of the Interior, in the care and support of the Indians at said agency during the fiscal year ending June 30, 1878, in aiding them in agricultural and stock-raising pursuits, in the erection of a bridge across Poplar River, and in any other respect to promote their welfare with a view to their civilization.

The amendment was agreed to.

The next amendment was, in line 1427 of section 1, at the end of the clause making appropriations for collecting and subsisting Apaches and other Indians of Arizona and New Mexico, to add the following proviso:

Provided, That \$5,000 of the above sum, or so much thereof as may be necessary, may be used to pay the expenses of removing the bands of Utes and Apaches now located near Abiquiu and Cimarron, New Mexico, to their respective reservations, the Utes to the reservation of that tribe in Colorado and the Apaches to the reservation at Fort Stanton in New Mexico.

The amendment was agreed to.

The next amendment was, in line 1427 of section 1, after the word "Kiowas," to insert "Comanches;" so as to read;

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation, \$240,000.

The amendment was agreed to.

The next amendment was, under the head of "general incidental expenses of the Indian service," in line 1505 of section 1, to strike out "fourteen thousand two hundred" and insert "sixteen thousand;" so as to read:

Incidental expenses of Indian service in Dakota: For general incidental expenses of the Indian service and pay of employés, \$16,000.

The amendment was agreed to.

The next amendment was, in line 1533 of section 1, before "Pueblo," to strike out "Abiquiu;" so as to read:

Incidental expenses of Indian service in New Mexico: For general incidental expenses of the Indian service, support and civilization of Indians at Pueblo and Mescalero agencies and pay of employés at same agencies, \$20,000.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," at the end of line 1551 of section 1, to insert "to be available immediately."

The amendment was agreed to.

Mr. ALLISON. Line 1547 should be transferred to the bottom of page 63 instead of at the top of the page as it is now by a misprint.

The PRESIDING OFFICER. That transposition will be made.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out from lines 1567 to 1571 of section 1 the following words:

For the services, at not exceeding fifty cents per day (rations included) each, of Indian police, in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purposes of civilization of the Indians, \$60,000.

And to insert in lieu thereof:

For the services of not exceeding four hundred privates at \$5 per month each, and not exceeding fifty officers at \$8 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, \$30,000: *Provided*, That Indians employed at agencies in any capacity shall not be construed as part of agency employés named in section 5 of the act making appropriations for the Indian service for the fiscal year 1876, approved March 3, 1875.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

That whenever, in the judgment of the Commissioner of Indian Affairs, it is found practicable to employ Indians in farms or other civilized avocations in which they can contribute by their own labor to their maintenance, he may use such portions of their respective subsistence funds herein appropriated as can be judiciously spared to pay for the services of such Indians as may be induced to labor for their own advancement: *Provided*, That Indians so employed shall not be construed as part of the agency employés.

And in lieu thereof to insert:

That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation, may be diverted to other uses for the benefit of the various Indian tribes, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. SARGENT. To make that a little clearer, on line 13, at the commencement of the line, I move to insert the words "for the several Indian tribes," and then to strike out the words "the various Indians" and insert the word "said," and then, after the word "tribes," to insert the word "respectively;" so as to read:

And for various articles provided for by treaty stipulation, for the several Indian tribes, may be diverted to other uses for the benefit of said tribes respectively.

Mr. HOAR. If this provision be sound legislative policy, what is the use of our day's work? I do not see why it would not be convenient every Congress simply to provide that a certain sum of money might be expended for the different Indian tribes as the President and the tribes should agree, because that is what it all comes to.

Mr. SARGENT. I admit that that would be the effect if it were applied to the whole bill, but this simply applies to "teachers, mill-

ers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation." It is true it has a very broad meaning, and there is a question whether many of the articles which are provided by treaties which are very old are really for the benefit of the Indians. Some of them seem at this day to be nearly ridiculous; some of them are for the payment of so many pounds of silver; some are for so much gilling-twine.

Mr. EDMUND. I hope nobody objects to the silver. [Laughter.]

Mr. SARGENT. We object to it because a certain amount of silver paid out to a particular Indian, especially if he is a roaming Indian, is of very little use to him. It is very soon drunk up or thrown away; whereas if, with the consent of the tribe, as herein provided for, instead of furnishing these various articles, the gilling-twine and the various kinds of clothing described, perhaps not any more adapted to their use than sending warming-pans to the West Indies, the money spent for them could be used for real, substantial benefits to them, it would be advantageous. We propose to do it with their consent. It is the only correction we can apply to some improvident provisions of the old treaties.

This is not a novel provision; it has been in the law heretofore. By taking a moment or two I could find it in the statutes, and the amendment I have proposed to it now makes it a little more binding as to the consent of the Indians, and that the money shall be used for the particular tribes with which the particular treaties were made. For instance, in the act of 1873 there is this proviso in the Indian appropriation bill:

That the several appropriations herein made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation, may be diverted to other uses for the benefit of the various Indian tribes—

That does not say as carefully as we now endeavor to say that it shall be for the particular tribe with which the treaty was made, but they might take what was due to one tribe and apply it to another, though I believe it was not so construed—within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

That we understand to have been a very useful provision; but it was limited simply to that appropriation bill. The House comes forward now and puts in its sections 3 and 4, which have not the particular guards the old provision required; and in studying up the subject, finding these various provisions, we took the best one that we thought covered the whole case, and now amend it so as to make it as safe as possible.

Mr. EDMUND. What was the report of the President under the act of 1873?

Mr. SARGENT. There was a report made of his proceedings. I have it not now in my mind.

Mr. EDMUND. It would be of great interest now to see exactly how the working of that law came out practically.

Mr. SARGENT. It did not go much into practice. There was very little done under this provision. I think there will be more now done than there was then.

Mr. EDMUND. The particular Indian in that case preferred the teacher, miller, blacksmith, &c.

Mr. SARGENT. Or his gilling-twine for his nets or his red flannel or his shoes where he was accustomed to go barefoot, and so forth. At any rate there was but little done under it. Now, many of the Indian tribes to whom that applied have advanced considerably in civilization. They themselves want more schools. They are more engaged in agriculture. They would prefer feed-cattle now probably to many articles which have been provided for them. This is in case of applications on their part, they being informed that their money can be spent for these beneficial objects, to allow it to be done. We think there can be no harm in it, and we have tried to guard it as well as we can; and it is an alternative proposition to that made by the House.

Mr. EDMUND. In order to test the sense of the Senate on this business, which is rather ticklish ground, I move to amend the amendment by striking out of lines 10 and 11 the words "for teachers, blacksmiths, carpenters, physicians, and other persons."

Mr. SARGENT. And leave the word "engineer?"

Mr. EDMUND. Yes.

Mr. SARGENT. Do you want to leave that in the bill?

Mr. EDMUND. No; if I omitted to read it it was an accident; and the word "and" in line 12; so as to read:

That the several appropriations herein made for various articles provided for by treaty stipulation may be diverted to other uses, &c.

That would leave the twine business, &c., and various specific things that they are to have to be subject to this diversion by their consent; but why a treaty provision saying that the Indians should have a teacher, which is the foundation of all civilization, should be turned over to tobacco—

Mr. SARGENT. Why not strike out the word "teachers" only?

Mr. EDMUND. I am coming to the rest of it. Why we should say that the appropriation for a teacher, which we are to provide for them, which as I have said is the foundation of all the civilization that we hope for them, to say nothing of ourselves, and turn it over to tobacco as it might be, (which is also a very civilizing thing, as my friend from Kentucky will agree, I am sure,) I do not see. Next

you come to a miller. Wherever there is any use in the appropriation at all—and there ought to be with every tribe, because it is much better that they should have a mill with some white man to teach them how to run it and use it and to grind in a civilized way their corn and wheat or their barley or their oats for their cattle—I do not see why you should say that it is decent to dicker that away. When you come to your blacksmith, the same may be said; and then as to the engineer, which I suppose does not mean a topographical engineer—

Mr. ALLISON. An engineer to take charge of a steam-engine.

Mr. EDMUND. Yes, an engineer to take charge of a steam-mill, I suppose, and a carpenter, and a physician—why you are to abolish the physician in the discretion of anybody, I do not see.

Mr. ALLISON. A number of those treaties provide for blacksmiths, millers, physicians, &c.

Mr. EDMUND. And for first and second miller, a second carpenter, a third blacksmith, &c.

Mr. ALLISON. In many cases they are not required; but we furnish them because we have engaged to do so by treaty stipulation.

Mr. INGALLS. If they do not want them why continue them?

Mr. SARGENT. If they do not want them we propose to give their value in something else.

Mr. BECK. If the Senator will allow me I will call attention to a case that the Senator from Vermont will see the force of in a minute. On page 30 the Nez Percé Indians are provided for. A good many of them have been scattered lately. This may not exactly fit, but he will see what we mean. We have a treaty with the Nez Percé Indians. On the top of page 31 we provide:

For nineteenth of twenty installments, for the employment of one superintendent of teaching and two teachers, per same article and treaty, \$2,700.

For nineteenth of twenty installments, for the employment of one superintendent of farming, two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plow maker, per same article and treaty, \$5,000.

These are all treaty stipulations. It may not be the case with that tribe but it is so with many of them, they have none of these things to do but they will be very glad to have that many more blankets, that many more cattle, that many more other things. They can secure them under the construction of this same clause in the act of 1873. Unless this is done, the Department goes on and employs two blacksmiths, two millers, and all these men, and pays them a salary of between \$1,200 and \$1,800 a year, and they may never do a day's work. The Commissioner of Indian Affairs told me so this morning. I inquired of him particularly. He said they were compelled to employ them; that was the treaty, and they employed them and paid them, and they took that money and there is not one of them that does a day's work in many of these tribes because there is no work of that sort to do. It was regarded therefore as being better to allow the tribes, where they do not have need for those things, to agree that the President may direct the Commissioner of Indian Affairs or the Secretary of the Interior to use the balance of this money for their benefit in other ways. The United States does not want to keep any of the money it has agreed to give them, but it wants to apply all the money called for by treaty stipulations so that they get it all, and put it in the most available form. We ask them to give their assent to the change, and it is only when that assent is had that this allows it to be done. I know the Senator from Vermont would not want to have two or three blacksmiths, two or three millers, and three or four school-teachers paid where there are no blacksmith shops and no mills, and where the children will not go to school. There are some tribes where you could not catch the children with a lasso, some where there are no children to educate.

Mr. EDMUND. If you can find a tribe where there are no children, that would be a pretty strong objection.

Mr. BECK. There are several cases of that kind.

Mr. EDMUND. Where there are no children?

Mr. BECK. I can think of one where there are but five or six, and there are sometimes two teachers for them.

Mr. EDMUND. If there is any tribe where there are only five or six children, those five or six ought to have an opportunity to go to school if they wish to have it. You might just as well say that there is no use in having a church—I will not say in Kentucky but I will say in Vermont—where there are no Christians to go to it; and provision never ought to be made for building a church for the reason that nobody there desires that particular species of civilization. That I take it would hardly do.

But when you come to that part of the proposition which relates to specific articles that the changed circumstances do not require and the presence of which would do no good, there is force in it. To say that you are to authorize the dispensing with teachers, artisans, farmers, and so forth, who if they are properly selected will continually attempt to educate the Indian up to being a farmer or a blacksmith or something, to get his ideas in the rut of civilization to a degree, although he may not have a shop, I do not agree to, because it is a means of civilization: and you never can expect an Indian to be fond either of a teacher or a blacksmith or a farmer until you have a good man who follows some one of these avocations in the tribe, as it appears to me. Therefore although in particular cases the people who are sent there find nothing to do, if the President selects them properly they will be missionaries of civilization, and in a little while they will find something to do. At any rate that is the philosophy

of it. Of course if these people are mere bummers selected by the Commissioner of Indian Affairs or by some agent, mere sores on the body-politic of the Indian tribes, that is a different thing; but we must trust to the Executive Department to execute this law properly. The treaties do not require that we shall appropriate so much money, but that we shall furnish the Indians with teachers, blacksmiths, farmers, and so on.

Mr. THURMAN. I want to say one word. I have thought for some years that it was time for what are properly called the "lapsed provisions" of these treaties to be dropped out of consideration, for us to cease to make appropriations for them. Why, sir, we have a treaty with a tribe of Indians which binds us to furnish a blacksmith shop at Chicago, and we have another that requires us to keep some kind of a shop, I believe a blacksmith shop, at Cleveland, in Ohio. We have appropriated, since I have been in the Senate, for a saw-mill at Chicago, not for a saw-mill located there, but something in lieu of that saw-mill.

I was surprised to hear my friend from Kentucky say that the Commissioner of Indian Affairs appoints millers where there are no mills. If he does so he violates his duty. He has no right to do any such thing, and it is none of his business to do any such thing. And so with the others. There is no propriety whatsoever in expending the money and appointing a set of men simply to lounge about and do nothing. That is not the intention of Congress at all. I do not know how far these matters have been corrected in this bill because I have been employed elsewhere while the bill has been under consideration. I do not think this proposition of the committee is to appropriate for those things which have actually lapsed, and allow the money to be diverted for some other purpose. If that is the purpose of it I think it is wrong.

Mr. ALLISON. It is only in cases where the treaty requires an appropriation for a blacksmith or a miller and where he is not required. There we simply authorize the Secretary of the Interior or the President of the United States to use that fund for another purpose with the Indians' consent.

Mr. THURMAN. Now would my good friend from Iowa make an appropriation for a miller, and engineer, and the like, for Sitting Bull's tribe? I expect there is some such provision in the treaty we have with the Nez Percés.

Mr. ALLISON. We have in this very bill provided for a miller, a blacksmith, &c., for the Nez Percés; that is for the Nez Percés who are on their reservation. It may be that they have no mill there, but the treaty requires that we shall appropriate for a miller each year.

Mr. EDMUND. Now, I should like to have the Senator point out any clause in that treaty which requires an appropriation for a miller as distinguished from a clause in that treaty which requires us to furnish a man as a miller at a particular place, and then what the Senator from Ohio has said comes in. If there is no use for the man there, then the duty to furnish him does not exist.

Mr. ALLISON. I can agree to that if we wish to make a nice construction of a treaty whereby if we do not choose to build a mill although we have agreed to do it, then we can say "there is no mill there; therefore we will not appropriate for a miller." Of course we can by this Robin Hood barn principle refuse to make any appropriation. The proposition here is to reasonably and substantially carry out the provisions of existing treaties with these Indians.

Mr. EDMUND. Then why do you not build a mill in the case you have supposed?

Mr. ALLISON. We do not build a mill perhaps because we may have built it, and it has been burned down, and in these days of economical appropriations it will not be possible to procure appropriations to build a mill at any particular agency.

Mr. EDMUND. Nobody can tell that till he tries.

Mr. ALLISON. That is very true.

Mr. EDMUND. The position I think is hardly a consistent one. It is said that here is a duty under a treaty by a nice construction to provide a miller. That my friend says is a nice construction as distinguished from providing money for a miller. I do not think it is a nice construction. I think it is substantially the true one. Then his answer is, "Here we have agreed by treaty to provide a mill and miller; we have not built the mill, but we still feel bound by the treaty to provide the miller." That will hardly stand fire. If we have agreed to provide a mill and a miller and do not think it fit to provide the mill, I think we shall not break the treaty much more by omitting to provide the miller.

Mr. ALLISON. Suppose a mill is provided and built as required by treaty and is burned down?

Mr. EDMUND. Then the duty is to build it up again.

Mr. ALLISON. Undoubtedly; but pending the erection of that mill, why cannot the fund appropriated for the miller be used for a particular year in the re-erection of that mill? Of course we can refuse to make these appropriations. I do not say that we ought to make them in every instance; but I do say that a substantial compliance with these treaties requires that we shall, in substance at least, furnish them the means which we have agreed to furnish them.

Mr. HOWE. Will the Senator allow me to suggest, with all the deference in the world, that his remedy as pointed out seems to me to be very ill adjusted to the disease of which he speaks. If a tribe for whom we have agreed to hire a miller which tribe has no mill,

or a teacher which tribe has no school, that might constitute a reason why we should still give the tribe the benefit of the money which a teacher or a miller would cost and allow it to be appropriated for some other purpose. But it seems to me in that part of the bill in which the appropriation is made for the miller, there the authority to divert the appropriation should be contained, so that the bill would show upon its face where the specific application is required and where it is not. Here is a bill which appropriates, I suppose, six or seven millions of money.

Mr. SARGENT. Scarcely more than half of it.

Mr. ALLISON. About four and a half millions.

Mr. HOWE. I asked some Senator on the Appropriation Committee—

Mr. SARGENT. This is the smallest Indian bill for years.

Mr. HOWE. Then it is three millions or more?

Mr. ALLISON. Four and a half millions.

Mr. HOWE. No matter, every dollar of it is appropriated to pay some person or to buy some thing; and here is a clause which, if I do not misunderstand it, tells the Commissioner that he need not buy a thing for which an appropriation is made or hire a man for which an appropriation is made if the President and the tribes will agree to do something else with the money.

Mr. SARGENT. Does the Senator think that is a new provision?

Mr. HOWE. I do not know at all how old it is, but it is old enough to die, I think.

Mr. SARGENT. I do not.

Mr. HOWE. If the Senator differs with me why do you go through this long bill every year? Why do you not appropriate a gross sum and tell the President to spend it as he pleases?

Mr. SARGENT. Because the treaties require it.

Mr. HOWE. But you abrogate the treaties, or you authorize the President and the tribes to abrogate the treaties. You justify the appropriation because the treaty requires the appropriation; but you tell the President that if he and the tribe are agreed to something else, something else entirely different from the treaty may be done with the appropriation. It seems to me when you come to the appropriation for the Nez Percés, if they are in that predicament, without schools, without mills, without sick persons, and therefore do not need millers, or teachers, or physicians, the Commissioner knows that, and there you should have said it, for it seems to me it would have been better to say at the foot of those appropriations, "if in this case and for this tribe the President and the tribe agree to a better disposition of the money," for that reason, which you know exists, "a different appropriation may be made." But, because there may be that difficulty with the appropriations for a single tribe, to throw every appropriation into an uncertainty it seems to me is too radical a remedy for a very simple ailment.

Mr. HOAR. I desire to suggest to the committee whether this whole difficulty might not be remedied by a provision something of this kind: I suppose the whole amount of the appropriation for specific matters specified in the bill, which have become obsolete for the reasons stated by the Senator from California, will not exceed a few thousand dollars probably. That is, the changes which they propose to permit the President or the Indian Office to make with the consent of these tribes will not be very large. Now, suppose the bill should provide that wherever any appropriation specified here has become unnecessary the President and the Indians concerned shall have the right to dispense with it, and then appropriate a sum not exceeding \$5,000 or \$10,000 for such substitution for those appropriations so discontinued as they should agree upon. The difficulty with this bill seems to me to be as a matter of principle. We have been hearing always of the corruptions of the Indian administration of this country. We have been hearing that corrupt men imposed on the Indian Office on the one side and on the Indians on the other, in spite of every legislative precaution. We have been building up with great care and labor various administrative and legislative systems of Indian management. We have built up a system of schools; we provide large sums for them. We provide by treaty where the Indian funds or the appropriations of the Government shall be expended. Now, we come in and add at the end of the Indian bill a clause that whenever the President of the United States (which of course means practically the Commissioner of Indian Affairs) and any tribe of Indians shall agree the whole thing may be swept away, and any object not specified in the bill may be the object of this legislative appropriation to the amount which this bill provides. It seems to me that a provision of the kind suggested would accomplish everything desired by the committee, and would be free from this objection. If this be an old policy it is time it was stopped, for it is a most extraordinary policy in our legislation.

Mr. WINDOM. Mr. President, I am rather surprised that Senators should criticise the amendment made by the Committee on Appropriations in view of the sections which they propose to amend. The sections which came from the House contain the most remarkable provisions conferring general authority upon the President and Commissioner of Indian Affairs that I have ever seen in an Indian bill—no, the Secretary of the Interior and the Commissioner of Indian Affairs, not the President at all, as my friend from Kentucky [Mr. BECK] suggests. I should like to call the attention of the Senate for a moment to this provision. Section 3 says:

That whenever, in the judgment of the Commissioner of Indian Affairs, it is found

practicable to employ Indians in farming or other civilized avocations in which they can contribute by their own labor to their maintenance, he may use such portions of their respective subsistence funds herein appropriated—

And that amounts to two or three million, I do not know how much—

as can be judiciously spared to pay for the services of such Indians as may be induced to labor for their own advancement.

This places the whole sum appropriated for the subsistence, and in the case of the Sioux Indians alone it is a million and a quarter, in the discretion, not of the President, not of the Secretary of the Interior, but of the Commissioner of Indian Affairs, who may divert it all to any purpose he pleases.

Mr. EDMUND. Of course that is totally inadmissible, and I hope the Senator did not understand me—and I am sure he should not have understood all of the others who have spoken on that point—as preferring the House proposition to that of the Senate committee.

Mr. WINDOM. I know that. The fourth section is equally broad. It says:

That in case of an emergency requiring immediate action—

And the Secretary of the Interior is to be the judge of that emergency—

and calling for an expenditure of funds for which no appropriation has been provided, the Secretary of the Interior, in his discretion, is hereby authorized to use for the purpose such funds herein provided, &c.

Now, in order to get rid of these broad provisions, the Committee on Appropriations adopted the amendment which is proposed. It is no new amendment. It has been in the statutes for one or two years. It requires everything that is done by the Commissioner of Indian Affairs, the President, and the Secretary of the Interior, to be reported to Congress, so that everybody may know precisely what has been done. There has never been the slightest complaint growing out of the action of the Secretary and the President under the former provision, which is exactly almost in the words of this, and I do not see the cause for alarm in this case.

The Senator from Wisconsin says that by the consent of the tribes and the action of the President, we may divert the money which has been provided for by the treaties and change the treaties. Suppose we do, we the Senate and the House give consent in advance so far as this single appropriation is concerned, so that you have all the powers that concur in making a treaty—you have the President, the Indians, the Senate of the United States and the House of Representatives, all agreeing that this diversion may be made. It does not cover the whole ground of the appropriation. It is only for certain items which have been already explained, for millers, for blacksmiths, &c.; and if it shall be ascertained that this money can be used more advantageously for the Indians, all the treaty-making powers of the Government agree that it shall be done. The Senate agrees in advance; the President directs it; and he can only do it with the consent of the Indians; and when it is done, it must all be reported, every item of their action, to Congress so that it can be reviewed and revised hereafter, and we may ascertain whether it has been improperly done or not.

It does seem to me that the amendment proposed by the Committee on Appropriations is conservative; it is careful; it takes the place of the broad provisions which I have read that are very objectionable. It enables us to utilize the funds for the best interest of the Indians. It has been tried and no fault ever found with it. No corruption has ever been charged against the acts of the Government under this provision in any other bill. Then why should we hesitate to readopt it again? If the Senate want to vote it out, if they say we shall not comply with the treaties, say so, and the committee have not the slightest objection. If they say we shall comply with the treaties in a way that does the Indians no good, let them vote down this proposition; but if we desire to comply with the treaties substantially and at the same time use the money effectually for the benefit of the Indian, the committee can find no safer, more judicious, or conservative proposition than they have embodied in this amendment.

Mr. HOAR. I move the following amendment in lieu of that proposed by the committee—

Mr. SARGENT. It is obvious that the Senate is not prepared to finish the bill to-night, and I move an executive session.

Mr. HOAR. I should like to have my amendment read for information.

The PRESIDING OFFICER. The proposed amendment will be read for information. The Chair will state, however, that the first question will be on the amendment proposed by the Senator from California to the amendment of the committee, and then on the amendment of the Senator from Vermont. The amendment of the Senator from Massachusetts will be read.

Mr. SARGENT. We have had a re-enforcement. It is very obvious that many Senators are here now who have not been here while the bill generally has been under consideration, and who desire to discuss the matter; and that will necessitate the repeating of explanations which have been made at great length to-day. I therefore move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask that the amendment be read.

Mr. SARGENT. I withdraw my motion for that purpose, so that we may study the amendment in the RECORD to-morrow, where it will go, having it read.

The Chief Clerk read the proposed amendment of Mr. HOAR, as follows:

That whenever any of the foregoing appropriations shall, in the judgment of the President, be unnecessary, he may, with the consent of the tribe interested, expressed in the usual manner, dispense with the expenditure therein provided, and a sum not exceeding \$10,000 is hereby appropriated, which may be expended for such other uses for the benefit of such tribes respectively as the President, with such consent, shall approve.

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

Mr. McMILLAN. I wish to give notice of an amendment to this bill.

Mr. SARGENT. I withdraw my motion for that purpose.

Mr. McMILLAN. I give notice that I shall offer at the proper time an amendment to this bill, which I move to have printed.

The motion to print was agreed to.

TAX ON DISTRICT CHURCH PROPERTY.

Mr. EDMUNDS. I wish to offer a resolution calling on the commissioners of the District of Columbia for certain information about taxes. I presume it will be agreed to by unanimous consent. If not it can go over. My resolution is:

Resolved, That the commissioners of the District of Columbia be and they are hereby directed to report to the Senate, what property known as church property in the District of Columbia, taxed under the act of June 20, 1874, or any other act of Congress, is in default in respect of such taxes—giving, as far as possible, the names of the corporations or persons in whom the title to such property rests, and also whether the steps provided by law have been taken to enforce the collection of said taxes, and if not, why not.

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

BILL RECOMMITTED.

Mr. BAYARD. I ask an order for the recommitment of the joint resolution (H. R. No. 151) directing the Secretary of the Treasury to refund to the Society of the Sons of St. George, established at Philadelphia, the sum of \$1,440.25 in gold, being the amount paid by said society upon a colossal statue of St. George and the Dragon, reported by the Committee on Finance adversely. It is by the consent of the chairman who reported it adversely that I ask for its recommitment to the Committee on Finance.

The joint resolution was recommitted to the Committee on Finance.

BILLS INTRODUCED.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1215) to amend an act entitled "An act for the relief of Robert Erwin," which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1216) for the improvement of the sanitary condition of Washington, and for deepening the river channel; which was read twice by its title.

Mr. GORDON. I wish to remark in reference to this bill that it differs from the bill originally introduced in this, that it asks that the work of reclamation begin at the Long Bridge instead of below it, and it is thought by competent engineers that the whole of it can be done under this programme for a million and a half of dollars instead of about eight millions, and that the Government can have all the money returned to it by a sale of the land reclaimed. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MATTHEWS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1217) to amend section 1920 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Territories.

HOUSE BILL REFERRED.

The bill (H. R. No. 3259) providing a permanent form of government for the District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. WHYTE and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4104) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1879, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHYTE and Mr. JONES, of Florida, submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4236) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. WHYTE submitted two amendments intended to be proposed by him to the bill (H. R. No. 4286) to establish post-roads in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. THURMAN. The Senator from California yields to me for a moment to make an announcement which I feel it my duty to do, so that Senators may take notice. The bankrupt-repeal bill is the unfinished business. I agreed when the Senate took that bill up that

it should be laid aside informally for these two appropriation bills, the one that has passed and the one which is now under consideration. I am told there is another appropriation bill that is ready for the action of the Senate; but I wish to say that when this appropriation bill now pending shall be disposed of I shall feel it my duty to insist on disposing of the repeal of the bankrupt-act bill. It will take, I imagine, not over half an hour or at most an hour to dispose of it, and then the post-office appropriation bill can be proceeded with. We shall lose no time, then, by disposing of the unfinished business, the repeal of the bankrupt law, and we shall gain no time by taking up the post-office appropriation bill and still further postponing the bankrupt-repeal bill. I therefore wish to say, so that every Senator who takes any interest in it may be in his place, that as soon as the pending appropriation bill is disposed of to-morrow I shall insist on the unfinished business, the repeal of the bankrupt law.

Mr. WINDOM. I only want to say, in the absence of the Senator from Arkansas, [Mr. DORSEY,] who has charge of the post-office appropriation bill, that the Committee on Appropriations will insist on that bill when this is concluded.

EXECUTIVE SESSION.

Mr. SARGENT. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 8, 1878.

The House met at eleven o'clock a. m. Prayer by Rev. S. DOMER, D. D., St. Paul's English Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the concurrent resolution of the House of Representatives to print extra copies of the Report of the Commissioner of Education for the year 1876, for the use of said Commissioner.

The message further announced that the Senate had passed the bill (H. R. No. 3974) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1879, with sundry amendments; in which he was directed to ask the concurrence of the House.

ORDER OF BUSINESS.

Mr. COLE. I desire to ask unanimous consent of the House—

Mr. REAGAN. I call for the regular order of business.

The SPEAKER. The regular order of business is the morning hour; but prior to that the Chair desires to announce the appointment of a committee.

APPOINTMENT OF A COMMITTEE.

The SPEAKER. The Chair appoints the following as the Committee on the Census: Mr. COX, of New York; Mr. MILLS, of Texas; Mr. STENGER, of Pennsylvania; Mr. LIGON, of Alabama; Mr. SMITH, of Georgia; Mr. CARLISLE, of Kentucky; Mr. HATCHER, of Missouri; Mr. BALLOU, of Rhode Island; Mr. JORGENSEN, of Virginia; Mr. RYAN, of Kansas; and Mr. WILLIAMS, of Oregon.

ELECTION CONTEST—O'CONNOR VS. CAIN.

Mr. HARRIS, of Virginia. I rise to a question of privilege. I desire to present resolutions in regard to the seating of several members of Congress. I will state that these are unanimous reports from the Committee of Elections. I offer resolutions first in the case from the second district of South Carolina.

The Clerk read the resolutions, as follows:

Resolved, That M. P. O'Connor is not entitled to a seat in this House as a member of the Forty-fifth Congress from the second district of South Carolina.

Resolved, That Hon. Richard H. Cain is entitled to retain the seat he now occupies as Representative from the second district of South Carolina in the Forty-fifth Congress.

The resolutions were agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—LYNCH VS. CHALMERS.

Mr. HARRIS, of Virginia. I now report the resolutions which I send to the Clerk's desk.

The Clerk read the resolutions, as follows:

Resolved, That John R. Lynch is not entitled to a seat in this House as a member of the Forty-fifth Congress from the sixth district of Mississippi.

Resolved, That Hon. James R. Chalmers, the sitting member, was duly elected and is entitled to the seat occupied by him in this House as the Representative from the sixth district of Mississippi in the Forty-fifth Congress.

The resolutions were agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—M'DOWELL VS. WILLIAMS.

Mr. HARRIS, of Virginia. I also report from the Committee of Elections the resolutions which I send to the Clerk's desk.

The Clerk read the resolutions, as follows:

Resolved, That Samuel W. McDowell is not entitled to a seat in this House as a member of the Forty-fifth Congress from the State of Oregon.

Resolved, That Hon. Richard Williams is entitled to retain the seat he now occupies as Representative from the State of Oregon in the Forty-fifth Congress.

The resolutions were agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

The SPEAKER. The regular order being demanded, the morning hour begins at sixteen minutes after eleven o'clock, and the House resumes the consideration of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. REAGAN. Before I proceed to the consideration of the other points in the bill I desire to say that there has been some objection made to the bill on account of what are supposed to be superfluous verbiage and unnecessary technicalities. The first bill introduced was not obnoxious to this objection; but the bill elaborated from that bill was prepared by a gentleman of great attainments and of great knowledge upon this subject, and the object was to cover all the technical difficulties.

While the committee at first was not satisfied with the bill, and thought that there was too much verbiage and too much technicality, a careful analysis developed the fact that we could not materially amend the bill unless we entirely recast it and retained the substance, and so we agreed to report the bill in the form in which it is now pending.

Mr. Speaker, the bill now presented by the Committee on Commerce "to regulate interstate commerce and to prohibit unjust discriminations by common carriers" for the consideration of the House is one of much more than ordinary importance. It touches the interests of the whole country in every department of its business. It has a direct bearing on the cost of transportation of the twenty-five or thirty billions of dollars' worth of the internal commerce of the United States. It is designed to control the powers for evil of the seventy-five thousand miles of railroad in this country, carrying as they did in 1876 not less than eighteen billions of dollars' worth of this internal commerce, without abridging any of their necessary and legitimate rights or privileges. While leaving them in the full enjoyment of all their rights and privileges it is the aim of this bill to control and restrain and regulate their power to discriminate unjustly between shippers by charging different rates of freight to different persons for similar service, and by preventing them from allowing rebates and drawbacks in all cases, and by prohibiting them from doing injustice to individuals and communities by charging more for freight for a shorter than for a longer distance on the same line of transportation, and also by controlling some of the more odious powers of monopoly which pertain to the nature of railroad corporations.

A reference to some of the characteristics of our country, its products and commodities, may aid in giving an insight into our wonderful internal commerce. Our manufacturing establishments are for the most part in the northeastern States. It is estimated in the last number of the North American Review that our production of manufactures annually exceeds \$3,000,000,000 in value. This vast product is largely dependent on railroad transportation for its markets along the South Atlantic seaboard, in the great valleys of the Mississippi and its mighty tributaries, around the Gulf of Mexico, on the great plains west of the Mississippi, and among the Rocky Mountains, and in the States and Territories on the Pacific slope.

The States of Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Iowa, Wisconsin, Minnesota, and Missouri embrace the great grain and meat and provision producing portion of the country, from which the Eastern, Middle, and Southern States are largely supplied, mostly by railroad transportation. In addition to which we sent to the sea, to be exported to other countries, in 1876, \$117,806,476 of breadstuffs, including 70,860,983 bushels of Indian corn, 40,325,611 bushels of wheat, and 3,343,665 barrels of flour. And during the same year we sent to the sea, mostly by railroad, for export to foreign countries, meats and provisions valued at \$114,991,749, including 460,057,146 pounds of bacon and hams, 88,365,143 pounds of beef, 21,527,242 pounds of butter, 107,364,666 pounds of cheese, 234,741,233 pounds of lard, and 69,671,894 pounds of pork.

Of cotton produced in the Southern States and of manufactures of cotton we exported to foreign countries in the year 1877, in addition to the amount consumed in the United States, to the value of \$181,954,349, including 3,394,724 pounds of sea-island cotton, 1,441,974,406 pounds of other cotton, most of which, with all the cotton consumed by our own manufactures, found its way to the sea and to the manufactures by railroad transportation.

And our total of foreign exports, which was for the year 1877 \$602,475,220, found their way to the sea for the most part by means of railroads; and the imports of that year, \$451,323,126, were carried to the interior of the country by the same means.

As illustrative of the question of what part of our vast internal commerce is carried by the railroads, I may mention that it is shown by the report on the internal commerce of the United States for 1876 that of the 197,766,052 bushels of grain which reached the ports of New York, Portland, Boston, Philadelphia, and Baltimore that year from the West nearly 95 per cent. of it was carried over the railroads. Of course the proportion in favor of railroads is not so great in our whole trade. But it is estimated that of the twenty-five or thirty billion dollars' worth of our internal commerce over eighteen billions of it is transported by rail.

It is necessary to contemplate the amount of our internal commerce and the proportion of it carried by railroads in order to realize the importance of legislation which would relieve it of unnecessary expense and burdens. And in this connection it is necessary that we should understand the character, uses, and powers of railroad corporations. They are necessarily monopolies to a large extent, and in all cases where they are not checked by competition or by legal restrictions, and it has been wisely said that with them competition is not probable where combination is possible. Our every-day experience and observation teach us the truth of this. Between centers of trade there may be competition, but along the greater part of the line of most railroads there is none, and there they must be controlled by law if they are to be controlled at all.

The objects which it is hoped to attain by the passage of this bill are few and easily understood:

First. It provides that freight rates and facilities shall be made equal to all shippers. We know this is not so now in very many cases.

Second. To this end it is provided that rebates and drawbacks shall not be allowed in any case.

Third. It is provided that the gross amount of charges shall not be greater for a shorter than for a longer distance on the same line of transportation.

Fourth. It provides against combinations by individuals or corporations to defeat the objects of the bill.

Fifth. It requires schedules of the rates of freight and charges to be posted up, so that all shippers may know the rates they are required to pay.

Sixth. Where rates are fixed for local commerce within a State the State rates are required to be posted up, and the transportation companies are forbidden to charge more per ton per mile for interstate freights than they charge for State freights. This requirement to post up the schedules of the State rates of freight is a necessary means to enforce equality in freight rates, and is in no way intended to regulate or control those State rates or the commerce of a State.

Seventh. Provisions are also made in the bill for its efficient enforcement in the courts.

Eighth. It is declared to be unlawful to do anything prohibited by the bill or to refuse to do anything required to be done by it; and persons violating the act would be liable to any party injured thereby in an amount equal to three times the damage sustained, to be recovered in any circuit or district court of the United States having jurisdiction of the case; and shall for each offense forfeit and pay a penalty of not less than \$1,000, to be recovered by the United States, by action in any circuit or district court having jurisdiction, one-half of such penalty, when collected, to be paid to the informer; and such suits may be of either equitable or legal jurisdiction. In equity suits discovery and affirmative relief may be obtained, and preliminary or final injunctions may be granted, upon proper application, restraining, forbidding, and prohibiting the commission or continuance of any acts, matters, or things within the terms or purview of the act, without allegation or proof of damage to any plaintiff or complainant. This is done on the principle that the courts may, in a proper case made, require that to be done which the law commands and prohibit that which the law forbids.

Ninth. It is also provided that the provisions of the bill shall not apply to quantities of merchandise less than a car-load when carried by railroad, or less than a ton when carried by other means of conveyance, except that the rates shall be equal to all for like service; that the Government freights may be carried for lower rates than are accorded to the general public, and that the provisions of the bill shall not embrace the transportation of articles which may be carried free, or at lower than schedule rates, for charitable purposes, or to or from public fairs or expositions for purposes of exhibition.

I present as some of the evidences to show the popular demand for the passage of a law on this subject the following resolutions which were communicated by the governor of Pennsylvania to the Senators and Representatives of that State in Congress and referred to the Committee on Commerce:

HOUSE OF REPRESENTATIVES,

Harrisburg, February 15, 1878.

Resolved, (if the senate concur,) That our Senators in Congress be instructed and our Representatives be requested to vote for the passage of an act to provide for equity in the rates of freight upon certain property carried totally or partially by railroad in commerce with foreign nations or among the several States and Territories, and to prevent violent and injurious fluctuation and unjust discrimination in such commerce, and for other purposes.

Resolved, That the governor be requested to present a copy of the foregoing reso-

lution to each member of the Senate and House of Representatives of the United States from Pennsylvania.

Passed the house of representatives, February 15, 1878.

JOHN A. SMULL,

Resident Clerk, House of Representatives.

Concurred in by the senate, February 15, 1878.

THOS. B. COCHRAN,

Chief Clerk.

Approved the 5th day of March, A. D. 1878.

J. F. HARTRANFT.

And the following are the resolutions adopted by the Legislature of New York on the same subject:

STATE OF NEW YORK.

IN ASSEMBLY, Albany, March 25, 1878.

Whereas there are now before Congress several bills seeking to provide for equity in rates of freights on property transported by common carriers in this country: Therefore,

Resolved, (if the senate concur,) That our Senators and Members of the House of Representatives, in Congress assembled, be, and they are hereby, requested to use their influence to secure the enactment of any wise and equitable law having for its object the prevention of violent and injurious fluctuations and unjust discrimination in rates of freight imposed by common carriers upon property transported by them in this country.

Resolved, That the clerk of the assembly be directed to transmit a copy of the foregoing preamble and resolution to each Senator and Member of the House of Representatives from the State of New York.

By order.

EDWD. M. JOHNSON,

Clerk.

IN SENATE, April 5, 1878.

JOHN W. VROOMAN,

Clerk.

The following are the resolutions and action of the Chamber of Commerce of Pittsburgh, Pennsylvania:

PITTSBURGH, November 26, 1877.

DEAR SIR: At the regular board-meeting of the directors of the Chamber of Commerce held this day the committee on transportation and railroads made the following report, which was unanimously adopted:

Your committee respectfully present with a favorable recommendation House bill No. 674, "to regulate interstate commerce and to prohibit unjust discrimination by common carriers," presented in Congress October 29, by Mr. REAGAN, and ask the passage of the following resolution:

Resolved, That the Chamber of Commerce of the city of Pittsburgh considers House bill No. 674, "to regulate interstate commerce and to prohibit unjust discriminations by common carriers," presented by Mr. REAGAN, (a copy of which was sent to the chamber for consideration by Mr. ERRETT,) a step in the right direction, and respectfully ask our Representatives in Congress to support it and urge its passage.

Your committee would also recommend the adoption of the following resolution:

Resolved, That the thanks of the Chamber of Commerce of the city of Pittsburgh are due, and are hereby tendered, to Hon. JOHN H. REAGAN, for his efforts to correct the unjust discrimination by railroads, whereby our manufacturing and commercial interests are so disastrously affected.

J. K. MOORHEAD,

President.

N. GRATTAN MURPHY,

Superintendent Chamber of Commerce.

Hon. THOMAS M. BAYNE,
Washington, D. C.

The following is the petition of the members of the Chamber of Commerce of Milwaukee, Wisconsin, the names omitted:

To the honorable members of the Senate
and House of Representatives of the United States:

The undersigned merchants and citizens of the city of Milwaukee respectfully petition your honorable bodies to appoint a joint committee for the purpose of investigating the workings of the interstate railroad system of the United States. The interests of the producers and merchants of the United States are systematically disregarded; the rates charged are, in many instances, out of all proportion; favoritism to individual shippers, by which one person, firm, or place is built up at the expense of another, largely prevails, and there is a general lack of uniformity and system which ought to govern the administration of all great public trusts of this nature. Your petitioners therefore pray that early action be taken to investigate the whole subject in its various bearings, and report at the next session of Congress, or sooner if practicable.

The following are the proceedings of the Board of Trade of the city of New York, which I read in full on account of their valuable suggestions, adding that it may become necessary to have such a board of commissioners as is recommended. But that should, if proper, be the subject of a separate bill. I also notice that this board of trade seems to have fallen into the same error with reference to the pending bill that members of this House fell into, that the bill provides for *pro rata* rates of freight. This doubtless arose from a misunderstanding of the fourth section of the bill. It contains no such provision:

At the monthly meeting of the directors of the New York Board of Trade and Transportation, held April 10, the following report and resolutions were unanimously adopted:

To the directors of the New York Board of Trade and Transportation:

The committee on railroad transportation respectfully report upon bill No. 3547 for the regulation of interstate commerce, introduced in the House of Representatives by Hon. JOHN H. REAGAN, that in most of its provisions the bill seems wise and practicable. Especially is this true of those sections which provide a tariff of rates which shall be uniform to all shippers, and prohibits special contracts in every form; also the publication of such tariff, so that the public generally may be familiar with the rates. Your committee believe that common carriers have no right to discriminate in favor of one person or firm at the expense of another, for it is manifest that such a power wielded on a large scale tends to crush out enterprise on the part of the smaller class of merchants; in short, to make the rich richer and the poor poorer. In examining this subject a different principle is involved from that which regulates the business of individuals or private manufacturing corporations. Transportation companies are semi-public in their nature; many of them are granted the right of eminent domain, which to private corporations is not granted, and as they are in fact improved public highways they must

be governed by the principle of the "king's highway," which is that all classes have equal rights thereon. While it may not be practicable in the transportation of freight to apply the same rules which govern the management of our postal system, namely, that a single letter shall be carried as cheaply as a hundred or a thousand, it is both practicable and necessary that a quantity line shall be drawn, beyond which no shipper shall receive a lower rate. Mr. Albert Fink, a railway expert, who possesses in an eminent degree the confidence of both railroad managers and the mercantile public, has suggested that this line should be drawn at the quantity of one car-load, and has given his reasons for this as follows:

"I do not think that a common carrier has the legal right to enter into special contract with manufacturing establishments to carry freight at less rate than for the public generally, for the purpose of encouraging the erection of such establishments on the line of its road. It is not the province of railroad companies to make themselves partners in private enterprises. Even if they had the legal right, it is questionable whether it would be good policy for them to do so. Nor do I think it right that common carriers should make special contracts on account of the quantity shipped, except when quantity forms an element in the cost of the transportation service, and this is only the case when the quantities are less than car-loads. It does not cost more to carry ten car-loads of freight between two stations, A and B, for one shipper than it costs to carry one car-load for each of ten shippers. The railroad company derives as much benefit from ten small manufacturing establishments as from one large one of the capacity of ten smaller ones. If the railroad company grants to the larger establishments lower rates of transportation, it would unjustly discriminate against parties with limited means, and be of no benefit to the railroad company. A common carrier should strictly adhere to the rule to charge the same rate for transportation for the same articles between the same points, only discriminating on account of quantity as far as it influences the cost of transportation. He should not make any arbitrary distinctions merely depending upon his will."

Your committee, however, are of the opinion that the very large class of shippers who send less than one car-load at a time are entitled to much more equitable treatment than they have in the past received. This part of the commercial public, in numbers probably exceeding by tenfold those who are able to ship quantities of one car-load and upward, are entitled to have their rights considered and the difference between a car-load rate and a smaller quantity so defined that they shall not pay more than the difference which it costs to transport a smaller quantity. How great and unreasonable a difference is now made between different classes of shippers is shown from the following figures:

The winter schedule rate from New York to Syracuse is 50 cents per 100 pounds for first-class goods, 40 cents for second-class, 34 cents for third-class, and 23 cents for fourth-class, (the summer rate being 47 cents, 40 cents, 34 cents, and 23 cents,) and these rates the great mass of people have to pay; but a few favored wholesale dealers in Syracuse are given contracts by which all classes of goods are carried for 12 cents per hundred pounds, as against the 50, 40, 34, and 23, which the public generally have to pay; and the same is true of all the other jobbing centers of the State. The same principle also holds good in the treatment which the great mass of the people of the State of Illinois, and indeed all other Western States, are forced to submit to. The reduced rates of the pooled lines to Chicago are now 75 cents per hundred for first-class, 60 cents for second-class, 50 cents for third-class, and 40 cents for fourth-class, (lately \$1, 80, 60, and 45,) while favored parties have been given contracts running through the year at 25 cents per hundred on all classes.

Careful examination of this subject by competent men will enable this difference to be fairly defined, and in this connection your committee would call attention to the great necessity which exists for constant and careful examination and supervision of our complex and defective transportation system. A very important bill has been agreed upon by the committee on railroads of the house of representatives naming three competent commissioners to adjust the terms of the interchange of traffic between the Union Pacific and Kansas Pacific Railroads. The persons named in the bill, Messrs. Adams, Fink and Cooley, are of the highest character, but your committee would respectfully suggest that the third ought to be an experienced merchant, in order that the great commercial interest may be fairly represented. The principal defect in the Reagan bill is that it does not provide such a board of commissioners to supervise the workings of the interstate railroad system of the United States. Your committee believe such a board to be an absolute necessity, and also that auxiliary State boards should be provided in every State to superintend the workings of the railroads exclusively within the limits of such States. In no other way, in the opinion of your committee, can the administration of our highways be adjusted with proper regard for all interests, and your committee would respectfully recommend to this board the following resolution:

Resolved, That the bill for the regulation of interstate commerce introduced by Hon. JOHN H. REAGAN, and which is now pending in the House of Representatives, in most of its provisions meets with the hearty approval of this board; but we are of the opinion that in order to make it effective a board of competent commissioners should be provided to supervise its workings. Further, that the "pro rata" feature of said bill, though equitable in principle, is so difficult to put into practical operation that it may safely be omitted for the present.

All of which is respectfully submitted.

F. B. THURBER,
WM. H. LIEBY,
E. F. BROWNING,
JAS. S. BARRON,
CHAS. WATROUS,
Committee.

The New York Chamber of Commerce advised the Chamber of Commerce of Pittsburgh to obtain signatures to a petition to Congress as follows:

The undersigned merchants and citizens respectfully petition your honorable bodies to appoint a joint committee for the purpose of investigating the workings of the interstate railway system of the United States. The interests of the producers and merchants of the United States are systematically disregarded; the rates charged are, in many instances, out of all proportion; favoritism to individual shippers, by which one person, firm, or place is built up at the expense of another, largely prevails, and there is a general lack of uniformity and system which ought to govern the administration of all great public trusts of this nature. Your petitioners, therefore, pray that early action be taken to investigate the whole subject in its various bearings, and report at the next session of Congress or sooner, if practicable.

I also read the following extract from an article in the Railroad Gazette of March 8, 1878, a paper not at all unfriendly to railroads:

The chief object of this bill seems to be to secure all shippers in their common law right against discriminations by common carriers; to make it impossible for one man, firm, or corporation to get rates which may not be had by every other shipper. So far as this purpose is concerned it is entirely commendable, and any means which will succeed in carrying it out effectively will, in many respects, be an advantage to the railroads as well as to the public. The railroad wars of late years have to a great extent owed their severity and persistence to the practice of making time contracts, by which the companies have assumed to give certain parties extremely low rates for months to come, even after rates to the general public had been advanced. What a terrible discrimination against the non-contracting shippers may be made in this way need not be explained; but the demer-

alizing effect on rates is a natural and inevitable consequence which the railroads have suffered from terribly. If it were once settled that there could be no "private terms" for railroad transportation; if the rates contracted for to one shipper for a given period by that act became rates open to the general public for the whole of that period, we would see, if not an end to the cutting of rates, at least a very conservative conduct with regard to them.

I lay down these principles in support of this bill:

1. That railroads receive their franchises from the public for the public good as well as for the profit of the stockholders.
2. That monopolies and perpetuities are contrary to the genius of a free people, and cannot be allowed or maintained in this country.
3. That the political authority of this country cannot, either in the States or Congress, create a power, whether corporate or otherwise, superior to the power and authority of the people themselves; one which may oppress and wrong them without lawful remedy and control; for all power is inherent in the people and all just and legal government is designed to promote the public welfare.
4. That railroad corporations are in an important sense public corporations, and are always recognized as quasi-public corporations.

This is so:

5. Because they are created by the public political authority to promote the public good.
6. Because, for the purposes of their being, they are clothed with the right of eminent domain. And this cannot be conferred under our constitutional form of government on private persons or for private uses. Private property can only be taken for public uses and upon just compensation.
7. Railroad companies and others engaged in the general transportation of merchandise are carriers for hire.
8. They are engaged in a public employment affecting the public interest.
9. Hence they are subject to regulation and control by the political authority.

To these undeniable principles as they exist under our Constitution and at common law, and as they are recognized by Federal and State statutes, is added the clause of the Constitution which gives Congress authority "to regulate commerce with foreign nations and among the several States, and with the Indian tribes." And this power to regulate commerce among the several States was vested in Congress in order to secure equality and freedom in commercial intercourse against discriminating State legislation. Without this power in Congress to regulate commerce among the several States it would be in the power of any State to discriminate against and embarrass and burden the commerce of other States passing through it, or to wholly interdict the passage of the commerce of other States through its territory. And such a condition of things would lead, as it did during colonial times and during the existence of the confederation, to hostile and discriminating legislation of State against State, and would not fail to retard the growth and injure the prosperity of the country, and to inflict almost incalculable evils on the people.

Another very grave question must be determined. No one pretends that the States can regulate interstate commerce. If, then, Congress cannot or will not do this, the twenty-five billion dollars' worth of our internal commerce, or so much of it at least as is interstate commerce, is to be left to the mercy of the common carriers. And as to much the greater part of this the seventy-five thousand miles of railroad in the country, by the power of monopoly and at the dictate of greed and avarice, may impose any terms and make any discriminations for and against individuals and communities they see proper. Either this or wholesome regulation by Congress for the protection of the people against such wrongs is the alternative before us. And none of us can escape the responsibility of taking one side or the other of this question.

And why shall we not regulate this interstate commerce by railroads? We have regulated commerce on the rivers, the bays, the lakes of the country, and on the oceans, all along through the existence of the Government. Steamboats and ships are as much private property and are as fully owned under the authority of the States as railroads are. What is it that constitutes the sacredness of a railroad and puts it above political control and out of the reach of law? Will some one tell us? We regulate interstate commerce on the public waters of the United States carried by vessels, and these waters are free alike to all vessels. There is no monopoly of them. In the early years of the Government we had no railroads; now the railroads carry two-thirds or three-fourths of all the commerce of the country. Each of them has a monopoly of the carrying business on its road.

Unless restrained by law each of them may charge unjust and extortionate rates of freight; may charge one person twice as much as another for equal service; may allow drawbacks to some persons and refuse them to others; may charge high rates of freight to some communities and low rates of freight to others; may thus injure or break up some persons and some communities while they benefit or enrich others; and railroad officials may combine with citizens or with other corporations or may form rings which will enable them to control particular branches of trade for their own profit and to the injury of other citizens or corporations or communities. And all these things they do now. And yet we are told there is something about them too sacred to be touched by law in the interest of the people from whose patronage they draw all their revenues; that the claims of justice and of common honesty are to be silent under the majesty of their power.

It is also said in opposition to this bill that by passing it we assail and deny the rights of the States; that we abridge their sovereignty. If this were so I should regard it as a fatal objection to the bill. But we cannot determine a question like this by general declaration. We have right to inquire how it would violate the rights or abridge the sovereignty of any State. What particular right or power which now belongs to the States would be taken from them by this bill? We do not by it give power to interfere in any way with State commerce. The States may exercise every right and would remain in possession of every power after this bill should become a law which they now have. It simply proposes to do through Congress what the States cannot do, whether this bill shall be passed or not. While this bill proposes to correct great and manifest abuses by preventing unjust discriminations between shippers and by securing equality of terms to them, it imposes no unjust or even inconvenient burdens on common carriers. It does not attempt to fix freight rates, but only to require equality and fairness in them.

Another objection which has been made to this bill is that the greater portion of the railroads were chartered by the States, and that because of this the Federal Government cannot regulate the commerce which passes over them without an interference with State institutions, which it is insisted cannot be permitted. If this objection is well taken then a State may by its action in creating a corporation annul and render nugatory the provision of the Federal Constitution which authorizes Congress to regulate commerce among the States. Surely such an absurdity cannot be successfully insisted on to defeat a great necessary and beneficent act of legislation. The constitutional power of Congress over this subject is complete and exclusive, as shown by numerous decisions of the Supreme Court of the United States all along through the history of the Federal Government.

It is proper also that I should say that there is not a provision in this bill which is not in accordance with and sustained by the decisions of the Supreme Court of the United States. And I will refer briefly to some of the cases.

On the subject of the power of Congress to regulate interstate commerce, Mr. Chief-Justice Marshall said, in the case of *Ogden vs. Gibbons*, page 189 of the report, that—

The subject to be regulated is commerce; and our Constitution being, as was aptly said at the bar, one of enumeration and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word. The counsel of the appellee would limit it to traffic, to buying and selling or the interchange of commodities, and do not admit that it comprehends navigation. They would restrict a general term, applicable to many objects, to one of its significations. Commerce undoubtedly is traffic, but it is something more: it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

In what is known as the license cases, 5 Howard, 504, 599, Mr. Justice Catron, in speaking of the powers of Congress in this respect, says:

The power given to Congress is unrestricted, and broad as the subjects to which it relates; it extends to all lawful commerce with foreign nations, and, in the same terms, to all lawful commerce among the States; and "among" means between two only, as well as among more than two; if it was otherwise, then an intermediate State might interdict and obstruct the transportation of imports over it to a third State, and thereby impair the general power.

In the case of *Gibbons vs. Ogden*, page 227 of the report, Mr. Justice Johnson, speaking both of the extent and exclusiveness of the power, says that "the power to regulate commerce here meant to be granted was that power to regulate commerce which previously existed in the States;" that is before the adoption of the Constitution; and he says that the power "must be exclusive; and hence the grant of this power carries with it the whole subject, leaving nothing for the States to act upon."

And Chief-Justice Marshall, in the same case, page 196, says:

We are now arrived at the inquiry, what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

In the case of *Brown vs. Maryland*, 12 Wheaton, 419, 446, Chief-Justice Marshall says:

What, then, is the just extent of a power to regulate commerce with foreign nations, and among the several States?

This question was considered in the case of *Gibbons vs. Ogden*, 9 Wheat. Rep., 1, in which it was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution. The power is coextensive with the subject on which it acts, and cannot be stopped at the external boundary of a State, but must enter its interior.

In the case of the city of New York vs. Miln, 11 Peters, 102, 157, Mr. Justice Story says:

It has been argued that the power of Congress to regulate commerce is not exclusive, but concurrent with that of the States. If this were a new question in this court, wholly untouched by doctrine or decision, I should not hesitate to go into a full examination of all the grounds upon which concurrent authority is attempted to be maintained. But in point of fact the whole argument on this very question, as presented by the learned counsel on the present occasion, was presented by the learned counsel who argued the case of *Gibbons vs. Ogden*, 9 Wheaton R. 1; and it was then deliberately examined and deemed inadmissible by the court. Mr. Chief-Justice Marshall, with his accustomed accuracy and fullness of illustration, reviewed at that time the whole grounds of the controversy; and from that time to the present the question has been considered (as far as I know) to be at rest. The power given to Congress to regulate commerce with foreign nations, and among the States, has been deemed exclusive, from the nature and objects of the power and the necessary implications growing out of its exercise. Full power to regulate a particular subject implies the whole power and leaves no residuum; and a grant of the whole to one is incompatible with a grant to another of a part.

In the case of *Grover vs. Slaughter*, 15 Peters, 449, 511, Mr. Justice Baldwin says:

That the power of Congress "to regulate commerce among the several States" is exclusive of any interference by the States, has been, in my opinion, conclusively settled by the solemn opinions of this court in *Gibbons vs. Ogden*, 9 Wheat., 186, 222, and in *Brown vs. Maryland*, 12 Wheat., 438, 446. If these decisions are not to be taken as the established construction of this clause of the Constitution, I know of none which are not yet open to doubt; nor can there be any adjudications of this court which must be considered as authoritative upon any question, if these are not to be so on this.

In the case of *Corfield vs. Coryell*, 4 Washington Cir. C. R., 344, 378, as early as 1823, Mr. Justice Washington says:

Commerce with foreign nations, and among the several States, can mean nothing more than intercourse with those nations, and among those States, for the purposes of trade, to be the object of the trade what it may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States, or by a passage overland through the States, where such passage becomes necessary to the commercial intercourse between the States. It is this intercourse which Congress is invested with the power of regulating, and with which no State has a right to interfere.

Again, in the great case of *Gibbons vs. Ogden*, 9 Wheaton, 1, 229, Chief-Justice Marshall in 1824 says:

Commerce, in its amplest signification, means an exchange of goods; but in the advancement of society labor, transportation, intelligence, care, and various mediums of exchange, become commodities, and enter into commerce; the subject, the vehicle, the agent, and their various operations, become the objects of commercial regulation. Ship-building, the carrying trade, and propagation of seamen, are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce.

That such was the understanding of the framers of the Constitution is conspicuous from provisions contained in that instrument.

These cases, and very many others which might be cited, show conclusively that Congress has power, and the sole and exclusive power, to pass laws providing for equality in rates of freight to be paid by different owners of property, to be carried by railroads or other common carriers, in commerce between different States or with foreign nations; and to provide that such different owners shall have equal advantages and facilities as to the carriage of such property. And this is what it is proposed to do by this bill.

I desire also, in connection with the foregoing cases, to show from authority the power of Congress to enact the part of the fourth section of this bill, beginning at the seventh line of the section; that is, that Congress, while it has no power to regulate the internal trade of a State, has the power to regulate commerce between the different States or with foreign nations with reference to trade carried on in a single State; that Congress has power, for instance, to provide that freight charges on interstate commerce shall be no greater than charges for similar services performed as to property carried wholly within one State.

In the case of *Welton vs. The State of Missouri*, 1 Otto, 275, 280, the question arose as to the right of the State of Missouri to impose a license tax upon persons selling property not the produce of that State, when no such license was required from persons selling similar property the produce of the State. Mr. Justice Field, in pronouncing the opinion of the court, holding that to impose such a tax was in conflict with the power vested in Congress to regulate commerce, &c., says:

Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens or subjects of other countries, and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted. So far as some of these instruments are concerned, and some subjects which are local in their operation, it has been held that the States may provide regulations until Congress acts with reference to them; but where the subject to which the power applies is national in its character, or of such a nature as to admit of uniformity of regulation, the power is exclusive of all State authority.

It will not be denied that that portion of commerce with foreign countries and between the States which consists in transportation and exchange of commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

In the case of the State freight tax, 15 Wallace, 232, 275, the Supreme Court of the United States held as follows:

The transportation of freight or of the subjects of commerce is a constituent part of commerce itself. A tax upon freight transported from State to State is a regulation of commerce among the States.

Whenever subjects, in regard to which a power to regulate commerce is asserted, are in their nature national, or admit of one uniform system or plan of regulation, they are exclusively within the regulating control of Congress.

Transportation of passengers or merchandise through a State, or from one State to another, is of this nature.

Hence a statute of a State imposing a tax upon freight taken up within the State and carried out of it, or taken up without the State and brought within it, is repugnant to that provision of the Constitution of the United States which ordains that Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes.

The questions arose in respect to the power to thus tax railroad companies as well as other parties, and the decision is applicable, therefore, to the question of the means of transport as well as to the question of general power. Mr. Justice Strong, in pronouncing the opinion of the court, says:

Beyond all question the transportation of freight, or of the subjects of commerce for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution, when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State

was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer, or from the place of production to the market was not contemplated, for without that there could be no consummated trade, either with foreign nations or among States. In his work on the Constitution, Judge Story asserts that the sense in which the word "commerce" is used in that instrument includes not only traffic, but intercourse and navigation. And in the Passenger case it was said, "Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer, to gain the freight." Nor does it make any difference whether this interchange of commodities is by land or water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted.

And see *Erie Railway Company vs. Pennsylvania*, 15 Wallace, 282, holding the same doctrine, and reversing the cases of *The Commonwealth vs. The Erie Railway Company*, and other cases, 63 Pa., 280.

In the Granger cases (*Munn vs. Illinois*, 4 Otto, 113; *Chicago, Burlington and Quincy Railroad vs. Iowa*, 4 Otto, 155; *Peik vs. Chicago, &c., Railroad Company*, 4 Otto, 164; *Chicago, Milwaukee and Saint Paul Railroad Company vs. Ackley*, 4 Otto, 179; *Winona and Saint Peter Railway Company vs. Blake*, 4 Otto, 180) the nature and exclusiveness of the power of Congress to legislate as to rates of freight in interstate commerce is especially recognized and virtually established. The fundamental doctrine of the cases proceeds upon the idea that when the means by which freight or charges are earned are public in their nature it is within the power of the Legislature having control over the subjects to regulate and fix the rates of such freight and charges. Some of the subjects in those cases were under the legislative power of a single State. As it is above most clearly established, interstate commerce, its means, the property carried in it, and all things relating to it, are, in all the aspects here considered, under the supreme and exclusive power of Congress. If rates of freight and charges can be fixed by State Legislatures with respect to subjects under their power, *a fortiori* can they be regulated and made equal, by the supreme and exclusive power of Congress, as to subjects in this respect within its exclusive control. Indeed, this is directly recognized in the cases last referred to, and (as will be seen below) it is put beyond doubt that, should Congress act in regulation of rates of freight, &c., in interstate commerce, it would unquestionably have power to do so, and its power would be supreme and exclusive.

These cases settle these points, among others:

1. That "railroad companies are carriers for hire," that "they are engaged in a public employment affecting the public interest," and that, "unless protected by their charters, they are subject to legislative control as to their rates of fare and freight."

2. That where warehouses or railroads are used in an employment affecting public interests as to business "carried on exclusively within a State, she may, as a matter of domestic concern, prescribe regulations for them," notwithstanding such property is "used as an instrument by those engaged in interstate, as well as in State, commerce; and, until Congress acts in reference to their interstate relations such regulations can be enforced, even though they may indirectly operate upon commerce beyond her immediate jurisdiction." But "the court does not hold that a case may not arise in which it may be found that a State has, under the form of regulating her own affairs, encroached upon the exclusive domain of Congress in respect to interstate commerce."

And, as has been said, the cases recognize the whole subject as one properly of legislative regulation, and so far as relates to interstate commerce, as under the supreme and exclusive power of Congress, whenever Congress shall choose to exercise its undoubted power.

And see *Sherlock vs. Alling*, 3 Otto, 99.

II. Nor is there any doubt as to the power of Congress to exercise this power over railroads and the interstate commerce of which they form a means, whether the property be wholly or partly carried by one railroad.

1. This must appear from the cases last cited and under the general principles above referred to. But it directly and more conclusively, if possible, appears from the authorities about to be cited.

2. The power extends to railroads and the property carried upon them in interstate commerce, whether the property be carried in more than one State by one railroad or only in one State by one railroad if the part of the carriage be a part of one continuous interstate carriage.

That the power extends to one, and any such means of carriage, part of a continuous line of carriage, is expressly recognized in the Granger cases above referred to.

See especially *Chicago, Burlington and Quincy Railroad vs. Iowa*, 4 Otto., 155.

This is expressly held (to cite it again) in the case of *The State Freight-tax*, 15 Wallace, 232, 273. There the attempt, as the court held, was to tax the freight—the interstate business, in substance—and the law provided for such taxation where the property was carried by different but continuous lines. The continuity of the carriage, the substance of the carriage as being in interstate commerce, and the act of the carrier as being wholly or part of such interstate carriage were held by the court (see page 273 of the report) to be the substantial features which took the subject from without and placed it beyond State action, placed it under the supreme and exclusive power of Congress.

In the *Daniel Ball*, 10 Wallace, 557, the question arose as to the character of the Grand River, in Michigan, and whether a steamboat employed solely on that river was, in certain aspects, under the control of Congress. The case involved the precise question as to the character of a carriage performed within one State, and by one means, but part of a continuous interstate carriage. The court held as follows:

"The steamer in this case being employed in transporting goods on Grand River, within the State of Michigan, destined for other States, and goods brought from without the limits of Michigan and destined to places within that State, was engaged in commerce between the States, and however limited that commerce was, so far as it went subject to the legislation of Congress. She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced. The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely within one State and some acting through two or more States, does not affect the character of the transaction. To the extent to which each agency acts in that transportation, it is subject to the regulation of Congress."

And see the *Montello*, 11 Wallace, 411; *The General Cass*, 1 Brown's Ad. R. 334.

That the power extends to railroads is beyond question under express decision. In *Railroad Company vs. Richmond*, 19 Wallace, 584, the question was as to the effect of two certain acts of Congress, one authorizing railroad companies to receive compensation for certain property carried from one State to another, to connect with other roads so as to form continuous lines, &c., and one to maintain a bridge over the Mississippi, and lay tracks over such bridge, and for the more perfect connection of such roads by means of the bridge. The question was as to the effect of these laws upon a private contract between a railroad company and an individual. The acts were regarded as valid under the power of Congress to regulate commerce.

Mr. Justice Field, in delivering the opinion of the court, says:

"These acts were passed under the power vested in Congress to regulate commerce among the several States, and were designed to remove trammels upon transportation between different States, which had previously existed, and to pre-

vent the creation of such trammels in future, and to facilitate railway transportation by authorizing the construction of bridges over the navigable waters of the Mississippi. But they were intended to reach trammels interposed by State enactments or by existing laws of Congress. * * * The power to regulate commerce among the several States was vested in Congress in order to secure equality, and freedom in commercial intercourse against discriminating State legislation.

The more direct and perhaps stronger case, for it will be observed of course that the case last cited, as well as others before cited, relates to the power of Congress over railroads, is the case of *The Clinton Bridge*, 10 Wall., 454. The case arose in the circuit court of the United States for the district of Iowa. *Gray vs. The Clinton Bridge*, 1 Woolworth, 150; *S. C.*, 16 Am. L. Reg., 149.

The questions were with respect to an act of Congress of February 17, 1867, as to a bridge erected by a railroad company across the Mississippi River, at Clinton, in the State of Iowa. In commenting upon the act Mr. Justice Miller, of the Supreme Court of the United States, in deciding the case, says:

"The second of these objections involves consideration of the commercial clause, as it is appropriately called, of the Constitution.

"If the determination of the circumstances under which a bridge may be built over a navigable stream or the prescribing general rules on that subject is a regulation of commerce, either with foreign nations or among the States, then it falls within the powers conferred on Congress by that clause.

"It would be sufficient in this court to say that we are concluded on this question by the decision of the Supreme Court in that branch of the *Wheeling Bridge* case, already referred to, in 18 Howard, which expressly holds that the power to declare such a bridge a lawful structure is included within the clause of the Constitution above cited. That case was, however, decided by a court equally divided, and its authority has been much questioned.

"I think, however, that the proposition is well founded in principle. The power to regulate commerce is one of the most useful of all those confided to the Federal Government, and its exercise has done as much to create and to foster that community of interest which constitutes the strongest bond of nationality as the exercise of any other power belonging to the General Government. The want of this power was one of the strongest necessities which led to the formation of the Constitution. The clause has always received at the hands of the courts and of Congress a construction tending liberally to promote its beneficent object.

"The power to regulate commerce is a power to regulate the instruments of commerce. In the case of *Cooley vs. The Board of Wardens*, 12 Howard, 316, the court says that 'the power to regulate navigation is the power to prescribe rules in conformity with which navigation must be carried on. It extends to the persons who conduct it, as well as to the instruments used.' Navigation is here spoken of as one of the subjects of legislation included within the power to regulate commerce. In this view of the subject, Congress has passed statutes regulating steamboats, their construction, equipment, officers and crew, prescribing qualifications of pilots and engineers, limiting the number of passengers they may carry, and laying down the signals they shall use in passing each other, and, in short, has prescribed a minute code for building and navigating those vessels. The right to do this depends wholly upon the power vested in Congress to regulate commerce, and has never been disputed.

"Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water; and the power of Congress to regulate it is as ample in one case as in the other. The 'commerce among States' spoken of in the Constitution must at the time that instrument was adopted have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

"Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted, a means by which merchandise is transported across states and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has with great benefit been subjected to the control of salutary congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is therefore neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of great highways of our Union, transporting a commerce which embraces many States and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States; and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States, and to all the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

"For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it."

Upon the appeal of this case to the Supreme Court of the United States, the decision of the circuit court was affirmed. (*The Clinton bridge*, 10 Wall., 454, 462.) And Mr. Justice Nelson, in delivering the opinion of the Supreme Court, says:

"The act of Congress in the case of the *Wheeling bridge*, whose language it is sought to distinguish from that used in the present one, was more explicit but not more comprehensive. In the *Wheeling bridge* case the court had rendered a decree directing the obstruction to be removed by elevating the bridge, or, if not, by abatement. No doubt the existence of this decree, which was in the process of execution, led to the very specific terms of the act. But with all its particularity, it is not more comprehensive or decisive in legalizing the bridges than the one before us.

"The questions whether or not it was competent for Congress to interfere and legalize the bridge under the power to regulate commerce, and whether or not the act put an end to the pending suit, were questions examined and settled in the affirmative in the case already referred to. The reasons for the conclusions arrived at will be there found, and need not be repeated."

In the very late case of *The Hannibal and Saint Joseph Railroad Company vs. Husen*, (Chicago Legal News, February 2, 1878,) the subject has been again under consideration in the Supreme Court of the United States. The question was as to the power of a State to pass a law prohibiting the driving of cattle into the State of Missouri in certain months of the year, and it arose in the particular case with respect to the applicability of the statute to railroads. Mr. Justice Strong, in pronouncing the opinion of the court, says:

"It is a plain regulation of interstate commerce; a regulation extending to pro-

hibition. Whatever may be the power of a State over commerce that is completely internal, it can no more prohibit or regulate that which is interstate, than it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other, and is necessarily exclusive. That the transportation of property from one State to another is a branch of interstate commerce is undeniable. * * * The Missouri statute is a plain interference with such transportation. * * * But even the right of steamboat-owners and railroad companies to transport such property through the State is loaded by the law with onerous liabilities because of their agency in the transportation. * * * Transportation is essential to commerce, or rather it is commerce itself; and every obstacle to it, or burden laid upon it, by legislative authority, is regulation."

And the court holds that the statute is a "plain intrusion upon the exclusive domain of Congress," but, of course, recognizes as unquestionable the power of Congress, its exclusive and supreme power to pass such laws—all laws which are "regulations," under the broad definition it gives the word—definition broad enough to include the whole subject in its every detail—relating to railroads and all means of transportation used in interstate or foreign commerce.

And see *Hall vs. De Cuir* (Chicago Legal News, February 2, 1878) for another very late decision of the Supreme Court of the United States bearing on the whole subject. And see cases cited above.

It therefore must be regarded as decided beyond possibility of doubt that Congress has power to regulate interstate commerce, when carried on wholly or partly by one railroad or more, or by one railroad with any other method of carriage, and to regulate it by providing for equality of freights, and in other charges—that as to this subject its power is as supreme and exclusive as it is as to many other subjects over which its powers are supreme and exclusive, which it would serve no practical purpose, and would require much space, here fully to enumerate.

The power of Congress being thus established—it being established that such power is exclusive, supreme, not only in its scope, but in the conclusiveness with which Congress can determine as to the propriety, the expediency of any regulation within its power to adopt, and that it is within the power of Congress to regulate rates of freight and other charges in the carrying on of interstate or foreign commerce, it must follow, as a matter of necessary consequence, that it can provide that such rates and charges shall be no greater than rates per mile, or than other charges for similar services, performed at substantially the same time within one State. Congress would not thereby interfere with or regulate the purely internal trade of a State—something concededly, and as a matter of course, not within its power. It would thereby only regulate the interstate commerce, for instance—regulate it and provide for it—with reference to the trade of a single State and without touching the latter.

The general powers of Congress so conclusively established, to be as extensive as the whole subject, and therefore necessarily including its every detail, it must follow that its power to so regulate interstate or foreign commerce with reference to the trade of a single State cannot be doubted. And that power thus established, it of necessity follows that Congress may require the publication of such schedules (of course without exercising any power over the rates of carriage, &c., in the purely internal trade of one State) that such laws as it may pass within its power can be enforced. It is, of course, but a virtual repetition of the very language of the Constitution to say that Congress has power to pass all laws necessary to enable it to carry out its specified powers. (Constitution United States, art. I, sec. 8.)

Congress has power to pass such penal laws and to provide for such judicial action or proceedings in the Federal courts as to compel obedience to the powers it constitutionally exercises, and to afford remedy to those injured by the infraction of laws so passed. This is beyond question, nor would authority be cited to sustain it were it not that in *United States vs. Coombs*, 12 Peters, 72, 78, Mr. Justice Story, in delivering the opinion of the court, employs language which not only determines the precise point in view but covers the whole subject:

"The power to regulate commerce includes the power to regulate navigation as connected with the commerce with foreign nations and among the States. It was so held and decided by this court, after the most deliberate consideration, in the case of *Gibbons vs. Ogden* (9 Wheat., 189, 198.) It does not stop at the mere boundary-line of a State; nor is it confined to acts done on the water, or in the necessary course of the navigation thereof. It extends to such acts, done on land, which interfere with, obstruct, or prevent the due exercise of the power to regulate commerce and navigation with foreign nations and among the States. Any offense which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers."

In conclusion, it remains but to say, as can be said with that strength which belongs to propositions based upon constitutional power, in reason, in principle, and under the reiterated decisions of the Supreme Court of the United States, (for it will be observed that almost every authority above cited is the direct decision of that court,) that it is established with such certainty that to attempt its question would be but the puerility of cavil that Congress has supreme and exclusive power—a power broad as the subject, and therefore necessarily over all its details—to pass all laws which in its wisdom it may see fit to pass providing for equality of rates of freight upon property carried wholly or partly by railroad in interstate or foreign commerce, and to provide for equality in charges for services performed or about such commerce; to provide such punishment, such remedies, for infractions of such laws as it may see fit to provide; and for such action and proceedings in the Federal courts as may secure obedience to its power, and that justice may be done to the parties engaged in the commerce thus sought to be regulated.

In conclusion I have to say that the interests to be affected by this bill are very important and all-pervading; that the power of Congress to pass it cannot be successfully questioned; that the public opinion of the country, as well as the public welfare, requires that it should be passed; that both public opinion and the best interests of the country appeal to Congress to perform the great public duty of passing such a law as will protect the interests of the people as proposed by this bill, and at the same time impose no unnecessary burdens and place no embarrassing restrictions on the railroad and other transportation companies.

A law providing for the legal enforcement of the provisions of this bill would save many millions of money annually to the people, while nothing could more demoralize and debauch the merchants and shippers of the country than for them to feel that they are constantly subject to the arbitrary caprices and will and interests of the railroad and other transportation companies for the terms upon which they may carry on their business. And surely the time has at last come when such vast interests should be taken from the domain of arbitrary power and the exactions of monopolies and placed under the protection of just and wholesome legal regulations.

This bill is unlike any bill upon this subject ever before presented to Congress. It is unlike the bill of 1873 in this: it will be found upon examination that this bill defines what is interstate commerce; it leaves nothing to be guessed at. It then prescribes the necessary

regulations of that commerce, and so prescribes them as to protect the interests of the people without injuring the rights of transportation companies.

I have heard points presented in conversation which will doubtless be presented during the consideration of this bill, and it may perhaps be well for me to call attention to one or two of them. I have been told that that part of this bill which provides that a greater sum shall not be paid for a shorter than for a longer distance of transportation on the same line of carriage will prevent competition and act injuriously to the great trade centers. In reference to that point I desire to say that the argument must result from a failure to comprehend the character of the bill itself; otherwise such a presumption would not be made.

We do not propose to regulate the rates of freight. We do not say that rates of freight shall be high or shall be low. We only require them to be equal as to all shippers, and that a greater amount shall not be charged for a shorter than for a longer distance on the same line of transportation. The companies will have open to them the same fields of competition by raising or lowering the rates of freight that they have to-day.

It may be true that as between trade centers it may operate a change, and it is the object and one of the great objects of the bill to produce a change. To-day, or at least very recently, flour could be transported from Saint Louis or Chicago through the city of Pittsburgh to the city of Philadelphia cheaper than it could be transported from Pittsburgh to the city of Philadelphia. To do that the companies must transport through freight below the rates which will remunerate them and the local freight must pay for the difference. And this provision of the bill will do much to prevent disastrous railroad wars.

Mr. EDEN. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. EDEN. Is not that owing to the fact that Chicago and Saint Louis have the benefit of the competition of the lakes and of the Mississippi River?

Mr. REAGAN. That may be partly true, but it cannot be true in the winter when the lakes are frozen up; it may be true in the summer. It is so between Boston and Philadelphia, and in other places. The little town in which I live, in the State of Texas, is one through which a vast amount of produce from Saint Louis goes into Texas. We there pay \$90 a car-load for ordinary freight from Saint Louis. Yet the same freight will be carried by the same companies through our town two hundred miles beyond, to the city of Galveston, for only \$60 a car-load. And it will be carried from Saint Louis to Galveston and returned to our town for precisely the same rate that it will be transported from Saint Louis to our place.

I state this for the purpose of giving examples illustrative of the practice by these transportation companies everywhere all over the Union.

Mr. MAYHAM. Allow me to ask the gentleman a question.

Mr. REAGAN. Certainly.

Mr. MAYHAM. Take the Erie Railway of the State of New York, and the New York Central Railroad, chartered under the laws of the State of New York. Does this bill provide, or rather does it by its terms prohibit those companies, chartered under State laws, from regulating the amount of freight that they shall charge from any given point to another given point on the lines of those roads?

Mr. REAGAN. It does not prevent them from charging any rate of freight they see proper, provided they charge equal freights to all shippers.

Mr. MAYHAM. Suppose that a shipper from Lockport to New York is charged a greater or less rate than a shipment from Buffalo to New York?

Mr. REAGAN. Under this bill they are forbidden to do that.

Mr. MAYHAM. Then I would ask—

Mr. REAGAN. Does the gentleman speak of rates of freight between two places within a State?

Mr. MAYHAM. Yes.

Mr. REAGAN. This bill does not touch that subject at all; we expressly avoid it. We do not pretend to regulate rates of freight in a State, because we know we have not the right to do it. We only attempt to regulate the charges upon interstate commerce, commerce from one State to another or to a Territory, or to a foreign country, or from a foreign country to this country.

Mr. MAYHAM. Suppose you start from Cleveland and follow the Lake Shore road to Dunkirk, where you reach the State of New York and where there are two diverging lines, does not this bill compel the companies in the State of New York to charge as much for freight carried from Dunkirk as they would for the freight brought from the West?

Mr. REAGAN. I do not know the localities to which the gentleman refers, and therefore I cannot answer his question. But I will say to the gentleman that we do not in any way regulate the rates of freight in a State; we do not touch that subject in any possible way. In no way do we prescribe the rates of freight on interstate commerce; we only provide that the rates on interstate commerce shall be equal as between different shippers, and that a greater amount shall not be charged on such commerce for a shorter distance than for a longer distance on the same road. Then, we have one regulation which affects the rates of freight and which will be found in section 4 of the bill.

Mr. MAYHAM. One other question.

Mr. REAGAN. First let me refer to this point, because several gentlemen have asked the question whether the fourth section of the bill did not affect State freights. I say to them that if they will look at the bill they will find that it does not affect them. What the bill does is to require that a schedule of State freight rates shall be posted up, and that the charges upon interstate commerce shall not be at a greater rate per ton per mile than the State rates are.

That case is precisely within the decisions of the Supreme Court, in which it says that such a discrimination cannot lawfully be made. Hence, in framing this bill we follow specifically the decisions of the Supreme Court on this point.

Mr. MAYHAM. But is there a possibility under this bill of regulating the amount that may be charged in any State over a railroad organized and chartered in that State?

Mr. REAGAN. We do not concede that a State, by creating a corporation, can violate and overthrow the Constitution of the United States. We insist that the Constitution is the paramount law of the land, and that no State can violate the Constitution; that no corporation can be permitted to trample down the rights of the people without a legal remedy.

Mr. CRITTENDEN. Will the gentleman from Texas permit me to ask him a question which I think will be in the line of his argument, but before doing so let me read a letter I yesterday received from an intelligent gentleman in East Saint Louis:

The trunk lines from here have effected a combination under which they have pooled their earnings in live-stock transportation on a basis of certain percentages to each road, and under this arrangement certain individuals (some five or six) have guaranteed to them a drawback of \$15 per car not only on all stock shipped by them but on every car shipped by them out of Saint Louis to any terminal point east. The consequence is that the "eveners," as they are called, can form a ring any day in the market and regulate prices to suit themselves and no one outside of the favored ring can successfully compete with them in the purchase of stock. When those who are not in the favor of the roads come into the markets east they are liable to be slaughtered by the agents of the ring, as they have from \$1 to \$2 per head in cattle in their favor that if they desire they can sacrifice in order to break down any one who may dare to compete with them. The producer or feeder of cattle has no alternative when he seeks this market but to sell at whatever the ring may elect to pay on the day he may chance to be here. If cattle are plenty prices are depressed; if scarce, prices are put up to encourage liberal shipments by the farmers. The same system obtains at Chicago, and a few men are permitted by the co-operation of railroads to make fortunes out of the farmers, and against which they (the farmers) have no adequate remedy.

In my humble opinion this matter is of sufficient importance to claim your serious consideration as well as that of all other representatives of western interests, and I think I may with propriety say that it would be a very popular measure for every man who is the owner or producer of cattle and who is directly interested in the destruction of a monopoly that is so plainly detrimental to their interests.

I now ask the gentleman if the bill is to meet and cure such evils? They should be remedied at once as they are oppressive to the growers and feeders of cattle and are only in the interest of railroad rings, "eveners," and car combinations, and they should be broken up.

Mr. REAGAN. This bill will reach those evils specifically. One of its objects is to defeat that very abuse which was called to our attention by the oil interest during the Forty-fourth Congress, one of the largest interests in the country, which was smothered out, choked to death—which died in the hands of its legitimate owners through the efforts of a monopoly of that very kind combining with the railroads.

Mr. WOOD. Mr. Speaker, has not the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. WOOD. I move that the House resolve itself into Committee of the Whole.

Mr. MONROE. I ask unanimous consent that the time of the gentleman be extended for a little while. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. WHITE, of Pennsylvania. The gentleman from Texas wants only a few minutes. This is a question of general interest, and I hope there will be no objection. [Cries of "Regular order!"]

Mr. PAGE. I ask the gentleman from Texas whether he will not move to make this bill a special order, and take it out of the morning hour.

Mr. REAGAN. I will do so after the next morning hour. I desire to get it out of the way of other committees. I will consult with the friends of the measure and make that motion after the next morning hour.

TARIFF BILL.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. Wood] that the House resolve itself into Committee of the Whole.

The question being put,

The SPEAKER said: In the opinion of the Chair a majority have voted in the affirmative.

Several members called for a division.

Mr. CONGER. Pending that motion I move that the Committee of the Whole be instructed when they reach the tariff bill to report the same back to the House with an amendment striking out the enacting clause.

The SPEAKER. A vote has been taken on the motion to go into Committee of the Whole, but a further vote was asked by division.

Mr. CONGER. But before the question was put, I sought the attention of the Chair three times very loudly.

Mr. ALDRICH. A division has been called on the motion to go into Committee of the Whole.

Mr. CONGER. I demand that my motion shall be put.

The SPEAKER. The gentleman is not in order to make that motion. Mr. CONGER. Now, I ask the Chair whether I have not the right pending the motion to go into Committee of the Whole to make this motion; and, if I have, I demand that it shall be put.

The SPEAKER. The Chair thinks that such motion is unusual.

Mr. CONGER. I ask whether I have not the right to make the motion.

The SPEAKER. Will the gentleman point out where he gets the right?

Mr. CONGER. Well, sir, if I may be allowed to say so, the Chair, I think, has admitted the right to make such a motion while the motion to go into Committee of the Whole is pending. It has been the universal practice in the House, while a motion to go into Committee of the Whole was pending, to allow a motion.

Mr. WOOD. The gentleman is too late even if he had the right to make the motion; but he has no right except the right of assumption.

Mr. CONGER. I addressed the Chair loudly before the question was put.

The SPEAKER. Will the gentleman from Michigan point out where he derives the right, under the rule, to make this motion?

Mr. CONGER. I submit that it is in order to move to instruct the committee at any time. I certainly have the right to make a motion to instruct the Committee of the Whole.

Mr. SAYLER. I undertake to say that the motion of the gentleman from Michigan is one which was never made in the House before. The proposition to strike out the enacting clause of the bill is one which can only be made in the committee. If the committee chose to make that report to the House, then it is the duty of the House to act on that report, but it cannot be done in the manner suggested by the gentleman from Michigan. More than that, the bill is not before the House for amendment. It is in the committee for general discussion. The gentleman cannot have the floor for that purpose in committee or out of committee until the House has closed the general discussion on the bill.

Mr. CONGER. If the Chair pleases, the House may at any time instruct the committee. The only question is as to the time. The Chair yesterday agreed with me that pending a motion to go into committee to consider the subject the House may instruct the committee.

The SPEAKER. As to the time of debate. If the gentleman quotes an individual conversation he ought to quote it correctly.

Mr. CONGER. I only refer to that incidentally. Now, pending that motion to go into Committee of the Whole on the state of the Union, I move the committee be instructed to strike out the enacting clause, which will bring the whole subject before the House for consideration.

The SPEAKER. The motion of instruction would be if the bill was before the House. The bill is not before the House. On the contrary, the bill is in the Committee of the Whole on the state of the Union, passed there long ago, and is now under general discussion.

Mr. CONGER. Then, Mr. Speaker, I move that the Committee of the Whole be discharged from further consideration of the bill. That motion is in order.

Mr. WOOD. I call the gentleman to order. He is clearly out of order.

Mr. SPRINGER. On that motion I refer the Chair to Rule 104, which provides that the House may at any time, by a vote of a majority of the members present, provide for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered.

Mr. CONGER. There is no doubt about that.

The SPEAKER. There has been no action as yet on the bill.

Mr. SPRINGER. That is the point I desire to make.

Mr. CONGER. The bill has been discussed in the Committee of the Whole on the state of the Union, and I move that committee be discharged from further consideration of the bill.

The SPEAKER. The Chair does not entertain the motion, because Rule 104—

Mr. CONGER. Then I move that all further debate on the bill be limited to ten minutes.

Mr. WOOD. The gentleman from Michigan has not the floor for that purpose.

Mr. GARFIELD. I desire to make a suggestion. After having had a speech on this side of the House I do not think it fair and just when a response on the other side is about to be made we should try to cut off debate.

Mr. CONGER. The gentleman has voted that way all the while.

The SPEAKER. The Chair will entertain the motion to limit debate, as that is in order under the rules, if he states he rose for such purpose.

Mr. CONGER. The gentleman from Ohio is not opposed to going into Committee of the Whole on the state of the Union. He has voted for it every time.

Mr. O'NEILL. One speech has been made for the bill and one speech has been made against it. I do not suppose any member on this floor wants to strike at the opportunity of his fellow-members to make speeches. That is not it, Mr. Speaker; but there is a principle involved, and that is to relieve the country from the disquiet which exists every day this bill is before Congress. [Cries of "Order!"]

Mr. WOOD. I desire to say one word. I desire to know whether the majority which—

Mr. O'NEILL. Those are the only speeches I wish to make against it, to settle the matter one way or the other at once.

Mr. WOOD. Will this House cut off all debate before the committee has been heard on the subject?

Mr. O'NEILL. The whole subject is threadbare and worn out.

The SPEAKER. The gentleman from Pennsylvania should observe order.

Mr. O'NEILL. Yes, sir.

Mr. WOOD. The Committee of Ways and Means, composed of eleven members, have not yet had an opportunity to be heard on this subject; and, until every member of that committee who desires to speak for or against the bill has been heard, I shall resist any motion to limit debate.

Mr. O'NEILL. Does the gentleman mean to limit the debate to the members of the committee?

Mr. WOOD. I am not to be dictated to by you or any other member.

Mr. O'NEILL. The gentleman and his committee are not the House of Representatives, as he will soon see.

The SPEAKER. The gentleman from Pennsylvania is not recognized to interrupt.

Mr. O'NEILL. I know it, Mr. Speaker. [Great laughter.]

The SPEAKER. The gentleman from New York [Mr. WOOD] made a motion that the House resolve itself into Committee of the Whole on the state of the Union. The Chair submitted the question to the House, and there was a *viva voce* vote. The Chair decided that in his opinion a majority had voted in the affirmative, whereupon some member rose in his place, or I may say several members, and demanded a division. Subsequently thereto the gentleman from Michigan [Mr. CONGER] came down from his seat to the front and stated he had endeavored several times to have the attention of the Chair, so that he might make a motion to instruct the committee. The Chair thinks that is a correct statement of the course of the proceedings.

Mr. CONGER. With this addition, that I did address the Chair loudly enough to be heard—

The SPEAKER. The Chair will take the gentleman's word for it.

Mr. CONGER. Before there was any decision or any vote I addressed the Chair three times distinctly.

The SPEAKER. The Chair decides that a motion to instruct the committee is not in order. It is not provided for under the rule, and the gentleman from Michigan himself is unable to point to any rule which provides for so instructing the committee. The bill is now in Committee of the Whole, and went there long ago. The conjunction is not kept up.

Mr. CONGER. I will not appeal from the decision of the Chair. But I now move that all debate upon the bill be limited to ten minutes. And I call the attention of the Chair to page 199 of the Manual, where it is stated:

The proposition to close debate may be made at any time, taking precedence, even of a motion to go into Committee of the Whole.

The SPEAKER. Does the gentleman from Michigan maintain that he made a motion to limit debate prior to the division on the motion to go into Committee of the Whole being demanded? The Chair has taken the gentleman's word that he made a motion to instruct the committee and the Chair has ruled that motion out of order.

Mr. CONGER. Will the Chair hear me a moment?

The SPEAKER. Yes; for as many moments as the gentleman desires.

Mr. CONGER. I desire only a moment. Had the Chair recognized me at the time and had he ruled then upon my motion to instruct the committee as he has now ruled, then I would have had the right to follow it up with this motion.

The SPEAKER. If the gentleman from Michigan will assert now that he intended, if the motion to instruct was ruled out of order, as the Chair thinks it properly has been, to follow that up with a motion to limit general debate to ten minutes, the Chair will waive all intervening controversy, and will recognize the gentleman to make that motion.

Mr. CONGER. I assert I had three motions in the order in which I desired to submit them to the House, and this was one of them.

The SPEAKER. Upon the statement the gentleman has just made the Chair will submit his motion.

Mr. GARFIELD. I move to make the time two hours.

Mr. CONGER. I accept that amendment.

Mr. WOOD. If I am in order I move to amend by making the time one week. Until all the members of the committee are heard upon this question I shall resist any motion to limit debate.

Mr. BURCHARD. I am informed that the arrangement is that today the gentleman from Virginia [Mr. TUCKER] and the gentleman from North Carolina [Mr. ROBBINS] shall speak, the gentleman from Pennsylvania [Mr. KELLEY] intending to address the committee tomorrow. I hope there will be no motion that will cut off the gentleman from Pennsylvania.

Mr. ROBBINS. I desire to say one word.

Mr. GARFIELD. My understanding was that the gentleman from Virginia [Mr. TUCKER] should first have the floor and then the gentleman from Pennsylvania, [Mr. KELLEY].

Mr. ROBBINS. I desire to say that I have never addressed this House for one hour. I have not been absent from one of its sessions

nor missed a single vote. I think it would be ungracious to deny me this privilege.

Mr. WOOD. I withdraw my amendment.

The SPEAKER. The pending motion is to limit the debate to two hours.

Mr. BURCHARD. I demand the previous question.

The previous question was seconded.

The question was on ordering the main question.

Mr. BUTLER. I rise to a parliamentary inquiry. Does the previous question cut off the power of amendment from the bill?

The SPEAKER. Not from the bill, but from the motion.

The main question was ordered.

Mr. MILLS. I rise to a parliamentary question. I ask whether the previous question operates on the amendment of the gentleman from New York [Mr. WOOD].

The SPEAKER. The gentleman from New York [Mr. WOOD] has withdrawn his amendment. It operates on the motion to limit the debate to two hours.

Mr. WILSON. Would it be competent now to move to limit debate to two days?

The SPEAKER. It would not. The main question has been ordered.

Mr. CONGER. If it would be competent for me to do so I would accept an amendment making the time four hours.

The SPEAKER. That requires unanimous consent.

Several members objected.

Mr. WOOD. I object to any limitation.

Mr. FORT. I desire to make a parliamentary inquiry. If the motion limiting debate to two hours is voted down, will it not be in order to amend the original motion by making it four hours?

Mr. CONGER. That is pending now.

The SPEAKER. It is not. Unanimous consent was not given.

Mr. THOMPSON. I rise to a point of order. When the gentleman from Michigan made his motion for two hours the gentleman from Ohio [Mr. GARFIELD] moved to amend by making it four hours.

The SPEAKER. The gentleman from Ohio did not make that motion. That may have been uttered in a colloquy between gentlemen. The original motion of the gentleman from Michigan was not as stated by the gentleman from Pennsylvania. It was for ten minutes.

Mr. THOMPSON. Then there was a proposition to make the time two hours, which the gentleman from Michigan accepted. Pending that a motion was made by the gentleman from Ohio [Mr. GARFIELD] to make the time four hours.

The SPEAKER. Not till after the gentleman from Illinois had demanded the previous question.

Mr. THOMPSON. It was before that.

The SPEAKER. The Chair thinks otherwise.

Mr. THOMPSON. I know it was not otherwise.

The SPEAKER. The gentleman from Pennsylvania stated a moment ago that the motion of the gentleman from Michigan was to limit the debate to two hours, while his motion was to limit it to ten minutes. The RECORD will show whether the gentleman's memory is correct or not.

Mr. WHITE, of Pennsylvania. As I understand, the main question has been ordered on limiting the debate to two hours. Let us vote on that.

The question being taken, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. WHITE, of Pennsylvania. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 132, not voting 52; as follows:

YEAS—107.

Aldrich,	Dunnell,	Lathrop,	Ross,
Bacon,	Dwight,	Lindsey,	Ryan,
Baker, John H.	Eames,	Mackey,	Sampson,
Bayne,	Errett,	Maish,	Sapp,
Blair,	Evans, I. Newton	Marsh,	Shallenberger,
Boyd,	Evans, James L.	McGowan,	Sinnickson,
Brentano,	Fort,	McKinley,	Smith, A. Herr
Brewer,	Foster,	Metcalfe,	Stenger,
Bridges,	Freeman,	Mitchell,	Stewart,
Briggs,	Frye,	Monroe,	Stone, John W.
Browne,	Fuller,	Morse,	Stone, Joseph C.
Butler,	Gardner,	Neal,	Strait,
Camp,	Hanna,	Norcross,	Thompson,
Campbell,	Hardenbergh,	O'Neill,	Thornburgh,
Caswell,	Harmer,	Overton,	Tipton,
Claffin,	Harris, Benj. W.	Page,	Townsend, M. I.
Clark, Alvah A.	Haskell,	Patterson, G. W.	Turney,
Clark, Rush	Hayes,	Peddie,	Van Vorhes,
Cole,	Hendee,	Phillips,	Walsh,
Collins,	Hungerford,	Price,	Ward,
Conger,	Hunter,	Pugh,	Watson,
Crapo,	Ittner,	Randolph,	White, Harry
Cummings,	Jones, John S.	Reed,	Williams, C. G.
Cutler,	Joyce,	Reilly,	Williams, Richard
Danford,	Keightley,	Rice, William W.	Wren,
Davis, Horace	Killinger,	Roberts,	Wright.
Deering,	Lapham,	Robinson, G. L.	

NAYS—132.

Acklen,	Bell,	Boone,	Burchard,
Aiken,	Benedict,	Bouck,	Cabell,
Atkins,	Bicknell,	Bright,	Cain,
Banks,	Blackburn,	Brogden,	Caldwell, John W.
Banning,	Bland,	Buckner,	Caldwell, W. P.
Beebe,	Blount,	Bundy,	Calkins,

Candler,	Garth,	Kenna,	Smalls,
Chalmers,	Gause,	Kimmel,	Smith, William E.
Clark of Missouri,	Gibson,	Knapp,	Southard,
Clarke of Kentucky,	Giddings,	Knot,	Sparks,
Cobb,	Glover,	Landers,	Springer,
Cook,	Goode,	Ligon,	Steele,
Covert,	Gunter,	Lynde,	Stephens,
Cox, Jacob D.	Hamilton,	Martin,	Swann,
Cox, Samuel S.	Harris, Henry R.	Mayham,	Throckmorton,
Cravens,	Harris, John T.	McCook,	Townshend, R. W.
Crittenden,	Harrison,	McKenzie,	Tucker,
Culberson,	Hartridge,	McMahon,	Turner,
Davis, Joseph J.	Hartzell,	Morrison,	Vance,
Dean,	Hatcher,	Muldrow,	Waddell,
Dibrell,	Hazelton,	Muller,	Walker,
Dickey,	Henderson,	Oliver,	Warner,
Durham,	Henkle,	Patterson, T. M.	Whitthorne,
Eden,	Henry,	Phelps,	Wigginton,
Eickhoff,	Herbert,	Pridemore,	Williams, A. S.
Elam,	Hewitt, Abram S.	Rea,	Williams, James
Ellis,	Hewitt, G. W.	Reagan,	Williams, Jere N.
Evins, John H.	Hooker,	Riddle,	Willis, Albert S.
Ewing,	House,	Robbins,	Willis, Benj. A.
Felton,	Hunton,	Robertson,	Wilson,
Finley,	Jones, James T.	Sayler,	Wood,
Forney,	Jorgensen,	Shelley,	Yeates,
Franklin,	Kelley,	Slemons,	Young.

NOT VOTING—52.

Bagley,	Douglas,	Loring,	Robinson, M. S.
Baker, William H.	Ellsworth,	Luttrell,	Scales,
Ballou,	Garfield,	Manning,	Schleicher,
Bisbee,	Hale,	Mills,	Sexton,
Bliss,	Hart,	Money,	Singleton,
Bragg,	Hiscock,	Morgan,	Starin,
Burdick,	Hubbell,	Pollard,	Townsend, Amos
Cannon,	Humphrey,	Potter,	Veeder,
Carlisle,	James,	Pound,	Wait,
Chittenden,	Jones, Frank	Powers,	Welch,
Clymer,	Keifer,	Quinn,	White, Michael D.
Davidson,	Ketcham,	Rainey,	Williams, Andrew
Denison,	Lockwood,	Rice, Americus V.	Willits.

So the motion of Mr. CONGER was not agreed to.

During the roll-call the following announcements were made:

Mr. LÖCKWOOD. I desire to announce that I am paired with my colleague, Mr. HISCOCK.

Mr. SCALES. I desire to state that upon this question I am paired with Mr. ROBINSON, of Indiana.

Mr. MILLS. I desire to say that I am paired with Mr. HALE. If he were present, I should vote "no."

Mr. BRAGG. I desire to say that upon all questions touching the tariff I am paired with my colleague, Mr. POUND, who is absent by leave of the House.

Mr. CARLISLE. I am paired with Mr. POWERS, of Maine. If he were present, he would vote "ay" and I should vote "no."

Mr. SOUTHARD. I desire to announce that my colleague, Mr. RICE, is paired with my other colleague, Mr. KEIFER.

Mr. DAVIDSON. I desire to say that I am paired with my colleague, Mr. BISBEE. If he were present, he would vote "ay" and I should vote "no."

Mr. COLE. I desire to announce that my colleague, Mr. MORGAN, is paired with Mr. JAMES upon the tariff question.

Mr. CANNON, of Illinois. Upon this question I am paired with Mr. CLYMER, of Pennsylvania. If he were present, I should vote "no" and he would vote "ay."

Mr. CAMP. I wish to announce that my colleague, Mr. BAKER, is paired upon this question with my colleague, Mr. QUINN. If he were present, my colleague, Mr. BAKER, would vote "ay."

Mr. HARRIS, of Massachusetts. I desire to state that Mr. JONES, of New Hampshire, is paired with Mr. BAGLEY, of New York. If Mr. JONES were present, he would vote "no" and Mr. BAGLEY would vote "ay."

Mr. WILLIAMS, of New York. I desire to state that I am paired upon this question with Mr. MONEY, of Mississippi. If he were present, I should vote "ay."

Mr. HUBBELL. I am paired with Mr. BLISS, of New York. If he were present, I should vote "ay" and he would vote "no."

Mr. BURDICK. I am paired with the gentleman from Mississippi, Mr. MANNING. I am informed that, if present, he would vote "no" and I should vote "ay."

Mr. STONE, of Michigan. My colleague, Mr. ELLSWORTH, is absent by reason of sickness, and I desire to state that my colleague, Mr. WILLITS, is paired with Mr. POTTER. If Mr. WILLITS were present, he would vote "ay."

Mr. PAGE. I desire to announce that my colleague, Mr. LUTTRELL, is paired with Mr. DENISON, of Vermont.

The result of the vote was then announced as above stated.

Mr. WOOD. I demand the previous question upon my motion.

Mr. BUTLER. Before that question is put, I ask the gentleman from New York if we cannot make some arrangement as to the limit of debate; say to three hours, or four hours, or five hours?

Mr. WOOD. The gentleman from Massachusetts is an old member of the House, and he must know that on a bill of this character, so important, where so many gentlemen desire to be heard, at this early stage of the discussion and when but two speeches have been made, it is impossible to fix a time when debate shall be closed. I would say, however, that at the earliest practicable moment I propose to move to proceed to the consideration of the bill, and to ask the House

to consider the question whether they will act upon the bill at this session or not. But until the debate has proceeded to such a condition that gentlemen on the other side of the House are better informed upon the subject than they seem to be now, I shall not consent to any limit to debate.

Mr. BUTLER. That will never be.

Mr. KELLEY. I ask leave to say a few words upon this subject.

The SPEAKER. Debate is hardly in order.

Mr. KELLEY. I ask unanimous consent to say a few words. This question is one of vital importance to the country and to the people. It touches the sources of revenue and the various industries of the country.

Mr. WOOD. I hope the gentleman will confine himself to the point of closing debate.

Mr. KELLEY. I will confine myself to that question. The bill deserves discussion and has received the consideration of very many gentlemen on this floor. It is fitting that those who were charged by the House with the consideration of so grave and far-reaching a question should have an opportunity of stating the reasons that have influenced them and of presenting their views to the House. I have voted against my colleagues and against my party friends—

Mr. CONGER. I object to the gentleman excusing himself here.

Mr. KELLEY. I have nothing to excuse myself for. I could not be driven into playing the part of a blackguard and perpetrating a gross indecency upon the Committee of Ways and Means by my colleagues on that committee or any other gentlemen on this floor. [Applause.] Having abstained from pursuing that course needs neither excuse nor defense.

The SPEAKER. This debate is hardly in order.

Mr. O'NEILL. If this debate goes on I propose to say a word.

The SPEAKER. The question is upon seconding the previous question.

Mr. O'NEILL. I ask the gentleman from New York [Mr. WOOD] to permit me to say a few words.

Mr. WOOD. I cannot yield now.

Mr. O'NEILL. I simply wish to ask the gentleman whether, in view of what has been said, he will at the proper time give an opportunity to a member opposed to this bill to move to strike out the enacting clause? [Cries of "Order!" "Order!"]

Mr. WOOD. I object to debate.

The SPEAKER. Debate is not in order.

The previous question was then seconded and the main question ordered; and under the operation thereof the motion of Mr. WOOD was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SAYLER in the chair.

REVISION OF THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, upon which the gentleman from Virginia [Mr. TUCKER] is entitled to the floor.

Mr. TUCKER addressed the committee. [His remarks will appear in the Appendix.]

Mr. ROBBINS. Mr. Chairman, a wise and just system of revenue must fulfill two conditions and have two grand aims. First, it must raise that amount of money which is necessary for the purposes of the Government. And secondly, it must do so by imposing the lightest possible taxes upon the people. To neglect the first is improvidence; to neglect the latter is extortion; to accomplish both is the perfection of statesmanship.

The first inquiry, Mr. Chairman, in the investigation of this subject is how much revenue do we need? To answer that, we must look into the purposes for which revenue is needed. One of these is to sustain the public credit and meet the obligations of the public debt. The debt of the United States is a great burden upon the American people; but it is a burden which must be manfully and honestly borne and discharged in a manner worthy of a great and honorable nationality. If there be, as I trust there are not, any of our statesmen or public men who are in favor of its repudiation, I must declare that my sympathies are not with them.

The State and section from which I come, it is true, were on the other side in the great conflict out of which most of this debt arose, and the Government contracted it in providing means to overthrow the cause for which I and my constituents fought. But that conflict is now over, and we are all again citizens of a common country and under a common Government, and I recognize the fact that the obligations of this common Government are binding upon us every one. I take great pride and pleasure in assuring this House and the country that the South in coming back to resume her place in the Union has brought with her that high sense of honor which was always one of her characteristics, and that the faith and credit and good name of the United States will never suffer by any dereliction on her part.

Those who fear southern influence in the public councils can rest easy on that point. The people of the whole country I believe mean to pay the debt honestly. Our creditors must be content to take their pay in the money "nominated in the bond," and not in a dearer medium; but nevertheless the debt must be paid honestly according to the terms of the contract; and those who seek to break the public promises by repudiation, and those who seek to give them a strained

construction in favor of grasping bondholders, are equally to be resisted.

I make these preliminary observations concerning the inviolability of the public faith that no one may misunderstand the spirit in which gentlemen from my section of the country approach the discussion of questions pertaining to the public debt and the revenue. But the *onus* of paying the principal of the public debt or any large portion thereof ought not to fall upon the present generation. The losses and the sacrifices which the people of all the States have had to suffer by reason of the unfortunate conflict out of which the debt mainly arose have borne so heavily on the industrial and pecuniary resources of the whole Republic that time ought to be allowed for general recuperation before we are called upon to shoulder the load of paying off the debt itself. We are growing rapidly in numbers and in development.

In the life-time of those even who will remember the great sectional war our country will be magnificent and unexampled in wealth and be the home of a hundred millions of prosperous and happy citizens. A burden which would crush us now will be but a trifle then. We have been paying off the debt too fast. On the 1st of July, 1866, the outstanding principal of the debt was, in round numbers, \$2,773,000,000, according to the Treasury reports. On the 1st of this present month of May, 1878, it was reduced to \$2,203,000,000, without deducting the cash in the Treasury, so that in less than twelve years we have paid off \$570,000,000 of the principal of the debt, or more than one-fifth of the whole of it.

Now, Mr. Chairman, I think this is unwise financing. The world has faith in our solvency. The money-lenders of the world are willing to take our bonds at a low rate of interest as a good investment. Our bonds which have a long time to run bring more in the market than those which fall due to-morrow. Our material interests and industries, on the contrary, are languishing and paralyzed for the want of available capital and ready cash with which to carry on business. Wherein is the wisdom of taxing the people and drawing from them their limited supply of money in order to pay a debt that our creditors do not want us to pay, but which they prefer to hold as an investment on long time? What we need to do, Mr. Chairman, is to fund the debt at a low rate of interest and pay that interest punctually, giving the world assurance of our purpose in good faith to discharge our obligations; and then we may choose our own time for paying the principal of the debt.

We have now paid \$240,000,000 more of it than was required by the law creating the sinking fund. I submit that as the first logical and obvious step toward lightening the people's burdens we should suspend the operation of that law for some years, as recommended by the Committee of Ways and Means, and cease at present to tax the people for the maintenance of the sinking fund. We only need revenue, then, for two things, to wit, for the ordinary expenses of the Government and for paying interest on the public debt. How much do we need for these purposes? In the last annual report of the Secretary of the Treasury he estimates that \$140,000,000 is enough to meet the expenses of the Government for the next year, (apart from interest and the sinking fund,) and that the aggregate of the appropriations can be brought within the limit of these figures "without crippling any branch of the public service."

He says, also, that next year he will require but \$93,000,000 to pay the interest on the public debt. Add the \$93,000,000 to the \$140,000,000 and you have \$233,000,000 as the amount of revenue that is really needed for the next fiscal year, and with interest diminishing by funding the debt at lower rates and the expenses of the Government curtailed if we will by retrenchment in all Departments, we have no reason to anticipate higher estimates for many years to come. There is room, therefore, for a reduction in the revenues and in taxation; and this latter, after all, ought to be a prime object in all modifications of the laws on the subject of revenue. What boots it if we change our revenue legislation unless we ameliorate the burdens of the people?

How much are the receipts of the Government at present? During the fiscal year ending June 30, 1877, the receipts from customs duties were \$130,956,000; from internal revenue, \$118,630,000; from miscellaneous sources, about \$20,000,000; making in all \$269,000,000, in round numbers. And yet the last was not a prosperous year. The hard times and exorbitant tariff duties have caused imports to fall off steadily since 1872. In that year the customs duties amounted to \$216,000,000. In 1877 they were only \$130,956,000, as I have already stated. So that in six years they decreased more than \$85,000,000. This, by the way, is an overwhelming argument against the existing tariff. The receipts from internal revenue, it is true, have somewhat increased, but not nearly so much as they would have done if business had been more prosperous and the internal taxes less onerous, so as not to oppress the great agricultural interests from which they are, by a most unwise policy, principally derived. But even with all disadvantages the receipts for the last fiscal year were \$36,000,000 more than are needed for the next year, apart from the sinking fund.

From the Treasury reports and other sources of information we have assurance of the fact that even under the existing ill-adjusted system of revenue, the receipts of the Treasury have now about touched their minimum. The revival of business may be so gradual as scarcely to be perceived, but it is none the less sure and encouraging. Both our imports and exports are increasing.

The Secretary of the Treasury in his latest statement of the con-

dition of the Treasury gives the imports for the twelve months ending March 31, 1877, as \$423,000,000, and for the twelve months ending March 31, 1878, as \$465,000,000, an increase of \$42,000,000, or about 10 per cent. in one year. He gives the exports for the same periods as \$597,000,000 and \$665,000,000, respectively, an increase of \$68,000,000, or over 11 per cent. His report of receipts from customs for the quarter ending September 30, 1877, is nearly \$37,000,000, largely over one-fourth of the amount received from this source during the last year. His estimates for the other three quarters of the current fiscal year are lower in ratio than for the first quarter, but the total comes up to within a trifle of the figures of last year. His estimates of receipts from internal revenue and miscellaneous sources likewise fall but little below those of last year. Certainly the Secretary is not disposed to make overestimates just now, for he opposes our measures of revenue reform and would naturally discourage them by unfavorable figures. It is fair to presume that the revenues of the current year will be at least as large as he conjectures.

This remark is corroborated by what he gives as the estimates for the next year. For the fiscal year ending June 30, 1879, he estimates the receipts from customs at \$133,000,000; from internal revenue, at \$120,000,000; and from other sources, at \$16,000,000; making a total of \$269,000,000, which is equal to the receipts of the last fiscal year; and I have shown that to be \$36,000,000 above what we need to carry on the Government and pay interest.

The proposition may therefore be stated with emphasis, repeated, reiterated, that we are now secure of an annual revenue of thirty-six millions beyond the real needs of the Government. This revenue has touched its lowest figures in the aggregate even under present laws and will likely grow to a greater excess. The corollary to all this is that it is our bounden duty to reduce taxes.

But Mr. Chairman, if it is our duty to reduce existing taxes because the revenue they produce is not needed, how much more is it our duty to take off taxes which do not produce revenue to the Treasury, which were never designed for that purpose, but the sole object and effect of which are to wring money from the people and give it to certain favored classes and interests—to take it from the poor and give it to the rich—to take it from the laborer and give it to the capitalist and the monopolist. Let *doctrinaires* disguise it how they will, this is what a so-called protective tariff really means.

It is not my purpose to indulge in hard words while speaking on this point, for I know that no good cause is advanced by violence of temper or language on the part of its advocates. Nevertheless it is difficult to restrain one's indignation and to maintain becoming moderation in discussing the great wrong to which I now allude; and I am not sure but that the just wrath of oppressed multitudes ought to find voice in this forum in such blasting and withering terms of denunciation of this system of legalized robbery as would compel its apologists to hide their faces for shame.

Under the existing tariff about one-half of all the dutiable articles, on most of which high duties are laid, yield almost no revenue at all. For instance, saws of all kinds did not furnish a revenue of more than \$220 last year, and yet the duty on them ranged from 20 to 50 per cent. Cut-nails and spikes, at a duty of more than 46 per cent., only furnished \$29.06 revenue. Cut-tacks, brads, and sprigs, at a duty of 34½ to 44½ per cent., paid in a revenue of \$27.40. Cast-butts and hinges, at a duty of 24½ per cent., paid the enormous amount of \$4.16. One class of cotton jeans, denims, drillings, &c., paid \$63.38; another paid \$17.25; another paid \$229; another \$361; another \$84; another \$146, while the duty on all these ranged from 33 to 109 per cent. I might go on and fill pages with examples equally striking. Eight or nine hundred articles only pay a revenue of about one-third of a million dollars. How is this? Simply that these articles are virtually prohibited from importation by the high duties imposed. What is the purpose of it? Solely to exclude such articles from coming into our markets to compete with home productions having similar uses. What is the effect? Why, plainly it gives the manufacturers of these home products exclusive control of our markets and enables them to exact from every buyer and consumer in the United States a proportionally higher price for the same. A heavy contribution is thus levied upon the entire class of consumers, and these constitute an overwhelming majority of the people, and yet hardly a dollar of this sum finds its way into the Treasury, but nearly all of it goes into the pockets of those who are growing rich by preying upon their fellow-citizens.

The same principle holds true in a greater or less degree with regard to every article and commodity on which a protective duty is laid. In many cases the duty, while not absolutely prohibitory, is so high as to check importation and reduce the revenue far below what it otherwise would be. For instance, the revenue received on iron and steel and the manufactures thereof in 1872 was \$21,922,127, but has been regularly falling off, until in 1877 it was only \$3,765,846. We have become exporters of this product ourselves, and yet the iron men are clamorous for the continuance of the present high duties, which not only keep up prices to American consumers but will soon destroy the last vestige of revenue from this source.

The wrong which is done to the consuming classes of the people by protective duties on imports will startle any man who looks into the subject and finds how small an amount of revenue from many important articles goes into the Treasury and how large an amount is added to the prices which the people must pay for these articles by reason of the duties on them.

Statistics are dry things and I do not wish to encumber my remarks with too many of them. Nor is this necessary to enforce the point which I am now presenting. A single illustration will suffice. *Ex uno discere omnes.* Let us examine the statistics upon the subject embraced in the first schedule of the tariff law, the schedule relating to cotton manufactures. I take this schedule because it stands first and will serve my purpose well enough.

The value of all imports of cotton manufactures last year, according to the report of the Bureau of Statistics, was \$18,923,654. The total revenue derived from the duties thereon was \$6,554,826. I wish, just here, to call attention incidentally to the fact that the revenue from this source in 1872 was \$12,306,215, showing that there has been a falling off in this particular, under the present high rates of duty, of nearly one-half, another proof of the unwisdom of the present tariff. The average duty imposed on the various items in this cotton schedule is over 53 per cent. ad valorem, and on many of the items the duty is practically prohibitory.

On those classes of cotton manufactures which yield any considerable revenue to the Government the average rate of duty is about 35 per cent., as is proven by dividing the total of receipts by the total of importations.

By the census of 1870 the value of the cotton manufactures produced in this country for the preceding year amounted to \$177,489,739. Notwithstanding all the talk of hard times the quantity produced is much larger now. To show how much the increase has been, I refer to a table found on page 255 of a valuable work, which I hold in my hand, by William B. Dana, entitled *Cotton from Seed to Loom*, just issued from the press, and another table found on page 263 of the same work. It is there shown that the quantity of cotton used by American manufacturers in 1869 in making the product given in the census report of 1870 was 922,359 bales; that the quantity annually used since has been regularly increasing until it amounted in 1877 to 1,435,418 bales; which is 513,059 bales, or more than 55 per cent. of raw cotton now annually used by American manufacturers above what they used in 1870. It is true that the price of raw cotton has fallen in just about the same proportion that the quantity used has increased, and the fact deserves notice that our cotton manufacturers actually pay no more money for raw material now than they did in 1870, though they use so much more of it, and make and sell a much larger quantity of manufactures.

For the purpose of my argument I will therefore concede that the aggregate value of our home cotton manufactures stands at the same figures as in 1870, that is \$177,489,739. Out of this we exported last year an amount valued at \$10,180,984. (See page 257 of Dana's work aforesaid.) All the remainder of our manufactured cottons is bought and consumed by our own people. The New York *Financial Chronicle* of a recent date says:

The past year * * * our spinners * * * have manufactured goods in increased quantities and sold them all.

Excluding the quantity exported, they have sold to our own people products to the value of \$167,308,755. Besides this we imported cottons to the value of \$18,923,654, as I have before stated. Add these two amounts together and you have \$186,232,409, which represents the total value of manufactures of cotton consumed by the American people last year.

It is a problem which has been much discussed, and never solved with perfect accuracy, as to how much the price of any article is increased by the customs duty levied upon similar articles imported. Certain transcendental theorists, some of whom may yet be left in the land and even in this House, maintain that by laying high protective duties on commodities you actually lower their price. The only worthy reply to such a proposition is the conundrum, (not original with myself,) "How high must the duty be laid on an article to enable us to buy it for nothing?"

One thing is plain: protection is a fallacy if it does not protect. How does it protect? The only way by which it can protect the home producer or manufacturer is by enabling him to demand and secure an increased price for his product. What percentage of increased price is he thus enabled to exact? I answer, very nearly the same as that of the customs duty imposed on similar articles by the tariff. For it is manifest that the importer who pays the duty on any commodity will add that much to the price of what he imports and sells here in this country. The fact that any article is imported and sold here at all is sufficient proof that the home manufacturer of the same article does not exclude the importer from our market by underselling him. Therefore, the price of the home product is regulated by that of the foreign import.

But some allowance must certainly be made for competition. The imported article and the home product compete with one another in the market, and the effect of that undoubtedly is to cut down the price of both a little. But the importation of cottons is only \$18,000,000, and the home product sold in this country is \$167,000,000. Therefore the effect of the competition of the foreign importations brought here in cutting down the price of the home product can be but a small percentage, as I think every fair-minded man will admit.

Mr. KELLEY. Will the gentleman pardon me a question or two?

Mr. ROBBINS. Certainly.

Mr. KELLEY. Is it not true as a general proposition that he who is compelled to seek a market must take the market rate, while he whose products are sought may fix his own price?

Mr. ROBBINS. He who has anything to sell can sell it higher by

preventing everybody else from going to the market to sell like things.

Mr. KELLEY. That is not an answer to my question; it is rather an evasion. The question was a simple and direct one.

Mr. ROBBINS. Put it again.

Mr. KELLEY. Does not he who is compelled to carry his goods to a market have to accept the market price?

Mr. ROBBINS. Yes, sir.

Mr. KELLEY. And may not he whose goods are sought by purchasers fix his own price? There is a great deal in that question.

Mr. ROBBINS.

Mr. ROBBINS. Yes, I have no doubt there is; and I have no doubt we shall hear it elaborately discussed by the gentleman to-morrow morning, and I shall listen to him with great pleasure, as I always do. But that question is an abstraction which I have not time to go into.

Mr. KELLEY. Oh, no; it is not an abstraction.

Mr. ROBBINS. It is entirely out of the current of my present argument. I might and probably would answer both questions in the affirmative; but I say *non sequitur* as to what the gentleman might consider the logical sequence, because with all his wisdom I have often thought that he entertained many vagaries on this subject and he lives in a land which grows rich by making other States contribute to its wealth. It is very easy to see things the way that our interest points. It appears to me that as the foreign importer comes here with cotton manufactures and sells them, the home producer gets as high a price as the importer; but the importer when he brings his articles here, being required to pay 35 per cent. duty, must add this to the prime cost before he offers the goods in the market. This 35 per cent. becomes a part of the price which the consumer here must pay, and besides this the importer sells at a profit in this country, otherwise eighteen million dollars' worth of foreign products would not come here.

The home producers of course do not undersell the importer or they would exclude him; so the home producers get as high a price as the importer; and that, allowing for the competition of which I spoke, is about 30 per cent. more than what we would have to pay if we could buy in the world's free marts. Robert J. Walker, in discussing this question in 1846, said that while it was not easy to tell exactly the percentage it was quite sure that, upon an average, two-thirds of the duty was added to the price of imported articles sold in this country.

This being true generally with regard to the whole range of articles, it is fair to say with regard to the class of which I am now speaking, of which the importation does not bear a proportion of much more than one-ninth to the home product, that the competition is not sufficient to reduce the 35 per cent. below 30. I state, therefore, the proposition that every man who buys cotton manufactures in this country pays 30 per cent. more than he would have to pay if there were no protective tariff—no check on foreign competition in the market. How much is sold? One hundred and sixty-seven million three hundred and eight thousand seven hundred and fifty-five dollars' worth of home products and eighteen million nine hundred and twenty-three thousand six hundred and fifty-four dollars' worth of importations, making one hundred and eighty-six million two hundred and thirty-two thousand four hundred and nine dollars' worth sold in this country and consumed by our people; 30 per cent. of this is the amount paid in the shape of increased prices by the purchaser and consumer. How much is 30 per cent. of \$186,232,409? Fifty-five million eight hundred and sixty-nine thousand seven hundred and twenty-two dollars. This is the sum which the American people are taxed annually on cotton manufactures. How much of this goes into the Treasury? Here are the figures from Secretary Sherman's report: \$6,554,826. The remainder, \$49,314,896, is a bounty paid by the masses of the consumers to the cotton manufacturers. In other words, out of every \$9 paid by the people \$1 goes into the Treasury, and \$8 go into the hands of the greedy protectionists who shriek ruin whenever we talk of withholding from them this enormous tribute.

If I had time or deemed it necessary I might take up the subjects embraced in other schedules of the tariff, and show still more fully how oppressive to the masses of the people is the operation of the protective principle. The sugar schedule, about which, strange to say, there is a great deal of clamor, is constructed more nearly upon the revenue basis than any other schedule in the tariff law. There are 200,000,000 pounds of sugar produced in this country, and the duty averages about 24 cents a pound. Make the calculation for yourselves, gentlemen, and you find that this gives only \$5,000,000 bounty paid to the sugar-planters of the United States. How much revenue goes into the Treasury from sugar? Thirty-seven million eighty-six thousand nine hundred and ninety-two dollars. In other words, we pay on sugar a bounty of \$5,000,000, and we get a revenue of \$37,000,000. On cottons we pay a bounty of \$49,000,000, and get a revenue of \$3,500,000. On iron and steel, and manufactures thereof, we pay to the home producers a bounty of who can tell how many millions? and the Treasury receives from them only \$3,765,846. The schedule of wools and woolens shows also a large bounty in proportion to the revenue received by the Treasury.

What is the use of adding words to these figures? The enormous wrong which they exhibit could not be worthily portrayed by any terms which the English tongue supplies. The people of this coun-

try have been deceived by ingenious sophisms on this question for a great while; but they are waking up; they are becoming better enlightened. I tell gentlemen that these wrongs must be righted. These great outrages will be stopped by the oppressed people of this country, even if they have to revolutionize politics, tear down parties, and reorganize them anew.

The bill reported by our committee falls far short of realizing my ideas of what a tariff law ought to be; but I support it heartily because it is the best we can now get and because it is much better than the law as it now exists. Believing in a tariff for revenue only, we have nevertheless been very tender with the protected interests. True statesmanship never forgets to be conservative. Nature is conservative. Night does not turn to day, nor winter to summer, without an interval. We have recognized this principle in our work. We have recognized the fact that the protected interests were like hot-house plants, and that it would be cruel to take them up and set them out in the open air at once. So we have only transferred them into an apartment of a slightly lower temperature; and by degrees we hope to accustom them to live outdoors.

The average reduction we have made in the duties does not exceed one-fourth to one-sixth of the present rates. Just think of it. As oppressive as the tariff now is, we have cut down the duties only one-fourth or one-sixth of what they are now; yet witness the clamors against this moderate measure. And when you see it you will realize how impossible it is to placate and satisfy those who antagonize this so just, so moderate, so conservative a measure. Their violent opposition only shows how extremely exacting they are.

The bill we have reported is an improvement on the present law in the fact that it abolishes compound duties. The present tariff has both *ad valorem* and specific duties on a great many articles. We have in every instance made the duty single, and also specific where it was practicable, and have only retained the *ad valorem* duty in cases where it was impossible to describe the articles specifically, so as to impose a specific duty upon them. The *ad valorem* principle may be correct in theory, but it has been found to open the door to so much cheating, so much imposition, so much fraud upon the revenue, that it is not wise to continue it any longer in practice. So we have resorted to the other method of specific rates in every instance where we could. This simplification of the law will reduce the expense of administering it nearly one-half.

The present tariff law levies duties on 1,524 articles. We have cut the number down to about one-half of that. That is an important consideration, a great improvement. The English people, from whom we could learn, if we would, so many valuable lessons on this whole subject—for no nation is more wise or far-seeing in its commercial and financial policy—levies a tariff on 18 articles only, and not one of them is produced or manufactured in that country.

The present tariff, Mr. Chairman, requires that in making out the invoice of imported goods on which *ad valorem* duties are imposed, there shall be added to the first cost the charge of transportation from the place where they are purchased in the foreign country to the port of shipment; also for packing, inspection, and sundry other items, and all these must be certified by the consul with perfect accuracy. It is very difficult to make out an accurate invoice with all these details. To get rid of that we have added 5 per cent. to the prime cost of articles wherever purchased in a foreign land in lieu of all these incidental charges. That is much simpler and much better in many ways. Many seizures of goods have taken place, for instance, because there was some inaccuracy or want of knowledge in regard to so trifling a matter as the cost of boxes in which the goods were packed. Such cases have occurred frequently. The plan we have adopted in this respect is also favorable to cheapness in the heavier and bulkier commodities which the poorer classes of our people have to buy.

We have provided also, Mr. Chairman, that foreign goods imported to be used in manufactures and re-exported afterward may be placed in warehouses and used as warehouse goods without paying duty, which is a great deal better than the system of drawbacks. The drawback system has nevertheless been retained in cases where the other is impracticable.

I might go on, if time permitted, and point out many other particulars in which our bill is better than the present tariff law, besides the important fact of its general reduction in the rate of duties.

On all articles in common use we have reduced the duty about 25 per cent., while on luxuries consumed by those who are able to pay for them we have left the duties nearly or quite as high as they are under the present law.

I will not go into a detailed discussion of the rates of duty on particular articles, but will leave that to be done at the proper time when we enter upon the consideration of this bill under the five-minute rule.

There is another branch of the general subject of revenue reform which the people I represent here are greatly interested in, and that is a change in the internal-revenue system. Some time ago this House took what I considered a snap judgment in regard to the spirit tax by passing a resolution declaring that it was inexpedient now to reduce the tax on spirits; and the Senate having concurred in that resolution, I recognize that matter as being removed out of the range of our action at this time. But I may be pardoned for saying that I think it was rather extraordinary on the part of this House to take

such hasty action in regard to a business which yields \$57,000,000 or nearly one-quarter of all the revenue we raise from every source—to take action on it at the very time when your committee was engaged in preparing a bill concerning it—to decide the question without a hearing, without waiting for a report, and without any discussion on the subject.

I shall not dwell on that matter now, except to remark that distilled spirits are, it may be said, a product of the field, or at least but one remove from it, and I think the husbandmen and agriculturists of the country, although they have been denied it now, will find means yet to compel a hearing by the American Congress as to the propriety and justice of levying this immense tax on what they produce.

But I am glad to say that no unfavorable action has yet been taken in regard to the reduction of the tax upon tobacco. Two days ago the House, by a small majority, indicated that it was in favor of the reduction of that tax to 16 cents. That is not as low as I think it ought to be; and on the first day of this Congress, when it was in order, I introduced a bill placing the tax upon tobacco at 12 cents, and other gentlemen introduced bills of the same purport shortly afterward.

The agitation that has occurred on this subject has caused great loss, great disturbance to the trade; and some have blamed those of us who brought these bills forward as the cause of it. I am not nervously overanxious to defend myself on this point, for I feel safe in relying on the good sense of my constituents who know my zeal in behalf of their interests. But it is due to truth to say that I saw the agitation was bound to come whatever course I might pursue. So long as the tax is so exorbitant agitation cannot be kept down. It is not within the control of any member of Congress to stop such a thing. The people demand a reduction of this onerous tax. Seeing, therefore, that the agitation was coming and knowing that it could not be prevented as long as the tax was so abnormally high, I introduced a bill at the earliest possible moment for the purpose of hastening the settlement of a question so important to the trade; and from that day to this I have been laboring to hurry up the decision and settlement of this matter so that those interested might know what we are going to do with it.

I trust that the House will take the question up in regular order at an early day and dispose of it finally. And after this long delay it would be unpardonable not to grant the reduction asked for. There are a great many cogent reasons for reducing this tax. In the first place tobacco is an agricultural production. The tillers of the soil are the creators of all wealth. Out of the earth springs everything we have. She is well called Mother Earth. And the tillers of the soil ought not to be taxed when it is possible to avoid it, nor ought they to be taxed one cent more than is absolutely necessary for purposes of revenue.

I think I can show, Mr. Chairman, that the present tax on tobacco is beyond the proper maximum to raise the most revenue. For instance, when you raised the tax on tobacco from 20 cents to 24 cents you increased the tax thereby one-fifth, but you did not increase the revenue from it one-fifth; you scarcely increased it at all. It would be very easy to demonstrate, if I had time, that if you had left the tax at 20 cents on the pound the increase of production and the enlargement of the business would have been such that to-day you would have more revenue in the aggregate from the tobacco tax than you raise by the tax of 24 cents a pound.

Now, I lay down this proposition: that whenever you impose a tax or whenever you increase a tax, and it does not produce a corresponding increase in the revenue, such a tax is unjust and works mere oppression to the industry which is the subject of it. I know it is contended by some that the consumer of tobacco pays all the tax and that the reduction of the tax cannot benefit the leaf-grower. Well, sir, one thing is certain: the effect of a high tax is to diminish the number of men who have capital enough to go into the manufacture. It has a tendency to throw the whole manufacture of tobacco into the hands of a few.

And what do we see to-day? Who is opposing the reduction of the tobacco tax? It is the manufacturers in the great centers who wish to monopolize the business; men like the Lorillards, of New York, who want to keep everybody from manufacturing tobacco except themselves; those who have plenty of capital to pay this high tax, and who can lay up their tobacco and hold it as long as they please until it suits them to market it. Those men are opposed to a reduction of the tax in order that they may kill off the men who have less capital. What would be the effect of that? The number of purchasers in the market will be diminished, and whenever you cut down the number of manufacturers, say from one thousand to one hundred, the man who has the leaf to sell has but a hundred instead of a thousand customers.

Does not every one see that this will bring down the price of the leaf? Besides, this smaller number of buyers can more easily combine together and put the price of the leaf down to whatever figure they choose. The way, then, to increase the price of the leaf is to lower the tax, thus increasing the number of manufacturers, the number of customers to whom by existing law you compel the leaf-grower to sell. Under the law as it now is he can sell only to three classes of men, the manufacturers, the exporters, and the licensed dealers. But after you have shut him up to three classes of customers for a market, by your high tax you cut down the number of one of these

classes almost to zero. Is there any gentleman here who fails to see the great hardship of this sort of legislation?

Remove your high tax. Let the business of manufacturing be open to men of small means and limited capital. This will make the manufacturers numerous; the leaf-grower will have a larger number of customers to sell to, and will receive consequently a larger price for his commodity. It seems to me that the soundness of these views cannot be controverted by any gentleman of candor. A vote for the reduction of the tobacco tax is truly a vote against monopoly and for the interests of the masses of the people.

There is another fact, Mr. Chairman, that sustains my proposition. When you raised the tax on tobacco from 20 to 24 cents the price of manufactured tobacco did not rise at all. Look at the price-lists before the tax was raised and then afterward, and you will find that the price of tobacco when the tax was 20 cents was just as high as it was after you put on 24 cents. On whom did the payment of those four cents fall? Not on the consumer. It was on the men who stood before the consumer, to wit, the leaf-grower, the manufacturer, and the dealer. That is plain common sense. It is the commonest principle of political economy. I learned it at school from old Wayland, that when you increase the price of any article you diminish the number of people that will purchase it; or if you do not diminish the number of purchasers you diminish the quantity which each feels that he can afford to purchase; so that you narrow the market as you increase the price and you cause a corresponding loss to every one who has anything to do with the article. In ordinary cases this would be compensated by the increased price which would be received and divided among the various parties interested. But in this case the increase of price results from the tax, and this all goes to the Government.

Have you considered, gentlemen, how exorbitant the tobacco tax is? The average price of the leaf is not over 6 or 8 cents per pound; and a great deal of it sells for 2, 3, and 4 cents. But take the average at 8 cents, and the tax of 24 cents is 300 per cent. on the prime value of this agricultural product. It amounts to 1,000 per cent. on the lower grades. But let the average stand at 300 per cent., and I venture to say that there is not and never was any country in the world which levied such an enormous rate of tax upon a product of its own soil.

But gentlemen stickle for the revenue and say: "We must have revenue, and there is no more suitable article to tax than tobacco." I tell you that if you keep the tax up at this figure you will kill the goose that lays the golden egg. The other day the Commissioner of Agriculture paid \$1,700 for tobacco-seed to Mr. Bagwell (I think it was) down in Virginia, \$100 per bushel for seventeen bushels. What for? To send out in little papers all through the country to be planted in the gardens and the truck-patches and the by-ways everywhere. What is the result? Hundreds and thousands of people all over the country are beginning to raise a little leaf for themselves. They cure it, twist it up, and chew it, or crumble it up and smoke it in these forms of imperfect manufacture.

Sixty million pounds of tobacco raised and prepared in this manner are used now by the consumers of this country, and none of this pays any tax. Only the other day we were urged by gentlemen here on behalf of the Agricultural Department to pay I do not know how many thousand dollars to keep that Department up, including of course this \$1,700 for tobacco-seed which will be distributed all over the country and used in growing the imperfect product of tobacco of which I have just spoken. The revenue will be injured by it by limiting in so far the sales of regularly manufactured tobacco which alone pays a tax. This habit of raising a home supply of leaf is rapidly extending over the country.

There is only one way to stop it. Reduce the tax. Those who use the leaf in this way would prefer to have the regular article manufactured and prepared in the proper manner. But if you compel them to pay such an exorbitant tax and high price for it they will resort to this means of supplying themselves and make it do. It is all a question of taste. The whole use of tobacco is a matter of acquired taste and habit, and even a man who has been using only good tobacco, if forced by poverty and high prices, can get accustomed to using an inferior article and be satisfied with it. That is what they are doing. If you keep up this tax you break down the regular tobacco trade, and break down with it your revenue. I repeat, then, do not kill the goose that lays the golden egg.

We raise a little over \$41,000,000 from tobacco. We ought to be content with \$35,000,000. That is about one-seventh of all the revenues we now raise from every source. In the attempt to raise so much by keeping the tax up, the result will be that it will go down. And if gentlemen will adhere rigidly to the idea that all we have to do is to raise the most revenue from the article I tell them the way to raise the most revenue is to make the tax more reasonable. Everybody knows, Mr. Chairman, that in proportion as you take the burdens off any occupation or industry, you increase the business; and the tobacco business, like everything else, can be increased and will be if you foster it by liberality instead of crushing it by extortion. As the result of this we may calculate with certainty that the revenue will not fall off, even the first year, by any means in proportion to the proposed rate of reduction in the tax; and before long the revenue derived from it will be equal to or greater than the amount now received.

[Here the hammer fell.]

MR. ROBBINS. I hope I shall be allowed a little time longer.

MR. KELLEY. I move that the gentleman's time be extended.

THE CHAIRMAN. How much time does the gentleman from North Carolina desire?

MR. ROBBINS. Thirty minutes will be enough.

There was no objection, and Mr. ROBBINS's time was extended.

MR. ROBBINS. I thank the House for its courtesy. Last year the revenue from tobacco was \$41,106,546. Of this \$1,896,500 was raised from special taxes on dealers, &c. We have not proposed to change that tax. The amount raised from cigars is \$11,061,278. We propose to reduce the tax on these merely from \$6 to \$5 a thousand. Twenty-eight millions one hundred and forty-eight thousand seven hundred and sixty-seven dollars was raised from manufactured tobacco and snuff, and we would reduce the tax on these to 16 cents per pound. These changes in the tax, according to the most liberal estimates, will not cut down the revenue even for the next year more than \$6,000,000. These being the figures I hope this Congress will not refuse to make the reduction, when I have shown that we have an excess of revenue of \$36,000,000, if the sinking fund be suspended, as I most earnestly hope it will be.

This whole idea of a sinking fund was the ridiculous mathematical juggling of a visionary theorist of the last century who conceived the notion that debts could be paid by making figures and taking money out of one pocket and putting it into the other.

The Committee of Ways and Means have agreed to report in favor of suspending further payments into this fund until 1885, and I hope the House will adopt the report; but if gentlemen continue to insist upon paying the principal of the public debt, I ask if \$2,500,000 a month or \$30,000,000 a year is not paying it fast enough?

If we pass the income tax-bill we shall have several more million dollars than I have estimated, and if instead of leaving the tariff as it is now, raising only \$130,000,000 a year, you will pass our new bill, according to calculations which I do not think extravagant we will raise many more millions. I think that the gentleman from New York [Mr. WOOD] the other day, and the gentleman from Virginia [Mr. TUCKER] to-day, have shown you that by reducing the duties in many cases you double, or at least greatly increase the revenue, and by passing this tariff bill there is reason to believe that we will raise some \$10,000,000 more than we do under the present law. From whatever point of view, therefore, you look at the subject, the justice, the propriety, and the practicability of reducing the tobacco tax are clear. I would urge the House to mitigate the heavy burden now weighing down this important industry, and to do so without delay.

My time is growing short, and I will not trespass much longer upon the patience of the House; but before I conclude I want to call attention to the remarkable spectacle that we witness here. The Committee of Ways and Means, in a spirit of moderation which ought to meet a favorable response from every gentleman on this floor, have brought in a tariff bill which has no extreme features, which proposes no reckless innovations, which does not aim to uproot suddenly even the vicious system of so-called protection, but only to cut it down a little and turn the course of legislation gradually in the proper direction. How are we met? We are met here by a spirit of the most uncompromising opposition on the part of gentlemen representing those interests which have so long been protected, which have for so many years been fostered at the expense of others, which have grown rich and powerful through a system which makes everybody else their tributaries. Shall there be no end to this? Will the daughters of the horse-leech always cry "Give!" "Give!"

A few weeks ago a large delegation representing the iron interests came here to see and talk with the Committee of Ways and Means. They said they recognized the propriety of a reduction in some of the duties upon iron, and they made a proposition of compromise, embracing what they said those reductions should be, and we in a spirit of liberality, not desiring to oppress anybody, accepted their proposition. I have seen in the newspapers, since then, a notice of a large and enthusiastic meeting, held in Philadelphia, participated in by some of those very gentlemen I believe, at which they denounced our work and repudiated the compromise they offered us, and the gentlemen here who represent them and whom I esteem so highly that I regret all the more having to differ with them in opinion, oppose and antagonize our bill, if not with the wisdom of true statesmen, certainly with the zeal of honest fanatics.

Will those great and wealthy communities which have under the existing system so long thriven by contributions from their less prosperous brethren never be satisfied to lighten the burdens they impose upon the rest of us? Look, for instance, at Massachusetts and Pennsylvania, both represented by distinguished gentlemen on the Committee of Ways and Means, [Mr. BANKS and Mr. KELLEY.] Their valleys bloom like the rose! Their hills are white with the beautiful cottages and vine-trellised homes of happy and thrifty citizens. It is true that under the shadow of the vast piles of wealth there heaped up we hear sometimes the mutterings of discontent from the toiling masses below; but still those are rich, great, and fortunate States, and I am sure I do not envy, but rejoice at their prosperity. Look, on the other hand, at my own impoverished State of North Carolina, with a soil and climate and natural resources unsurpassed by any State in the Union. The sun kisses her cheek like a lover; nor was any region ever occupied by a more noble, brave, sober, steady, and industrious population.

The gentleman from New York [Mr. TOWNSEND] the other day

paid them the just compliment of saying that they are now at work doing their duty and attending to their own business. Let me thank that gentleman for his kind remark, and at the same time tell him that North Carolinians have always been so—a people of the manliest type, of the best habits, and no nonsense. Yet they are pitifully poor, and superficial observers have attributed their slow material growth to their own want of genius and energy. Sir, have they shown any lack of these qualities in other respects? No people have exhibited a higher genius in government. No State can boast of wiser rulers or better laws.

And in the late conflict of arms, by the judgment of all her sisters, no State showed a greater capacity for warlike organization, a sterner persistency, or a more Titanic energy than my own gallant old State of North Carolina. Out of a white male population of only three hundred and fourteen thousand of all ages, she sent more than one hundred thousand soldiers to the tented field, or about one in three of all her white males. What State, what nation ever beat that? And what kind of soldiers were they? Let their great commander-in-chief bear witness. When he arrayed them for battle the last time at Appomattox, and the serried battalions of North Carolina filed by him into line, with bleeding feet, but still compact, still undaunted, with a tear in his eye he said, and it was his last word to them, "God bless North Carolina, always faithful."

Why does a State that is peopled by such men remain poor? Let me tell you. It is because she has been reduced to a skeleton by paying the perpetual tribute exacted from her by unequal and unjust Federal legislation. Nature and circumstances have made her heretofore an agricultural State. What interest of hers has ever been fostered by protection or promoted by your favors? The fishermen of New England have received bounties; the cotton-spinners of Massachusetts, the iron-workers of Pennsylvania, the sheep-raisers of Ohio and Vermont, the hemp-growers of Kentucky and Missouri, even the sugar-planters of Louisiana, all these have had protection extended to their several industries, thereby increasing the value of their products and increasing also the price which North Carolina has to pay for nearly everything she buys abroad. You have donated millions of acres of the public domain to the new States of the West for railroads, for schools, and for other improvements, and thereby made those States great and rich.

As for North Carolina you give her nothing; you take everything from her. She is an agricultural State, and you are the representatives of a country whose real superiority among the nations originates from its vast agricultural resources; and yet you tax the fruit that grows on her trees; you tax the grain that waves in her fields; you have taxed the cotton that whitened her plains; you have taxed and are still taxing from 100 to 1,000 per cent. the tobacco that would otherwise be one of her great money-making crops.

MR. KELLEY. Do we not protect her rice and ship-stores? And if she would work her iron ores and coal-fields, would she not be protected by the same laws that protect Pennsylvania?

MR. ROBBINS. I have said that nature and circumstances and her peculiar labor system so recently abolished made North Carolina of necessity an agricultural State. Have you no fostering law for a State which pushes those industries for which nature best fits her? Must every State tread in the pathway marked out by Pennsylvania or Massachusetts in order to be sure of Federal favor? It would indeed seem so; and the suggestion of the distinguished gentleman from Pennsylvania [Mr. KELLEY] implies that there are favored interests, and that States which will adopt these as their own may thereby become Federal beneficiaries. But I thank my friend for alluding to our coal and iron, for I know the kindly interest which he personally feels toward my State, and I will say to him that we expect soon to enter upon the development of those great natural resources, but all we ask is fair play, hands off, no protection, only let there be no discrimination against us. Certainly we have never had any protection of North Carolinian interests yet.

Throughout most of her history no State has been truer to the Union; but the Union, allow me to say, has been to her like a step-mother. This has gone on until hundreds and thousands of her sons in despair have bidden adieu to their native hills and sought homes in other States, where Federal legislation brings benefits, and not burdens. To whatever State her sons have gone they have illustrated its annals by their genius and valor and statesmanship.

No citizen of hers has been President of this Republic, yet three Presidents were born within her borders, and they owed their success to the great qualities which they inherited from the sturdy stock of their native State. Other losses she might endure, but when you tax her to impoverishment and drive out her people to other States, like Jacob she exclaims, "If I be bereaved of my children, I am bereaved."

In spite of all the losses and misfortunes and injustice she has suffered, North Carolina, by the bountifulness of her resources and the energy of her people, is yet a great and magnificent State. She is yet sixth in rank of the old thirteen. Let those who speak of her slow progress remember the many States that have grown great and waxed fat by feeding on her vitals.

I shall make no apology for dwelling at such length upon the situation and comparative growth of my own State. I have done so because she is so good a representative of that large number of States that have been retarded in prosperity by unfair legislation here, especially in this matter of taxation and the distribution of favors.

By my voice, as one of her delegation, she asks now for justice; she demands reform in the revenue system; she asks to be protected from the protectionists and from the impositions and oppressions of the internal-tax gatherer. Robin Hood, the freebooter of Sherwood Forest, robbed the rich to help the poor; yet he was only an outlaw. What shall be said of those who rob the poor to favor the rich and call it protection? I appeal to this House to adopt the very moderate and conservative measures our committee have reported. Modify the high tariff duties levied for the benefit of long-favored classes; reduce the exorbitant taxes now imposed upon the products of the field; and in the race for wealth and prosperity give a more even chance to the agriculturists and to the old agricultural States.

Mr. KELLEY obtained the floor.

Mr. WOOD. If the gentleman from Pennsylvania [Mr. KELLEY] gives way I move that the committee rise.

Mr. KELLEY. I yield for the motion, with the understanding that I shall go on after the morning hour to-morrow.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4106) to impose duties upon foreign imports, to promote trade and commerce, to reduce taxation, and for other purposes, and had come to no resolution thereon.

OCEAN NAVIGATION COMPANY.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 4783) to incorporate the Ocean Navigation Company and to restore the shipping interest of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORMAN WIARD.

Mr. ELLIS also, by unanimous consent, introduced a bill (H. R. No. 4784) for the relief of Norman Wiard; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SEWERAGE OF WASHINGTON CITY.

Mr. MAYHAM, by unanimous consent, introduced a bill (H. R. No. 4785) for the improvement of the sewerage of Washington City, in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS FOR EVENING SESSION.

Mr. PAGE. I move that the House adjourn.

The SPEAKER. The Chair desires to state that a session has been ordered for this evening.

Mr. BURCHARD. It is desired by the gentleman who made the motion for the session of this evening that it be postponed until Friday evening.

Mr. KELLEY. I was about to ask, at the instance of other gentlemen, that a session be allowed to-morrow evening for general debate. A number of gentlemen desire to make speeches.

Mr. PATTERSON, of New York. I object to an evening session for debate; I have no objection to meeting for business.

The SPEAKER. A session has already been ordered for this evening, and the proposition is to vacate that session and fix one for Friday night.

Mr. KELLEY. Let to-night be assigned for general debate.

Mr. BURCHARD. The gentleman from North Carolina [Mr. ROBBINS] who has just spoken, and who would be entitled to the floor this evening, has informed me that he does not wish to proceed to-night. Therefore the order might be changed so as to allow general debate to-night.

The SPEAKER. The Chair will state the proposition of the gentleman from Illinois. It seems that the gentleman who asked for the session of this evening to consider the bill to promote the refunding of the national debt and the loan of savings to the United States for that purpose does not desire to go on this evening. It is therefore asked that the session of this evening be devoted to general debate, 10 other business whatever to be transacted. Is there objection?

There was no objection, and it was ordered accordingly.

PAVEMENTS IN WASHINGTON CITY.

Mr. HUNTON, by unanimous consent, reported back from the Committee for the District of Columbia a letter of the commissioners of the District, transmitting, in response to a resolution of the House, information as to bituminous and wood-block pavements; which was ordered to be printed and recommitted.

JAMES H. SANDS.

Mr. WALSH, by unanimous consent, introduced a bill (H. R. No. 4786) for the relief of Lieutenant-Commander James H. Sands, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. GARDNER, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of Charles Woelfer, second lieutenant Company E, Twenty-

eighth Regiment Ohio Volunteer Infantry, no adverse report having been made thereon.

RAILWAY MAIL CLERKS AND AGENTS.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 4787) to provide for uniform service among the clerks and agents in the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARTIN R. ARCHER.

Mr. BELL, by unanimous consent, introduced a bill (H. R. No. 4788) for the relief of Martin R. Archer, postmaster at Gainesville, Georgia; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BENJAMIN F. SEVERSON.

On motion of Mr. MAYHAM, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Benjamin F. Severson, no adverse report having been made.

INTERNAL REVENUE.

Mr. BURCHARD. I ask by unanimous consent that House bill No. 4414, to amend laws relating to internal revenue, be reprinted. It is the special order in the House, and the regular number of copies has been exhausted.

There was no objection, and it was ordered accordingly.

EL PASO TROUBLES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from Colonel Hatch on the subject of the El Paso troubles; which was referred to the Committee on Foreign Affairs.

WRECK OF THE HURON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, recommending an appropriation for the payment of sundry bills for service rendered in connection with the wreck of the United States steamer Huron; which was referred to the Committee on Appropriations.

JOHN DILL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting copy of court-martial proceedings in the case of John Dill, late colonel Thirty-ninth Kentucky Volunteers; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

Mr. ALDRICH, by unanimous consent, was granted leave of absence for five days.

INTERNAL REVENUE.

Mr. BURCHARD. Mr. Speaker, I call up the bill (H. R. No. 4414) to amend laws relating to internal revenue, which is the special order; and if gentlemen do not desire to proceed to its consideration to night I will agree to a motion for a recess.

Mr. WOOD. Do not press it to-night.

Mr. THOMPSON. I move the House take a recess until seven and a half o'clock this evening.

The SPEAKER. The session to-night will be for debate only, no business whatever to be transacted, and the chair will be occupied by Mr. KENNA.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess.

EVENING SESSION.

The House reassembled at seven o'clock and thirty minutes p. m., Mr. CRAVENS in the chair.

Mr. VAN VORHES. As the gentleman from West Virginia [Mr. KENNA] who was designated by the Speaker to take the chair this evening as Speaker *pro tempore* has not yet arrived, I move the House take a recess for ten minutes.

The motion was agreed to.

At the expiration of ten minutes the House resumed its session, Mr. CRAVENS in the chair.

The SPEAKER *pro tempore*. By order of the House the session this evening is for debate only, no business whatever to be transacted.

TARIFF.

Mr. BAYNE. Mr. Speaker, the history of the proposed tariff bill scarcely shows its projectors to be "the great minds of the country who are to lead us onward in the important struggle for national grandeur, power, and wealth." (See Mr. WOOD's speech, CONGRESSIONAL RECORD, page 2333.) Leaders of men and exponents of commanding ideas adhere with heroic purpose to their convictions. The projectors of the present measure have evinced a spirit of vacillation quite inconsistent with this. The original measure given out informally several weeks ago is widely different from the one now proposed. The duties on some leading articles have been increased by the latter as much as 500 per cent. over those imposed in the former, and so various are the changes that have been made that scarcely a phase of similitude is left.

It is not unlikely that the admonition given by the monster meetings of Allegheny and Pittsburgh and Reading and Pottsville, in which tens of thousands of workingmen participated to give emphatic expression to their protest against the reduction of duties, had something to do with these changes. Nor is it unlikely that the remonstrances, memorials, and petitions—a single one of which contained the names of over one hundred thousand workingmen—against tinkering with the tariff, that came like a deluge from all sections of the country where intelligence dominates the masses, exerted a somewhat potent influence over the “great minds” having the matter in charge. It is even possible to believe that the political fortunes of an aspiring party might be regarded as needlessly imperiled by too radical a change, for the great fact is dawning that the protection of American industries is no longer a local but a national question. The people of the Western States have already joined hands with those of the Eastern and Middle States upon this question, and the alliance is a formidable one. Certain portions of the South are now on the way in the same direction. The commanding political issue in this country to-day is protection and revenue *versus* free trade and revenue from internal taxation. The republican party, without reference to locality, will stand as a unit in favor of the first proposition. The democratic party, having due regard for certain localities and the possibilities of political preferment therein, will support the second proposition as a mass.

It is not a new issue. It has been canvassed year after year during our organic history, and the changes that have been made from time to time are more numerous than the years of our national life, being one hundred and twenty-eight as stated by the gentleman from New York, [Mr. WOOD.] These changes, frequent, sometimes sweeping and radical, operate most perniciously on the business interests of the country. It is in the very nature of things that they should have such effect. They unsettle values, disturb commercial relations, and necessitate new adjustments in every branch of industry at each recurrence. The statement of the gentleman from New York that he has just begun his work of destruction will not commend him to the thinking people of the country. In the present condition of affairs, with bankruptcies, business depression, low wages, and the enforced idleness of many who would be glad to get employment, the threat is simply cruel. All our past experience shows that prosperous times and high duties have invariably coincided; and conversely, that low duties and hard times have gone together. It moreover shows that high duties have always, and with success, been resorted to for the purpose of lifting the business interests of the country out of the depressions which have from time to time afflicted it. Let us examine some of the more notable examples.

In 1816 the democratic party became the earnest opponent of protection, and having a majority in both branches of Congress it reduced to a very low rate the duties on importations. From that year until 1824 great business distress prevailed. In the latter year the national republican party had gained a strong foot-hold in Congress, and with the assistance of a few democratic members that party passed the tariff of 1824, which was highly protective. This party in that year elected John Quincy Adams President, and got control so far in both Houses of Congress in 1828 as to be able to increase the duties on iron and many other articles. Highly advantageous results followed and the country continued to enjoy prosperity until 1834.

During this period of ten years from 1824 we imported thirty millions of specie more than we exported and paid off an indebtedness of about \$100,000,000 resulting from the war of the Revolution and that of 1812. In 1832 South Carolina attempted nullification of the tariff laws, and although to the eternal credit of President Jackson he quickly nipped the movement, the democrats in Congress, desirous of appeasing the demands of that State, as well as doubtless to promote their favorite doctrine of free trade, exchanged the protective policy for one which provided for a gradual reduction of duties, which was to continue until 1842, after which a horizontal duty of 20 per cent. was to be charged. Disastrous consequences followed this reduction, and it doubtless was one of the principal causes of the terrible financial crash and general distress of 1837.

Relief was sought at the hands of the whig party, and in 1840 Garrison was elected President. When 1842 had arrived the whig party was sufficiently strong in Congress to control legislation. It gave to the country the protective tariff of that year. That good results and an improved condition of things followed is within the memory of many men still living.

The democratic party, realizing the popularity of the protective policy, changed front in the canvass of 1844, and adopted as its slogan, “Polk, Dallas, and the tariff of '42.” Having faith in its sincerity, and especially in view of the fact that Dallas was a Pennsylvanian, the people placed the reins of government again in its hands. It soon repeated its old follies. Religiously wedded to free trade, it would not brook the continued existence of protective legislation, so it repealed the tariff of 1842 and substituted therefor the tariff of 1846, which imposed decreased ad valorem rates. The intention of the framers of this measure was to wholly eliminate the protective policy out of the laws imposing duties. The manufacturing industries soon felt the stroke thus inflicted, and gradually the depression spread over the whole country. Partial relief came from the discovery of gold in California which attracted considerable emigration, and from

the Crimean war which created a large demand for our breadstuffs. In addition to creating this demand, the Crimean war generated a large European consumption which rendered protection for a time not necessary. After the war was over, however, and the waste had been supplied, the foreign manufacturers began to export largely into the United States, and although it was evident to everybody that financial distress and business prostration were imminent, the democratic party, with its wonted blind fatuity and fatal tendency to error, having full control, enacted the tariff act of 1857 which still further reduced the rates of duty.

This was the last piece of democratic legislation relating to the tariff. It gave birth to the ordinary and necessary consequences of the impolicy which it so faithfully represented. It left the Government bankrupt, and without credit. It checked the development of our resources in many important branches. It stopped our mills, put our furnaces out of blast, and drove to soup-houses able-bodied men and their wives and children, forcing them to eat the bread of charity instead of that of honest toil. It ruined multitudes of merchants and manufacturers, and cut a wide swath of desolation through the land.

When thus conditioned, the republican party came into power. Inheriting from its ancestor, the whig party, such traditions as fitly survived, it was not slow to recognize and adopt the policy of fostering the industries of the country. So in 1861, having the President and a majority in both Houses of Congress, it gave to the country the tariff acts of 1861 and the various supplements thereto, through all of which the spirit of protection runs as well as the idea of large revenues. The general prosperity which has prevailed in all the States that remained in the Union, up to 1873 at least, is convincing evidence of the excellence of the theory of the republican party respecting this subject. Who dare say that the economic ills of 1873 and the years since were not mitigated and alleviated by the tariff laws in force? We have had hard times since 1873. So has Great Britain; so has Germany; so has nearly every civilized country of the world. France is exceptionally somewhat fortunate. All others, like ourselves, are “passing under the rod.” But it cannot be denied by any one that our condition has been and is much better than it would have been under free trade. In the progress of my argument I shall adduce some statistical data in support of this conclusion.

I have recalled only some of the salient phases of our experience of tariff legislation, such phases as have emphasis from the decisive character of that legislation, for the purpose of indicating the path of policy, of wisdom, and of safety. I have endeavored to show more particularly the opposing effects of protection and free trade upon the industrial and business interests of the country.

We are now called upon to consider tariff duties not only on account of their bearing upon our commercial, agricultural, manufacturing, and industrial interests, but also their bearing upon the important question of revenue. How to revive our depressed industries that labor may be employed and rewarded and that all branches of business may flourish, is one important question. How to raise sufficient revenue to gradually reduce the principal and pay the interest of the national debt and meet the current expenses of the Government is another important question. These questions are closely allied in many respects, and, fortunately as I think for the people of this country, their solution involves principles of compensation which mutually tend to benefit the Government, which levies and collects the taxes, and the people, who pay them; for if to-day the Government were not in debt, we would have a free-trade revenue measure instead of the comparatively protective bill before us. In that event the country would be subjected to a much more trying ordeal than that which is now impending. We are not left in doubt in this matter, for the chairman of the Committee of Ways and Means [Mr. WOOD] has frankly and repeatedly in the course of his speech explaining this bill avowed the policy of free trade. The traditions of his party, as I have shown, warrant his declarations, and he no doubt has abundant assurances of sympathy with his efforts to accomplish ultimately the consummation he and his party have so long and so devoutly wished.

Will the bill proposed yield sufficient revenue? Will it benefit or injure our industries? I ask these questions together because, as I have said, they are closely connected and the answer to each is necessarily responsive to the other.

The friends of the bill claim through their Representative [Mr. WOOD] that it will increase the revenue and relieve somewhat the burden of taxation and thus benefit the people of the country. They have not the temerity to claim that it enhances protection. On the contrary, they allege that our abilities and facilities are so far developed that we are now able to compete with foreign countries in our own markets. This statement is very far from being correct. We are not able to compete with foreign manufacturers either in our own or in foreign markets. It is true that in some specialties, such as pistols, rifles, muskets, and sporting-guns, sewing-machines, mowing-machines, and certain classes of edge-tools, our superior genius and skill, aided by patents in most cases, have enabled us to export and sell such articles in considerable quantities. Some of our manufacturers who employ convict labor at very low wages are also able to sell in foreign markets, but it is solely in consequence of this fact.

We are not now, nor will we be for years to come, able to compete

with foreign manufacturers. There are two great difficulties to be surmounted, which stand in the way of such a realization. These are our higher rates of the wages of labor and the interest on money, both of which are largely in excess of those paid in Great Britain, France, Belgium, Germany, Austria, and Russia, and varying respectively and variously from 30 to 100 per cent. The average rate of the interest of money in Great Britain, our greatest rival, is but little more than one-half of the average rate obtaining in the United States to-day, and our operatives in the mill, factory and mines, even at the present low rates of compensation, are receiving this day from 25 to 100 per cent. more than those of Great Britain. Such differences render successful competition on the part of our manufacturers impossible in foreign markets; and, by parity of reason, these same differences forbid the expediency of permitting foreign manufacturers from competing on equal terms with us in our own markets.

The proposition that we can dispose of our surplus manufactures in foreign markets is a delusion and a snare. It is not within the range of possibilities. The laws of trade, which regulate all such matters under existing conditions, imperatively deny to us any such privilege. Examined in the light its absurdity becomes apparent. I have shown that our higher wages and higher interest on money preclude such expectation.

But, says the chairman of the Committee of Ways and Means, our exports are increasing. True, I reply, but what do they consist of? Wholly almost of such things as incomparable natural and relative advantages enabled us to supply at market rates. Our total exports of domestic production for the fiscal year ending June 30, 1877, the latest to the details of which I now have access, amounted to, exclusive of gold and silver, currency value, \$632,980,080.

The following articles were embraced:

Bread and breadstuffs	\$117,806,476
Cotton, unmanufactured	171,118,508
Hops	2,305,355
Fruits	2,937,030
Furs, hides, and skins	6,269,929
Provisions, wheat, corn, &c.	115,001,743
Seeds	3,533,755
Tallow	7,883,616
Ginseng	562,268
Hay	116,936
Hair, unmanufactured	338,487
Tobacco	32,020,214
Animals, living	3,325,203
Wool, raw	26,446
Other unmanufactured articles	792,297
Oil, petroleum in various forms	61,789,438
Coal	2,916,062
	528,742,063

Now it will be observed that all the items enumerated, excepting the last three, may be denominated agricultural productions. I have included petroleum oil because it has no rival in the world. And I include coal and other unmanufactured articles because neither can in any sense be called manufactures. Let us see the difference:

Total exports, exclusive of gold and silver	\$632,980,080
Deduct foregoing	528,742,063

Leaving..... 104,238,017 for all other articles, the kinds of which cannot be less than one thousand, while those which yielded the aggregate of \$528,742,063 do not reach one hundred different kinds of articles in the detailed official report of the Bureau of Statistics from which I have collated them. Now, when we take into consideration in this connection the significant and suggestive fact that our entire exports are but about 8 per cent. of our total productions, the conclusion that we must depend on the home demand for the consumption of our manufactures achieves a triumphant victory. We have excellent reasons for expecting an increasing export trade, but the source from which the bulk of it must come is agriculture. In claiming that this bill will yield sufficient revenue, its friends are also equally mistaken, though on this point there is an evident purpose to hedge on consequences adverse to the prediction.

The restoration of the obnoxious income tax is one method favorably suggested by many supporters of the bill.

Another hedging operation is the effort to stop payments to the sinking fund. The gentleman from New York has given us a long disquisition on the subject of sinking funds; has gone largely into English history to fortify the redoubts of his hostility to them; has shown that the national debt has been decreased \$220,954,459.39 in excess of the amount required to be provided for the sinking fund by the act of February 25, 1862, and therefore concludes that payments to this fund should be stopped, and "we should provide only for the amount required for the actual living expenditures," and thus correspondingly lessen taxation.

This is an insidious fallacy, full of seeming promise, but fraught with evil, and that continually. Why is it that the rates of interest are so high with us? Why is it that money is not seeking business enterprise? What is it that impels the prevailing antipathy to the holders of public bonds? There is a latent logic even in this antipathy.

There are locked up in public bonds, municipal and national, over \$3,000,000,000 in the United States, whose interest is payable out of taxes imposed upon the people. If this money were not so invested—if such opportunities for investment were not accessible—this vast

volume of money would enter into the agricultural, commercial, and manufacturing industries, taxes would be reduced to the necessities of current municipal and national expenses, and unprecedented prosperity would abound. The simple truth is we are all burdened with debt. Public obligations are the debts *pro rata* of the individuals who compose the community. Every dollar of such indebtedness that is paid off is a relief to that extent, and to the same extent increases the amount of money to be employed in private enterprises. Therefore, Mr. Speaker, I say that he who would perpetuate public indebtedness is not a statesman, is not a true friend of society, but is its worst enemy.

The proposition of the advocates of this bill that it will increase the revenue is signally absurd, as the analysis of the measure and the theory of all the probabilities that surround it and our past experience will abundantly show.

The following statement, furnished by the Bureau of Statistics, exhibits a summary of the dutiable and free articles under the present tariff law, showing the number of articles paying ad valorem, specific, and compound rates of duty, embraced in Schedules A to M, both inclusive; also number of articles admitted free of duty, under the Revised Statutes of the United States, approved June 22, 1874, (paragraphs from 921 to 1805, both inclusive, Heyl's tariff):

Number paying ad valorem rates	823
Number paying specific rates	541
Number paying compound rates	160
	1,524
Total dutiable	1,524
Number free of duty	648
	2,172

Total free and dutiable

The bill reported—

Says the gentleman from New York—

has but one list so called, and that is the dutiable one. It has no compound rates, the duties being either ad valorem or specific, and the latter as far as practicable. It comprises 247 classes of articles, and 775 articles against the large number comprised in the present law.

It will be thus seen that the list of dutiable articles is largely decreased. Assuming that the 160 articles paying compound rates under the present law are included in those paying ad valorem or specific rates, there are now 1,364 distinct articles chargeable with duties. By subtracting from this number the 575 articles chargeable with duties under the bill reported, it will be seen that the decrease in the number of dutiable articles cannot be less than 789. By a statement made by the Chief of the Bureau of Statistics, to which I shall hereafter advert, it appears that the loss of revenue which will result from this modification of the present law will be \$3,198,221.69.

It was to be presumed that the Committee of Ways and Means had definite information on this subject, but the chairman of that committee failed to give it, and in lieu thereof indulged in what I must think chimerical speculations about the expense of collection under the present law, the ambiguities of its language, and the immoral practice of smuggling.

We are not driven, however, Mr. Speaker, to the necessity of depending on fatuous speculations regarding the amount of revenue the bill will yield. We have a calculation that is perfectly reliable, unclouded by free-trade prejudices and uninfluenced by that sympathy which spans the Atlantic Ocean at the expense of our own people.

The following statement made by Mr. Edward Young, Chief of the Bureau of Statistics, manifestly exhibits the loss of revenue which this bill will entail:

Summary statement by schedules of the amount of duty received from the articles enumerated in House bill No. 4106, reported by the Committee of Ways and Means, March 26, 1878, that entered into consumption in the United States during the fiscal year ended June 30, 1877, and the estimated amount of duty by the proposed bill, with the increase and decrease of each schedule.

Schedule.	Class or group.	Amount of duty.		Increase.	Decrease.
		Received in 1877.	Estimated. (New rates.)		
A	Cotton and cotton goods	\$6,554,819.59	\$4,553,359.63	.....	\$2,001,460.26
B	Earths and earthenware	3,511,506.40	3,031,563.73	.....	479,942.67
C	Hemp, jute, &c.	6,520,500.57	5,551,090.53	.....	969,440.04
D	Liquors	5,848,641.71	6,378,350.90	\$529,709.19	.....
E	Metals	6,560,366.64	6,302,442.95	.....	257,923.69
F	Provisions	2,950,062.33	2,952,794.81	2,732.48	.....
G	Sugars	37,086,992.23	41,245,988.67	4,158,906.44	.....
H	Silk and silk goods	12,758,799.03	9,744,516.17	.....	3,014,283.86
I	Spices	771,351.70	1,324,556.49	556,205.79	.....
J	Tobacco	4,364,143.22	4,395,934.66	31,794.44	.....
K	Wood	864,419.02	577,056.27	.....	287,362.75
L	Woolen goods, wool	30,177,607.18	14,459,247.30	.....	5,718,359.88
M	Sundries	17,035,775.80	18,299,247.65	1,243,471.85	.....
		125,024,985.72	118,819,148.76	6,522,906.19	12,728,743.15

Total duty received in 1877.....	\$128,223,207 41
Total duty received in 1877, as above.....	125,024,935 72
Total duty not provided for in new bill.....	3,198,221 69
Duty received as per above schedules in 1877.....	\$125,024,985 72
Duty estimated as per above schedules.....	118,819,148 76
Decrease of.....	6,205,836 96
Total decrease from receipts of 1877.....	9,404,058 65

In addition to the loss of revenue to the extent of nearly nine and one-half million dollars this statement shows some peculiarities that are creditable to neither the minds nor the hearts of the promoters of this miserable scheme. For instance, it increases the aggregate duties on sugar, a common necessary of life consumed by the poor as well as the rich, \$4,158,996.44, while it diminishes the aggregate duties on silk and silk goods, a luxury coveted and enjoyed by the rich, \$3,014,283.86. The nabobs of the East and the sugar-planters of the South would seem to have co-operated in effecting a result so mutually beneficial.

Then it shows, though in less degree, but possibly soon to be in equal or greater degree—who can tell what democratic ascendancy will bring forth?—a decrease of duties on metals, whose production and manufacture gives employment to thousands of men, of \$257,923.69, and this in the face of importations of iron and steel and manufactures of them, amounting to \$2,560,394 for the quarter ending September 30, 1877, while it makes spicces, the condiments of every table in the land, pay an increase over present rates of \$556,205.79.

Then, again, this democratic sympathy which goes out to the South and to Europe, in all cases alike where their interests are supposed to harmonize, decreases the duties on cotton and cotton manufactures from 53.56 per cent., the present rate, to 28 per cent., and diminishes the revenue from this source over \$2,000,000. It is to be borne in mind that our imports of cotton represent wholly, I believe, the manufactured article in various conditions. Now, the loss of revenue thus threatened is a matter of great importance; but the injury to the classes of operatives who earn their living at the loom, many of whom are women and boys and girls, is incomparably more serious.

It is part of the programme, however, I suppose, and must be carried out. The cotton-planters of the South, unlike the sugar-planters, have command of the domestic market. They produce a large excess over the home demand, having exported, as I have stated, over \$170,000,000 unmanufactured cotton during the fiscal year ending June 30, 1877. On the theory that reciprocity of trade is conducive to the welfare of the interests participating, the duties are put so low as to invite the return of this same cotton after it is manufactured. Our poor operatives must not complain, and our manufacturers, though they supply all classes of cotton goods in abundance and at cheaper prices than ever before obtained in the United States, must close their mills in obedience to the requirements of the declared policy.

While in pursuit of this inquiry it may be well to advert to some other features of the bill.

The following comparisons are suggestive :

Articles.	Proposed duty.	Present duty.
Iron in pigs.....	per ton.	\$5 00
Scrap-iron, cast.....	do...	4 00
Scrap-iron, wrought.....	do...	6 00
		8 00

Now, although the importations of these articles during the last two years have not been large, owing in all probability to the circumstance that our markets were glutted, the door is nevertheless opened wide by the bill for their admission the moment our iron trade revives. The principle of protection is expelled as to these articles entirely by the proposed reduction, and our iron-workers are denied in advance the fullness of the promise of better times.

From a statement published in the Bulletin of the American Iron and Steel Association of April 10, 1878, it appears that there were in the United States 716 completed furnaces on the 31st day of December, 1877, 270 of which were in blast and 446 of which were out of blast at that date.

The imports of pig iron in 1877 amounted to 66,871 net tons and our exports to 7,657 tons. The capacity of these furnaces is equal to a supply far in excess of any possible home demand. The capacity of the furnaces of Great Britain alone, it is claimed, is equal to the wants of the world. But, in addition to this, France, Germany, Belgium, Russia, Sweden, and Austria, with all of which we have intimate commercial relations, have an extensive capacity, having produced in 1876—the latest year I have obtained the production of—an aggregate of 4,959,080 tons. Add to this the production of Great Britain for 1876, which was 6,555,997 tons, and then compare this total production with our own for 1877, which was 2,314,585 tons, and is it not simply suicidal, in view of these facts, coupled with the telling circumstances relating to the wages of labor and the interest on money which I have heretofore endeavored to explain, to reduce the duties as proposed? Sharp domestic competition in this and every other industry has not only made cheap markets but has driven a

vast number of business men into the straits of bankruptcy and deprived a much vaster number of workingmen of their occupations.

This bill is open to many other objections relating to metals, but I shall only mention one further instance which will forcibly point out one of its patent defects. The accepted theory of tariff legislation is that luxuries should pay high duties; that commodities which compete with home productions, either in the material or the labor which jointly make them, should pay such duties as will guard against exorbitant prices on the one hand and pay remunerative wages to labor and yield fair profits to capital on the other; and that all things else should come in free.

Now, this bill proposes to make "tin in plates or sheets, terne and tagger's tin," pay "one cent and one-tenth of a cent per pound; in bars, pigs, or blocks, and grain-tin, 10 per cent. ad valorem." This description covers only the pure metal, and unfortunately it is a metal of great value and utility which has not yet been discovered among our mineral resources. We consequently have to import from England, Australia, and other countries such quantities as we want. Under the present tariff tin in bars, pigs, and blocks, and grain-tin are free of duty. In view of the opportunity thus afforded two large tin-plate works have been established in Western Pennsylvania, one of which is in the district which I have the honor to represent. These works have a large capacity and their manufactures are sold in all parts of the Union. The present duty on similar manufactures is 2 cents and 2½ cents per pound, according to the process of galvanizing or coating. This duty is a discrimination in favor of the home industry which the present bill will impair in two ways, first, by imposing a duty, as before stated, of 10 per cent. ad valorem on the raw material, and, secondly, by reducing the present duty on the manufacturers to 1½ cents and 2 cents per pound, according to the process of galvanizing or coating. No good reason whatever exists for such discrimination against this industry; for like our planished sheet-iron, which has driven the once celebrated Russia sheet-iron from our markets, though but one mill in the United States makes it, and that mill, I am proud to say, is in my district also, the manufacturers of these tin-plate works are cheap and excellent.

But, Mr. Speaker, it is not at all necessary to search out the inimical provisions that lurk in this bill. The gentleman from New York does not hesitate to assert the idea that permeates it. It is the first step toward a revenue tariff wholly devoid of the principle of protection. That gentleman says:

If I had the power to commence *de novo* I should reduce the duties 50 per cent. instead of less than 15 per cent. upon an average, as now proposed.

That declaration discloses the animus of the bill unmistakably.

It will be noted, too, that he admits an average reduction of duties of nearly 15 per cent. I have shown by the estimate made by the Chief of the Bureau of Statistics that this bill would diminish the customs receipts nearly nine and one-half millions of dollars. In order to boost it into a respectable attitude before the nation's creditors the gentleman indulges the hope that our imports will increase and hence yield a greater revenue than that for the fiscal year ending June 30, 1877. Why the gentleman should cherish such hopes I cannot understand, because he has shown by facts, figures, and inferences that we are not only able to supply ourselves with all the leading articles that pay duty, but are prepared to enter into competition in the foreign markets of the world! One of these positions is surely untenable; which one I will leave the friends of this measure to determine.

We protectionists think, Mr. Speaker, that increasing imports tends to our impoverishment. One palpable result is the exportation of our gold and silver. The retention of these implies the accumulation of durable wealth like the building of houses, workshops, and mills, and the improvements of lands, while their exportation for the purpose of buying such commodities as are usually imported implies an early and almost absolute loss since the consumption of such commodities, excepting a few of the large number, means extinction. Wealth results from producing and selling more than we buy and consume; while poverty results from buying and consuming more than we produce and sell. Is it possible to retain our gold and silver if we buy from year to year millions of dollars' worth from foreign countries more than we sell to them? Is it possible for us to be busy when we voluntarily spend abroad the capital that stimulates enterprise? Can our workingmen expect employment when we substantially employ the workingmen of other countries to make the things we need? The adoption of the bill before us will draw this evil train.

Now, Mr. Speaker, let us examine some data which point with conclusive effect, I think, to the coincidence of high duties, large revenues, and prosperous times on the one hand, and low duties, small revenues, and hard times on the other. I have stated as a historical fact that depression of our industries preceded the tariff of 1824, that that tariff and its supplements largely increased the rate of duties, and that great advantages followed and continued until the adoption of the low tariff of 1832. I have also stated as matter of history that unfortunate consequences attended the latter and continued until the adoption of the high tariff of 1842. Although our population and capabilities gradually increased, and we should therefore have expected, on the theory of the advocates of this bill, that our revenues from customs would correspondingly increase, the following numerical data, which I take from an excellent article pub-

lished in the Pittsburgh American Manufacturer of July 20, 1877, at once show the fallacy of that theory and the truth of the historic fact:

Nine years under the high-duty policy.		Nine years under the low-duty policy.	
Years ended September 30.	Revenue from customs.	Years ended September 30.	Revenue from customs.
1825	\$20,098,713 45	1834	\$16,214,957 15
1826	23,341,331 77	1835	19,391,310 59
1827	19,712,283 29	1836	23,409,940 53
1828	23,205,523 64	1837	11,169,290 39
1829	22,681,965 91	1838	16,158,800 36
1830	21,922,301 39	1839	23,137,924 81
1831	24,224,441 77	1840	13,499,502 17
1832	28,465,237 24	1841	14,487,216 74
1833	29,032,508 91	1842	18,187,908 76
Total	212,684,397 37	Total	155,656,851 50

The difference in revenue in favor of high duties is thus shown to be \$57,027,545.87. This should dispel the loose conjectures of the gentleman from New York as to increased imports and increased receipts therefrom.

But I said a few moments ago that increasing imports tends to our impoverishment. The following comparison of imports retained for consumption during the periods just mentioned, as representing the high duty and low duty policy, read in the light of the experience of those periods will effectually sustain the proposition.

Years ended September 30.	Imports retained for consumption.	Years ended September 30.	Imports retained for consumption.
1825	\$63,749,432	1834	\$103,208,521
1826	60,434,865	1835	129,391,247
1827	56,080,932	1836	168,233,675
1828	66,914,807	1837	119,134,255
1829	57,834,049	1838	101,264,609
1830	56,489,441	1839	144,597,607
1831	83,157,598	1840	88,251,207
1832	76,989,793	1841	112,477,096
1833	88,295,576	1842	88,440,549
Total	609,946,493	Total	1,055,698,766

Says this writer:

These statistics show that \$445,752,273 more of imports were retained for consumption in the latter than in the former period. It was this vast excess that overwhelmed home industry and ruined the people and the Government. We may instructively note the fact that the revenue from customs during the nine years, 1825-'33, reckoned as a percentage on the total value of imports retained for consumption, both dutiable and free, was equivalent to 28.676 per cent.; while a like statement for the nine years 1834-'42 yields an average of only 6.782 per cent.

As I have verified my statements by incontestable mathematical data regarding the high tariff of 1824 and the low tariff of 1832, so I shall verify my assertions regarding the low tariff of 1846 and the subsequent acts consistent with it, and the high tariff of 1861 and the numerous acts which, especially in the earlier part of its existence, bettered it.

The following comparison of receipts from customs affords indisputable evidence of the correctness of the positions I have sought to maintain:

Fifteen years under the low-duty policy.		Fifteen years under the high-duty policy.	
Years ended June 30.	Revenue from customs.	Years ended June 30.	Revenue from customs.
1847	\$23,747,864 66	1862	\$49,056,397 62
1848	31,757,070 96	1863	69,059,642 40
1849	28,346,738 62	1864	102,316,152 99
1850	39,668,686 42	1865	84,928,260 60
1851	49,017,567 92	1866	179,046,651 58
1852	47,339,326 62	1867	176,417,810 88
1853	58,931,865 52	1868	164,464,599 56
1854	64,224,190 27	1869	180,048,426 63
1855	53,025,794 21	1870	194,338,374 44
1856	64,022,863 50	1871	205,270,408 05
1857	63,875,905 05	1872	216,370,286 77
1858	41,789,620 96	1873	188,069,522 70
1859	49,550,416 04	1874	163,103,833 69
1860	53,187,511 87	1875	157,167,722 35
1861	39,582,125 64	1876	148,071,924 61
Total	708,067,548 46	Total	2,278,950,074 87

Without tabulating the imports in detail let me call attention to those of some particular years. In 1857 the total imports for consumption were \$360,890,141. The total customs receipts, as appears above, were \$63,875,905.05. In 1864 the imports were \$329,565,115, and the revenue to the Government was \$102,316,152.99. In 1860 the imports for consumption were \$362,166,254, and the customs receipts

thereon \$53,187,511.87. In 1869 the imports for consumption amounted to \$371,624,808, and yielded a revenue of \$164,464,599.56.

But why elaborate? It is clear beyond all question that high tariff rates pay large amounts into the Treasury while low rates yield small returns. And it is equally certain that the notable periods of prosperity in our national career have synchronized in the main with the years in which we have enjoyed the protective policy; while the adverse policy in the main has brought with it at each recurrence calamitous results.

Our necessities are great and pressing. The annual report of the Secretary of the Treasury shows a deficiency in the amount due the sinking fund of \$3,389,255.51 for the fiscal year ending June 30, 1877. The receipts compared with the previous fiscal year show a decrease in customs revenue of \$17,115,491.54; in proceeds of sales of public lands, in sales of coin, in tax on banks, in prize-money, in sales of public property, and in miscellaneous items, \$6,421,297.08. There was an increase in internal revenue, in profits on coinage, and in miscellaneous items of \$5,055,335.08, making a net decrease in the receipts from all sources of \$18,481,452.54. The actual and estimated receipts for the present fiscal year amount to \$265,500,000, and the actual and estimated expenditures, including the amount required for the sinking fund, will be \$267,855,448.52, leaving a deficit of \$2,355,448.52. The revenues for the fiscal year ending June 30, 1879, estimated upon existing laws will be \$269,250,000. The estimated expenditures for the same period amount to \$280,688,796.38. It thus appears that there will be a deficiency at the close of that year of \$11,438,796.38. The Secretary suggests, however, that by making judicious reductions in the appropriations there need not necessarily be such deficiency, and therefore I shall not include his amount.

Now, I have shown by the estimate made by the Chief of the Bureau of Statistics that the bill under consideration will reduce the customs receipts about \$9,500,000 on the assumption that the volume of the dutiable imports will not diminish. It is altogether probable, however, that it will diminish, because the inevitable effect of the reduction of customs duties will be to impair the purchasing power of the people by depriving labor of employment and capital of opportunities of investments in business enterprises. It is also a part of the scheme of the majority to reduce the taxes on tobacco and liquors. It is admitted the proposed reduction of the tax on tobacco will cause a falling off in receipts from that source of at least \$10,000,000. I will accept that as correct for the purposes of argument, though I think the diminution would be much greater. If the scheme to reduce the tax on spirits had succeeded, it would have decreased the revenue from that source at least \$25,000,000. And even now we know that the entire revenues from all quarters have fallen off as compared with last year at such a rate as to indicate a decrease of over \$10,000,000, principally from internal revenue.

Allowing that the tax on spirits will not be disturbed for some time, but that the tax on tobacco may be reduced as recommended, and that the bill before us becomes a law, the account will stand thus:

Deficiency under existing laws	\$2,355,448 52
Decrease resulting from proposed bill	9,404,058 65
Decrease from proposed reduction of tobacco tax	10,000,000 00
Decrease from all sources as indicated by comparison with last year	10,000,000 00

Total 31,759,507 17

Thus ends the first consequence of democratic ascendancy. Contrast this prospect with the actual results of the policy of the republican party which enabled the Government to pay off \$700,000,000 of the public debt.

But this is not all that democratic policy forebodes. There are pending bills in the Senate and House of Representatives and claims before the southern claims commission which aggregated on the 31st day of March, 1878—those introduced since that date not being included—over \$230,000,000. The following carefully prepared statement shows the general character of these claims, whence they come, what they are for, &c., &c.:

States and Territories	Property claims.	Taxes to be re-funded.	Claims for services rendered.	Miscellaneous claims.	Public improvements.
Alabama	\$231,583	\$10,400,141	\$775	\$69,834	\$3,435,000
Arkansas	313,278	2,555,638	19,400	5,008	130,000
California	70,690	3,000	6,400	28,091	2,179,212
Colorado			105	8,134	275,000
Connecticut	8,625	193	5,611	2,615	395,500
Delaware			949		
Florida	37,388	918,944			1,093,000
Georgia	696,698	11,893,002	13,931	130,131	1,177,000
Illinois	71,476	379,782	34,968	118,769	1,935,000
Indiana	7,343	95,815	6,370	24,450	704,026
Iowa	13,427			8,835	250,000
Kansas	62,240	286	8,194	2,503,27	1,530,000
Kentucky	717,166	581,511	31,064	5,244	590,000
Louisiana	457,349	10,102,711	115,963	257,827	17,365,500

Southern claims—Continued.

States and Territories.	Property claims.	Taxes to be refunded.	Claims for services rendered.	Miscellaneous claims.	Public improvements.
Maine.....	\$25,200			\$300	\$15,000
Maryland.....	372,640	\$67,877	\$136,695	16,528	
Massachusetts.....	7,068	66,679	558	2,674	48,000
Michigan.....	2,638	21,500	424,297	10,551	4,002,000
Minnesota.....	54,011		3,491	154,182	
Mississippi.....	167,810	8,742,995	591	13,265	5,278,000
Missouri.....	259,334	626,098	106,343	16,831	1,935,000
Nebraska.....			100	17,002	
Nevada.....				7,174	125,000
New Hampshire.....	185		125	3,313	1,000
New Jersey.....	10,298	3,636	17,715	845	3,208,000
New York.....	14,077	829,304	173,579	1,064	930,000
North Carolina.....	243,217	1,968,385	3,292	745	1,537,000
Ohio.....	45,456	451,337	27,633	15,145	130,000
Oregon.....				271,647	561,033
Pennsylvania.....	229,536	142,313	553,738	247,125	1,460,000
Rhode Island.....		2,424	3,3-5	2,545	35,000
South Carolina.....	2,820	4,172,420	4,350	9,132	120,000
Tennessee.....	401,723	7,894,714	1,957	101,673	1,505,000
Texas.....	117,529	5,503,187	47,196	3,507,503	2,411,500
Vermont.....			3,007	252	31,000
Virginia.....	285,455	826,052	15,118	2,887	1,051,500
Dist. of Columbia.....	214,380	933	26,42		1,507,000
West Virginia.....	284,565	14,300	870	3,000	910,000
Wisconsin.....	94,909		27,042	83,801	520,000
Territories.....	160,033	1,375	18,899	670,563	944,000
Miscellaneous.....	2,145,668	48,174	896,216	1,918,515	2,614,000
Total.....	7,865,620	68,374,706	2,742,419	10,288,061	61,920,091

RECAPITULATION.

Property claims.	\$7,865,620
Taxes to be refunded	63,374,796
Claims for services to be rendered	2,742,419
Miscellaneous claims	10,288,061
Public improvements	61,920,091
Eight hundred and fifty-one pension bills	83,100
Claims before southern claims commission	23,000,000
Claims for the abandoned-property fund covered into the Treasury	24,251,269
Galveston and Camargo Railroad	2,112,000
Galveston, Harrisburg and San Antonio Railroad	4,000,000
Southern Maryland Railroad	1,201,000
Mexican, Seminole, and Black Hawk pensions, yearly estimate	7,000,000
Washington, Cincinnati and Saint Louis Railroad	14,000,000
Total.....	228,724,356

In addition to this there are the following: Texas and Pacific, interest annually for fifty years on \$38,750,000, \$1,837,500; Brazilian mail service, yearly, for ten years, \$810,000; National Railway, \$12,000 per mile; and about forty other railroad bills, demanding money or lands, the amounts of money not being specified. There are also sixteen hundred and thirty-eight bills, embracing a great variety of subjects, but all craving money appropriations, in no one of which is any amount named.

Now, a portion, though a relatively small portion, of these claims is just. Nearly all those for pensions for invalid soldiers and marines of the late war are righteous claims, and Congress should not be hypercritical in passing upon them. Judicious appropriations for the improvement of our navigable rivers and harbors, and for the construction of public buildings where they are needed, should be made, and there are undoubtedly some among the multitude of private claims which ought to be paid. The vast majority of them, however, are nothing but efforts to raid the Treasury, and must be frustrated, or this nation will be shaken to its foundation.

It is not to be doubted that every one of these claims, whether appealing to the necessities of the Government, its supposed justice, or its bounty, is earnestly sought and will be persistently pressed. An immense preponderance of them comes from the Southern States. The public sentiment of that section, conscientiously perhaps, encourages their presentation, and will not be content with less than their satisfaction.

Now, the Representatives from that section of the Union are almost solidly democratic, and they outnumber so far their party colleagues from the Northern States that through the power and discipline of the caucus they can effectuate unanimity of action in any direction they desire.

I mention these matters not to stir up or keep alive sectional animosities, but to point out and emphasize the strength of the probability that, in the event of the democratic party attaining control, some of these claims at least will be paid. And so it comes to this, that the different measures proposed by the democratic majority in this body will immensely decrease the revenues and largely increase the expenditures of the Government.

The present revenue system of the United States is the best in the world. It is simply impossible to devise a better one. It makes luxuries, whether imported or produced in the country, pay high taxes. It levies duties on such imported articles as come in compe-

tion with home productions, and thus fosters home industry. It admits such commodities as we cannot produce free. It distributes the burden of taxation equitably and universally. It is acceptable to the masses of the people.

The representatives of but a few special interests among practical men complain of it. The *doctrinaires*, whose operations are in the field of speculation, with keen acumen for framing *a priori* hypotheses and ready methods of deduction, are the only unselfish men who point out objections to it. But what do they offer in its place? What system of taxation exists anywhere equally good and less onerous? The tariff does not preclude competition and establish monopolies, as Adam Smith insisted, and as the gentleman from Texas [Mr. MILLS] seems to think, because everybody knows that domestic competition in every branch of industry has become so active as to yield supplies at cheap prices largely in excess of the demand. The proverbial attribute of competition can no longer be invoked in the discussion of this subject. Instead of being the life of trade, competition is nowadays the death of trade.

The other argument we have heard so often, and which is now repeated by the advocates of this bill, namely, that free commerce will enable us to dispose of our surplus productions, is extremely faulty. It is very plausible however. Embellished with rhetoric and placed in the admirable category of free speech, free press, and free men, it captivates the imagination and derives support from the empiric logic that ignores principal factors of the problem. It is not to be disputed that tariff duties shut out a large circle of transactions which we would otherwise have with other nations. It is said that the present law on this subject injures our trade particularly with the Argentine Republic, with Chili, and with British North America, owing to their nearness to us and their demand for our staples.

By way of enforcing the argument the trade of these respective countries with Great Britain is contrasted with their trade with the United States, and the statistics show that Great Britain enjoys an immense preponderance, amounting to 95 per cent. in some things. Now if the effect of our protective policy results thus favorably to Great Britain, why is it that Great Britain is so anxious that we should adopt free trade? The argument is that we do not rival Great Britain and other countries in the markets of the world because we impose restrictions on trade; we could compete with Great Britain and other countries if we would remove these restrictions; and Great Britain and all other countries want a great competitor—for what? For the fun of the thing?

The truth is we are immensely rich in resources, and the whole world wants to pluck us. It is marvelously plain common sense that all the nations of the earth would not insist upon free trade with us unless they expected advantages from it. The gaining of such advantages to them implies corresponding losses to us, undoubtedly, in view of the salient fact, never to be forgotten in arguing this question, that we have within our own country everything necessary to supply our wants, excepting tea and coffee and a few articles of luxury. We admit the former free, and the latter should not escape the payment of duty.

Before concluding I desire to say a word regarding the partisan aspects presented by the pending controversy. I have held the democratic party responsible for this bill and for the adverse tariff legislation in the past. I have thought it proper to set forth the issue in this way, not only because history justifies the charge, but because the burden of the speech of the honorable gentleman from Virginia [Mr. TUCKER] is the old democratic construction of the Constitution, which denies to the General Government the right to regulate politico-economic questions, and the democratic side of the House to-day applauded this view as vigorously as ever in the past. I have thought it proper, moreover, because every member of this House, if I am not mistaken, who will vote for this bill, is a democrat, while every republican member, if I am not mistaken, will vote against it. The protection of the industries of the country has therefore a partisan character, and has assumed a more pronounced partisan character in fact than it ever had before. While this is the case, however, I do not wish to do injustice to my democratic colleagues from Pennsylvania, who will, I believe, unite with this side of the House to kill this bill, nor to any other such democratic members; but I cheerfully and gladly award to all such gentlemen their just meed of praise.

But, Mr. Speaker, I will not trespass further than to say that all good reasons in my opinion converge upon the conclusion that this bill should be defeated. If any bill relating to this subject should pass it should be a bill increasing rather than reducing the duties on imports. We import too many commodities now that our people can produce. Let us give employment to our own capital and our own people, diversify our industries and multiply our facilities for supplying our wants, and we shall soon have unbounded prosperity and happiness throughout the United States.

REPEAL OF THE RESUMPTION LAW.

Mr. KEIGHTLEY. Mr. Speaker, during the late extra session I took occasion to place upon the record, briefly, my reasons for voting against the repeal of the resumption act. Time and further examination have only served to strengthen the conclusion I then reached, and I now desire to give to the House and the country more fully and at length the reasons for my faith and action.

Questions touching the propriety of the repeal of the resumption

act or the fulfillment of its promise now occupy the foremost place in all political discussions. The wide divergence of opinion thereon, the zeal and ingenuity with which the advocates of utterly hostile theories urge their pet schemes for the cure of our financial ills, prove the necessity of giving to the subject the most careful thought and mature deliberation.

Where so many differ so widely not all can be right and many must be wrong. Widely as opinions differ, however, upon many points involved, upon one important point I think all are agreed. We all agree that we should so soon as possible give to the country a currency the most stable in value and the least liable to rapid increase or diminution in volume that it is possible for us to secure. A currency the purchasing power of which is subject to little or no change, the volume of which varies but little, cannot fail to maintain comparative steadiness in prices, and by so doing lend an element of certainty to commercial transactions, without which prosperity is impossible. Under such a currency the man of business who is called upon to aid or enter on a given enterprise, is enabled to judge closely of final results. He may thus the more readily be induced to engage therein though the margin of profit be small.

The investment of capital at the lowest possible rates of profit, is of the highest importance to the whole people and especially to the laboring classes. The earnings of capital beyond the rate of profit reserved to the investor inure to the benefit of the whole people. Eliminate so far as possible uncertainty from investments and capital will seek them eagerly at the lowest living rates in preference to others where a greater return is probable but where the hazard of failure is correspondingly increased. Where uncertainty attends an enterprise, in the same degree the promise of profit must be increased or no one will touch it.

If such a venture succeeds the increased rate of profit flows alone to the coffers of capital; if it fails, the capital invested is buried and lost. Under conditions of safe investment it would have still continued to contribute to the development of the country and the employment of its labor. A stable currency secures safe investments.

The adoption of a currency which will the most securely guard against great and rapid fluctuations in prices can alone give to the able, the diligent, and industrious those advantages which by every right they should possess over the scheming idler and reckless speculator.

The man who devotes his property and time to legitimate business, in order to succeed must devote his whole time thereto. His property invested must, in the nature of things, often be in such shape that sudden realization thereon would be impossible. No business man can rearrange his business day by day to meet suddenly changing conditions of prices. His only protection is to charge over upon his customers additional prices upon his wares to cover the risk imposed upon him. In this manner he can in some measure shift his burden, but it falls upon the shoulders of the people.

If prices rapidly rise the laborer finds that his wages do not rise in a corresponding degree. All experience attests that on a generally rising market wages are the last to rise, and that until a climax is reached the labore's wages are clipped from day to day and from week to week.

On the other hand the speculators of Wall street and their kindred in other cities, the men who produce nothing; the men whose capital is always held in hand for speculative purposes; the men who do nothing but scheme and study how best to manipulate markets and take advantage of a rise or fall in prices, find in fluctuations their opportunities. They are familiar with the situation from day to day. Every indication of a rise or fall comes to them as certainly and quickly as the telegraph can transmit the information. Whether we go up or down, the harvest is the same to them. They are drones in the human hive, enabled by these opportunities to draw to themselves an undue proportion of the products of the shop and soil. Cut off these great fluctuations by giving us currency stable in value and steady in volume, and you drive the greater portion of capital now used solely for speculative gain into the service of mankind for lack of employment in its former field. So far I think there is little difference among us.

Where shall we find the currency that shall have a purchasing power least liable to change? Where shall we find the currency that gives the best guarantee of steadiness in volume?

I have studied the several experiments of the race with a purely paper currency, and to me they all furnish but one lesson. Avoid them as you would the plague. Nowhere and at no time has any people attempted to plant its business upon a purely paper currency that overwhelming ruin and disaster has not followed the attempt. It has always been found that no power could arrest its depreciation in value.

It will be of value to us, it will be of value to the American people, to review often and carefully these experiments of the past. I now propose to recall and group together the most important of these experiments and shall follow, so near as may be, their order in history. The first to which I shall call attention is that which is known in history as "Law's paper-money scheme."

John Law, the author and conductor of this scheme, is perhaps entitled to be considered the first prominent advocate of extended paper-money systems. Born a subject of Great Britain, and possessed of property and influence, he first strongly urged the adoption of his

plans upon the English Government. Fortunately for that nation the man and his theories were rejected.

In France he met with better success and secured opportunities for testing his theories to the fullest extent. It will be found useful at this time to recall the principal arguments advanced by Law in support of his plans, and it is surprising how closely they resemble those put forward by inflationists of the present day.

It was the favorite argument of Law—the one upon which all his theories were based—that the power and prosperity of a nation increase in proportion to the amount of money circulating therein, and that as the richest nations have not specie enough to afford full employment to their inhabitants this defect may be supplied with paper money. Have we not heard the same arguments urged early and often upon this floor? Are not the different changes sounded upon them day after day by the opponents of resumption? If this be true, before we lend a willing ear to such arguments we should consider well the results flowing from the fabric reared by Law upon those arguments.

Law first obtained permission and authority to establish a company with the exclusive privilege of trading to the Mississippi and the then province of Louisiana. The company was chartered in August, 1717, with full and complete powers over commerce and taxes, and they were made the sole coiners of money. The company under the management of Law drew to itself privilege after privilege, until it was finally erected into the Royal Bank of France.

So soon as the bank from a private became a public institution its notes were issued to the amount of one thousand million livres. Backed by the whole power and authority of the nation (an expression we now sometimes hear) these notes for the moment commanded the confidence of all classes. Immense redundant issues caused a rapid nominal rise in prices. An era of apparent prosperity and speculative frenzy began which beggars description. Princes and peasants alike became victims to the mania. Capital and labor forsook the walks of industry and legitimate business to enter the vortex of speculation. Paper fortunes were built up in a single day, the possessors of which hugged to themselves the delusion that their wealth was real.

As faintly describing the delirium that for a time reigned supreme, I read an extract from Mackey's account of this delusion:

Law was now at the zenith of his prosperity, and the people were rapidly approaching the zenith of their infatuation. The highest and the lowest classes alike were filled with a vision of boundless wealth. * * * People of every age and sex and condition of life speculated in the rise and fall of the Mississippi bonds.

The Rue de Quincampoix was the grand resort of the jobbers, and, it being a narrow and inconvenient street, accidents continually occurred in it from the tremendous pressure of the crowds. Houses in it worth in ordinary times a thousand livres of yearly rent yielded twelve or sixteen thousand. A cobbler who had a stall in it gained about two hundred livres a day by letting it out and furnishing writing materials to brokers and their clients. The story goes that a hump-backed man who stood in the street gained considerable sums by lending his hump as a writing desk to the eager speculators. * * * At nightfall it was often found necessary to send a troop of soldiers to clear the street.

The fluctuations that gave rise to this terrible fever of speculation enabled the more shrewd and able operators to amass large fortunes. They were producing nothing. They were adding nothing to the general wealth. They were only gathering to their coffers that which the labor of the industrious had produced. The rich were growing richer and the poor poorer.

It was not possible for this condition of affairs to long continue. The more cautious and wary early in 1720, foreseeing the coming storm, began to convert their paper money into specie and send it to foreign countries. Specie could be used anywhere and at any time.

Soon the quiet, steady drain of specie attracted attention. To stop it, upon Law's advice an edict was published, depreciating the value of coin 5 per cent. below that of paper. This failed. Another edict followed increasing the depreciation 10 per cent. and forbidding payments by the bank in greater sums than one hundred livres in gold and ten in silver. Despotic power exercised to control natural laws was of no avail. Still the drain continued until specie became so scarce that trade was seriously disturbed.

In this emergency, (in February, 1720,) Law induced the government to issue an edict forbidding the use of specie altogether. This step, it will be observed, was quite as radical as any advocated by the most ardent greenbackers of to-day. Under this edict no man was allowed to possess more than \$100 in coin under pain of heavy fine and confiscation. This law was expected to restore and maintain confidence in the paper money. Instead of doing this it precipitated the crisis which was sooner or later inevitable. The credit of the paper sank at once and forever. The great bubble which had for a period dazzled all France with its brilliancy, suddenly collapsed, leaving nothing but ruin on every hand. A few great fortunes towed above the general wreck, but misery and want ruled everywhere among the masses. For a long time the country hovered on the brink of revolution, and Law, who had been the public idol for a time, was hunted from the nation by an indignant populace.

Such was the first great experiment of the French people with irredeemable paper money.

AUSTRIA.

The experience of Austria is no less instructive. About the middle of the last century the Austrian government was committed to a paper-money system. By the Austrian National Bank, notes were issued which were made a legal tender, and from time to time the issues were increased. In compliance with a natural law no govern-

ment can arrest, with each succeeding issue the purchasing power of the whole declined. This note issue in 1796 was \$41,000,000, in 1800 it was \$200,000,000, in 1806 it was \$449,000,000. In 1802 it was so depreciated that seven-kreutzer pieces known to be counterfeit commanded a premium over the genuine paper money.

The most stringent measures were adopted for the purpose of bolstering up the credit of the paper money, but without success. In 1810 the paper money fell to 500 for 100, then to 800, and then to 1095. The utter want of confidence in the stability of the currency crushed trade and enterprise. Venality and corruption crept into every branch of the public service. Salaries paid in depreciated paper failed to furnish the necessities of life, and frauds upon the revenues resulted everywhere. In February, 1811, when this circulation amounted to one thousand million gulden, by a proclamation these notes were suddenly reduced to one-fifth of their nominal value. Provision was made for exchanging them at this rate for a new paper called "redemption notes," also to be a legal tender.

Notwithstanding the government promise that no more of the new paper should be issued than sufficient to redeem the old, on the basis fixed in the proclamation, the new issue followed rapidly in the downward track of its predecessor. The solemn promise of the Emperor, too, was soon violated and secret issues followed one another, until in 1816 the amount of paper money in Austria was over six hundred and thirty-eight millions. Of the situation at that time the historian Springer gives the following graphic picture:

Austria offered the strange spectacle of a state buried in the stillness of death—a grotesque conglomerate of states of different sizes, some of which did not dare, others of which did not know how, to breathe independently and freely. Undeniably the paper money exercised the worst influence on the *morale* of the people. Frugality and diligence were lost virtues. Vulgar pleasure-seeking and wild extravagance became habitual even in the lower classes. Of what use to care for the future? Why not to-day enjoy all the pleasures of the senses? How could any one hesitate to pay two hundred gulden for admission to a ball? In fact the money had no value, and if one stood reflecting he might lose ball and money both. The very fact of speaking continually of large sums, which, however, in truth amounted to but very small value, stimulated to frivolity and folly. So the ground was prepared for developing the celebrated "Viennese" disposition, and the loafer life in which the hot-spiced pleasures of the palate seemed the highest good, became indigenous to "the unique city of the Emperor."

Subsequently, and by slow and painful processes, the evils were in some measure reduced; but even yet the cloud hangs over the nation. Every year since has shown a deficit in the national finances.

THE FRENCH ASSIGNAT.

Again in France, in 1789, the advocates of irredeemable paper money came to the front. This time the government at the outset assumed control of the issues. The National Assembly provided for the issue of four hundred million francs in assignats, a paper money not only backed by the "power, credit, and authority" of the nation, but secured under and by the terms of its issue, by a pledge of productive real estate and bearing interest at the rate of 3 per cent. To quiet existing fears of a recurrence of the nation's terrible experience under John Law, the Assembly issued an address justifying their action, in which we find the following:

Paper money is without inherent value unless it represents some special property. Without representing some special property it is inadmissible in trade to compete with a metallic currency which has a value real and independent of the public action. Therefore it is that the paper money which has only the public authority as its basis has always caused ruin where it has been established. That is the reason why the bank-notes of 1720, issued by John Law, after having caused terrible evils have only left frightful memories. Therefore it is that the National Assembly has not wished to expose you to this danger, but has given this new paper money not only a value derived from the national authority but a value real, immutable—a value which permits it to sustain advantageously a competition with the precious metals themselves.

Observe here the confession that "paper money which has only the public authority for its basis has always caused ruin where it has been established." This money, however, was to have "not only a value derived from national authority but a value real, immutable." The people were further assured:

These assignats, bearing interest as they do, will soon be considered better than the coin now hoarded, and will again bring it out into circulation.

The finance committee of the Assembly declared, among other things, that "the circulation of paper money is the best of operations," that "it is the most free because it reposes on the will of the people."

To recall all the arguments advanced would be but to recapitulate those urged to-day by those who wish our paper kept irredeemable. Very little time elapsed after the first issue before the thoughtless and the speculative, their appetite whetted by the universal rise in prices, began to clamor for more paper money.

Mirabeau lent his powerful aid to forward the demand, although less than a year before he had written "paper money is a nursery of tyranny, corruption, and delusions; a veritable orgy of authority in delirium." Such thorough conversion is only paralleled by some we have witnessed in our day, notably that of the Senator-elect from Ohio.

The 29th of September, 1790, the Assembly again yielded. By a vote of 508 to 423 a new issue of eight hundred millions was ordered, making twelve hundred millions in all. A solemn pledge was then given, however, that the entire amount in circulation should never exceed this amount. Not so was the tide to be stayed. The breach once made in the wall the flood came pouring resistlessly in. Again came up the cry of "insufficient circulation." Less than nine months

after the pledge of a limit was given an additional issue of six hundred millions was provided for.

Then the results of the suicidal policy began prominently to appear. The paper rapidly depreciated. Specie rapidly disappeared. The uncertainty of values became so clearly apparent that, practically, trade was brought to a stand-still, while speculations and stock-gambling ruled the hour. In the language of Louis Blanc, "Commerce was dead; betting took its place." The most reckless and corrupt spirit was engendered, that ran through all classes and conditions of life. Bribery of public servants was notoriously common. A dislike for steady labor and plain living became general throughout the nation and all eyes were turned to additional issues of paper money for relief.

December 17, 1791, a fourth issue of three hundred millions more was ordered. The total issues now provided for reached an aggregate of twenty-one hundred millions. Yet the insatiable maw of speculation called for more, and on the 30th of April, 1792, the Assembly added three hundred millions more. After this came other issues, until on December 14, 1792, the amount in circulation was twenty-eight hundred millions. If large issues of legal-tender paper create prosperity, France should have become the most prosperous country on the globe. On the contrary it was found that the depreciation of the paper money had caused such heavy advances in the necessities of life that want and misery were spreading rapidly among the poorer classes. The effect upon the populace is well described by Professor Andrew D. White in his valuable account of this experiment, which I here and subsequently, quote and follow:

The washer-women of Paris, finding soap so dear that they could scarcely purchase it, insisted that all the merchants who were endeavoring to save something of their little property by refusing to sell their goods for the worthless currency with which France was doomed should be punished with death; the women of the markets, and the hangers-on of the Jacobin club, called loudly for a law "to equalize the value of paper money and silver coin." It was also demanded that a tax be laid especially on the rich, to the amount of 400,000,000 francs to buy bread; and the national convention, which was now the legislative body of the French Republic, ordered that such a tax be levied. Marat declared loudly that the people, by hanging a few shop-keepers and plundering their stores, could easily remove the trouble. The result was, that on the 28th of February, 1793, at eight o'clock in the evening, a mob of men and women in disguise began plundering the stores and shops of Paris. At first they demanded only bread; soon they insisted on coffee and rice and sugar; at last they seized everything on which they could lay their hands, cloth, clothing, groceries, and luxuries of every kind. Two hundred shops and stores were plundered. This was endured for six hours, and finally order was restored only by a grant of 7,000,000 francs to buy off the mob. The new political economy was beginning to bear its fruits. One of its minor growths appeared at the city hall of Paris, where, in response to the complaints of the plundered merchants, Roux declared, in the midst of great applause, that "the shop-keepers were only giving back what they had hitherto robbed them of."

Laws were passed making the sale of goods compulsory and fixing their price in paper money. As a natural result every possible device was adopted to avoid making any sales. A great scarcity ensued and it was found necessary to put the people of large cities upon an allowance. Efforts to support the paper were redoubled. All the power of the government was brought into requisition to sustain the value of the paper. Laws were passed forbidding the sale or exchange of specie for more than its nominal value in paper under a penalty of six years in irons. Another law provided that whoever sold assignats at less than their nominal value should be punished by imprisonment for twenty years in chains.

Surely this paper money was backed by the whole "power, authority, faith, and credit of the government."

Still higher and higher rose the wave of inflation, until early in 1796 the circulation reached thirty-six thousand millions. Despite the stringent laws enacted to support the paper, enforced by such relentless men as led the reign of terror, at this time one franc in gold was worth 238 francs in paper money. Of the situation at this time Professor White gives us this graphic picture:

The writings of the period give curious details of these prices. Thibaudeau in his Memoirs speaks of sugar as 500 francs a pound, soap 230 francs, candles 140 francs. Mercier, in his life-like pictures of the French metropolis at that period, mentions 600 francs as carriage hire for a single drive, and 6,000 francs for an entire day. Everything was inflated in about the same proportion, except the wages of labor; as manufactures closed wages had fallen, until all that kept them up at all was the fact that so many laborers were drafted into the army. From this state of things came grievous wrong and gross fraud. Men who had foreseen these results fully, and had gone into debt, were of course jubilant. He who in 1790 had borrowed 10,000 francs could pay his debts in 1796 for about 35 francs. Laws were made to meet these abuses. As far back as 1794 a plan was devised for publishing official "tables of depreciation" to be used in making equitable settlements of debts, but all such machinery proved futile. On the 18th of May, 1796, a young man complained to the national convention that his elder brother, who had been acting as administrator of his deceased father's estate, had paid the heirs in assignats, and that he received scarcely one three-hundredth part of the real value of his share. To meet cases like this a law was passed establishing a "scale of proportion." Taking as a standard the value of the assignat when there were two billions in circulation, this law declared that in the payment of debts, one quarter should be added to the amount originally borrowed for every five hundred millions added to the circulation. In obedience to this law a man who borrowed two thousand francs when there were two billions in circulation would have to pay his creditors twenty-five hundred francs when half a billion more was added to the currency and over thirty thousand francs before the emissions of paper reached their final amount. This brought new evils, worse if possible than the old.

But, wide-spread as these evils were, they were small compared with the universal distress. The question will naturally be asked, on whom did this vast depreciation mainly fall at last? When this currency had sunk to about one three-hundredth part of its nominal value, and after that to nothing, in whose hands was the bulk of it? The answer is simple. I will give it in the exact words of that thoughtful historian from whom I have already quoted: "Before the end of the year 1795 the paper money was almost exclusively in the hands of the working classes, employees, and men of small means, whose property was not large enough

to invest in stores of goods or national lands. The financiers and men of large means, though they suffered terribly, were shrewd enough to put much of their property into objects of permanent value. The working-classes had no such foresight or skill or means. On them finally came the great crushing weight of the loss. After the first collapse came up the cries of the starving. Roads and bridges were neglected; manufactures were generally given up in utter helplessness." To continue, in the words of the historian already cited: "None felt any confidence in the future in any respect; none dared to make an investment for any length of time, and it was accounted a folly to curtail the pleasures of the moment to accumulate or save for an uncertain future."

One last attempt was made by the government to sustain paper money. The old plates of the *assignat* were broken up, and it was announced that the former issues were to be replaced with a new paper money with a new name which was to be "as good as gold." Whoever spoke against the new issue was to be punished by heavy fine and imprisonment. In less than six months twenty-five hundred millions of the new paper were issued and it had sunk below 5 per cent. of its nominal value. The most infatuated then could not fail to see that to pursue such a course further was madness. At once the whole thirty-eight thousand millions were repudiated.

Again I quote from President White:

The collapse had come at last; the whole nation was plunged into financial distress and debauchery from one end to the other.

To this general distress there was indeed one exception. In Paris and in a few of the greater cities, men, like Tallien, of the heartless, debauched, luxurious, speculator, contractor, and stock-gambler classes, had risen above the ruins of the multitudes of smaller fortunes. Tallien, one of the worst of the demagogic "reformers," and a certain number of men like him, had been skillful enough to become millionaires, while their dupes, who had clamored for issues of irredeemable paper money, had become paupers.

So slow and painful was the nation's recovery from the wreck that the lessons of that hour have been ever since remembered by the French people. Though the terrible strains upon their finances during the Franco-German war compelled a temporary suspension of specie payments, (as with us during the late war,) an early return to a convertible currency has been ever kept in view and is already an accomplished fact.

Let us profit by their experience and example.

THE ENGLISH BANK RESTRICTION.

I shall speak now more briefly of what is known as the English bank restriction. The Bank of England suspended specie payment on the 27th day of February, 1797, not to resume again until May 1, 1821, when the bank, by its own wish and permission of Parliament, resumed the payment of specie. During the suspension the notes were given the force of legal tender by provisions denying the usual remedies for collection of debts to those who refused them.

The act of Parliament known as Peel's act, passed in 1819 and providing for the resumption of specie payments in 1822, has been charged with causing great and unnecessary distress and with precipitating an extraordinary number of failures. Against this charge the great weight of authority of the time is arrayed. Both houses of Parliament, through committees appointed for the purpose, examined the question most thoroughly, and the act was sustained by an almost unanimous vote.

One of the most careful statisticians England has known (Mr. Tooke) upon this subject says:

Never, indeed, was there a measure dictated by a sounder policy than that by which Parliament determined in 1819 that the trifling divergence which then existed between the paper and the gold should as speedily as was conveniently practicable be remedied, and the convertibility restored, with the strongest sanction against its being suspended. So loudly was that measure called for by every consideration of justice and good faith, and of the most comprehensive view of the public interest, that if for the purpose of carrying it into effect some actual derangement of prices and of credit had been distinctly contemplated, the effect would have been amply justified by the object.

But there is not a vestige of a ground for supposing that the smallest part of the fall in prices or of the derangement of credit in 1819 or from 1819 to 1822 can according to any evidence of facts or any consistent reasoning be traced to the operations, direct or indirect, of that measure. The sufficiency of the causes, without reference to Peel's bill, of the fall of prices between 1818 and 1822 can hardly, it is presumed, admit of a doubt in the mind of any person who, unbiased by any preconceived theory, will examine carefully the facts as they will appear in evidence in connection with the fall of prices.

He analyzes the operation of laws passed and natural causes existing by which from 1816 to 1818 importations into the United Kingdom were very nearly doubled in two years, and very pertinently asks, "Could it be imagined that the importations of 1818, being within a trifling double what they were in 1816, could be sold at the same prices?"

In the single article of cotton the importations increased from 93,920,055 pounds in 1816 to 177,282,158 pounds in 1818. A comparison shows similar results in other articles of merchandise, and it is absurd to suppose that with such large additional supplies the old prices could be maintained.

Notwithstanding the decline in prices that occurred at this time the aggregate number of failures fell off. During the three years ending in 1816, a period when the people of England enjoyed every advantage that could be derived from convertible paper, having the force of legal-tenders, the number of failures reached 6,627. During the next three years, under the same circumstances and immediately preceding the passage of Peel's bill, the number of failures reached 7,042. In the three years succeeding the passage of Peel's bill and preceding the resumption of specie payments the number of failures were only 4,118. This is the strongest proof that so far as solvency is concerned, matters began to mend upon the passage of the act. Following resumption, trade revived at once, and the years 1823 and 1824

were especially prosperous. The English paper currency has ever since been kept promptly convertible into specie. As a consequence, it commands confidence everywhere and circulates readily in all the great marts of the world. Under this currency it is a historical fact that the English people have enjoyed comparative immunity from great commercial revulsions and have well maintained their positions as the most wealthy, prosperous, and powerful of civilized nations.

We ought to profit by their experience.

THE BANK OF VENICE.

In support of the theory that irredeemable paper can be safely relied upon we are often cited to the history of the Bank of Venice. No reference could be more unfortunate for the advocates of inflation. Mr. McLeod in his valuable work on banking and currency furnishes a brief and concise history of this money from which I quote:

Venice was a small state but gradually became the center of an enormous commerce and as an inevitable consequence a great quantity of clipped and worn foreign coins circulated in it, brought by the foreigners who resorted to it. When the practice of bills of exchange became common, the degraded state of the currency caused an intolerable inconvenience to merchants. To obviate this at some subsequent time, though at what precise period we are not informed, the plan was devised of the chamber of loans receiving deposits from private persons.

Every merchant deposited there the coins he received and he was credited with their value in bullion, and the bank gave him a corresponding number of its notes payable to bearer on demand in full weight of bullion.

As the bank always pledged itself to pay in full weight its notes always bore a premium as compared with the worn and clipped coin in circulation. All bills of exchange between merchants were made payable in this bank money. The bank, however, does not seem ever to have discounted bills upon its own account, and as its paper only represented the price of bullion actually in its coffers, it made no increase in the quantity of currency in circulation. Its only advantage was to save the wear and tear of the coinage and to insure a uniform standard in mercantile contracts. This bank continued to enjoy great credit and repute until it fell with the republic in 1797.

Mark the fact that no paper was issued by this bank that was not promptly convertible into specie at the will of the holder, and was payable not in current coins, but in full weight of bullion. The success of the Bank of Venice, the credit so long enjoyed by its paper, is therefore, a most powerful argument in favor of a currency always convertible into the precious metals at the will of the holders.

COLONIAL PAPER MONEY.

If, however, we need to go further, we may most profitably study the record of our forefathers. Daniel Webster well and truthfully said:

Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well disposed of a degraded paper currency authorized by law or in any way countenanced by Government.

Colonial history furnishes many melancholy lessons from the attempts of the different colonial governments to float irredeemable paper money, which was made a legal tender and "backed by the whole power, credit, and authority of the government.

The student of Bancroft will agree with me that the record is always found the same. Redundant issues, rapid depreciations, and resulting bankruptcy and repudiation. Such is the condensed history of each and every experiment.

CONTINENTAL CURRENCY.

We are all familiar with the history of the continental currency. We all remember that it was based upon the "faith, credit, resources, and power of the continent." It was given full legal-tender power, and the most stringent laws were enacted to sustain it. Still, the issues steadily sunk in value until it became "not worth a continental." The phrase comes down to us to express the most utter worthlessness that can be conceived.

When these issues had reached an aggregate of \$350,000,000, so low had it sunk in value, as history tells us, that in Philadelphia "a barber's shop was papered with the money, and a dog, coated with tar, and the bills stuck all over him, was paraded in the streets."

We ought to heed these lessons and return while we may to a sound convertible currency. We must learn, if not from past experience, then from future bankruptcy and ruin, that no government decree can inject value into paper, however strongly it may be backed with bayonets. We must learn that no nation can disregard the natural laws of trade and exchange without inviting disaster; that natural laws will sooner or later assert themselves above and beyond all human legislation.

OPINIONS OF EMINENT MEN.

To the admonitions of history we may add for our instruction the views of the most prominent men intrusted with the administration of our public affairs in the past. Nearly every one spoke in his day, with no uncertain sound. I have collected a number of quotations from the utterances of those who were highly honored by the nation, which I submit:

WASHINGTON.

Some other States are, in my opinion, falling into the very foolish and wicked plans of emitting paper money. I cannot give up my hopes, however, that we shall ere long adopt a more just and liberal system of policy.

JOHN ADAMS.

I cannot but lament in my inmost soul that lust for paper money which appears in some parts of the United States. There will never be any uniform rule, if there is any sense of justice, nor any clear credit, public or private, nor any settled confidence in public men or measures until paper money is done away.

THOMAS JEFFERSON.

Capital may be produced by industry and accumulated by economy; but jugglers only will propose to create it by legerdemain tricks with paper.

JAMES MADISON.

The loss which America has sustained since the peace from the pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied, or rather it is an accumulation of guilt which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it.

ANDREW JACKSON.

The progress of an expansion or rather a depreciation of the currency, by excessive bank issues is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their usual toils, they do not perceive that, although their wages are the same or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood and made to contribute to his advantage. It is not until the prices of the necessities of life become so dear that the laboring classes cannot supply their wants out of their wages that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus by the depreciation, in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of adulteration is a tariff on our home industries for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is thus perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payments—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

Again:

There never was, nor ever could be, use for any other kind, (than redeemable currency,) except for speculators and gamblers in stocks; and this to the utter ruin of the labor and morals of the country. A specie currency gives life and action to the producing classes, on which the prosperity of all is founded.

JAMES BUCHANAN.

The evils of a redundant paper circulation are now manifest to every eye. It alternately raises and sinks the value of every man's property. It makes a beggar of the man to-morrow who is indulging in dreams of wealth to-day. It converts the business of society into a mere lottery; while those who distribute the prizes are wholly irresponsible to the people. When the collapse comes, as come it must, it casts laborers out of employment, crushes manufacturers and merchants, and ruins thousands of honest and industrious citizens.

ABRAHAM LINCOLN.

A return to specie payments at the earliest period compatible with due regard to all interests concerned should ever be kept in view. Fluctuations in the value of currency are always injurious, and to reduce these fluctuations to the lowest possible point will always be a leading purpose in wise legislation. Convertibility, prompt and certain convertibility into coin, is acknowledged to be the best and surest safeguard against them.

U. S. GRANT.

Among the evils growing out of the rebellion is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is the duty, and one of the highest duties, of the Government to secure to its citizens a medium of exchange of fixed and unvarying value. This implies a return to specie payment, and no substitute for it can be devised.

ALEXANDER HAMILTON.

Paper emissions by the Government are of a nature so liable to abuse, I may say so certain to be abused, that the wisdom of the Government will be shown by never trusting itself with so seducing and dangerous a power.

WILLIAM H. CRAWFORD, SECRETARY OF THE TREASURY.

A metallic currency having a value independent of that which is given to it by the sovereign authority does not depend upon the stability of the Government for its value.

Revolutions may arise, insurrection may menace the existence of the Government—a metallic currency rises in value under such circumstances. * * * Not so with a paper currency; its credit depends, in a great degree, upon the confidence reposed in the stability of the authority by which it was issued. Should that authority be overthrown by foreign force or intestine commotion, an immediate depreciation, if not an absolute annihilation of its value, would ensue.

SALMON P. CHASE.

The Secretary recommends no more paper-money scheme; but on the contrary, a series of measures looking to a safe and gradual return to gold and silver as the only permanent basis, standard, and measure of value recognized in the Constitution.

DANIEL WEBSTER.

Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. It is the most effectual of inventions for fertilizing the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation bear lightly on the masses of community, compared with fraudulent currencies and the robberies committed by depreciated paper money.

We have suffered more from this cause than from any other cause or calamity. It has killed more men, pervaded and corrupted the choicest interests of our country more, and done more injustice than even the arms and artifices of our enemy.

HENRY CLAY.

If there be, in regard to currency, one truth which the united experience of the whole commercial world has established, I had supposed it to be that emissions of paper money constitute the very worst of all conceivable species of currency.

CHARLES SUMNER.

Surely we must all be against paper money. * * * We must all set our faces against any proposition like the present, except as a temporary expedient rendered imperative by the exigency of the hour. * * * Reluctantly, painfully, I consent that the process should issue. And yet I cannot give such a vote without warning the Government against the dangers from such an experiment. The medicine of the Constitution must not become its daily bread.

HORACE GREELEY.

We advise any man who wants to cheat himself into the belief that the funded debt of the United States may lawfully be paid in greenbacks not to read this handy volume, (Spaulding's *Financial History of the War*,) unless he is anxious to know that he is a rascal and that every one sees it.

Utterances like the foregoing from the most renowned of our Presidents, from the ablest men called to preside over the Treasury, from the most profound statesmen the country has known, should have weight in a crisis like the present when we are called upon to choose between a sound convertible currency and the alternative of following, to the bitter end, the course of irredeemable paper money.

GOOD FAITH REQUIRES RESUMPTION.

Beyond this we insist that good faith and honesty demand that we should make the legal-tender issues convertible into coin at the earliest practicable moment. With surprise I have heard men who pretend to leadership of the inflation forces argue upon this floor that at the time these issues were provided for, no intention existed to provide for their ultimate redemption. The terms of the first law enacted with reference to the greenback promised payment. In proof of this we need only refer to the first paragraph of the law, which is in these words:

Be it enacted, &c. That the Secretary of the Treasury is hereby authorized to issue on the credit of the United States \$150,000,000 of United States notes, not bearing interest, payable to bearer at the Treasury of the United States, and of such denominations as he may deem expedient, not less than \$5 each.

To say that the "promise to pay" borne upon the face of each and every one of these notes was unauthorized is to dispute the language of the act itself. It would do violence to the good sense and honesty of those who passed the law to say that it was intended that the payment provided for in the act should be made by exchanging for the original promise to pay, another promise exactly similar. No other payment could have been intended than payment to be made in that which in the prior history of the country had been recognized as money—gold and silver coin. Each and every succeeding act contained the same language and the same promise.

Every friend of the measure in either House of Congress who spoke at all on the subject, in the discussions leading up to its passage, expressly announced and reannounced that the issue was to be regarded as a temporary expedient, accompanied by great danger, but justified by overwhelming necessity.

Secretary Chase, in his first report, December 9, 1861, alluded to, but refrained from recommending the adoption of such a policy. Here is his language:

The plan, however, is not without serious inconveniences and hazards. The temptation, especially great in times of pressure and danger, to issue notes without adequate provision for redemption; the ever present liability to be called on for redemption beyond means, however carefully provided and managed; the hazard of panics, precipitating demands for coin, concentrated on a few points and a single fund; the risk of a depreciated, depreciating, and finally worthless paper money; the immeasurable evils of dishonored public faith and national bankruptcy—all these are possible consequences of the adoption of a system of Government circulation. It may be said, and perhaps truly, that they are less deplorable than those of an irredeemable bank circulation. Without entering into that comparison, the Secretary contents himself with observing that in his judgment these possible disasters so far outweigh the probable benefits of the plan that he feels himself constrained to forbear recommending its adoption.

Subsequently, as dangers from rebellion thickened and the need of ready funds grew more and more pressing, Secretary Chase did recommend the issue, but only upon a basis looking to a return "to gold and silver as the only permanent basis, standard, and measure of value recognized in the Constitution.

DEBATE UPON THE BILL.

In proof of the light in which it was regarded when being considered I here give extracts from speeches made by friends of the measure:

The chairman of the subcommittee from which the bill was reported was Hon. E. G. Spaulding.

In 1869 he published a valuable little work entitled "Financial History of the War," giving a synopsis of the debate upon the bill. At the beginning of his work, speaking of the act, he says:

Experience has proved that notwithstanding it was a forced loan the end justified the means. * * * Although it was a war measure, a measure of necessity not of choice, and could only be justified on that ground, it has for many years exerted most decisive influence over the property and material interests of every individual in the United States.

This is but a restatement of his opinion expressed in opening the debate, when he further announced that he would be "among the first to advocate a speedy return to specie payments."

Thaddeus Stevens, then chairman of the Ways and Means Committee, and one whom the enemies of resumption sometimes delight to quote, said:

This bill is a measure of necessity, not of choice. No one would willingly issue paper currency, not redeemable on demand, and make it a legal tender. It is never desirable to depart from the circulating medium which, by common consent of civilized nations, forms the standard of value.

Mr. Blake, of Ohio, said:

The bill is brought forward as a war measure, to meet the pressing demands now on the Treasury.

Mr. Campbell, of Pennsylvania, said:

The bill now before the committee is necessary to sustain the credit of the country and carry on the war. It is with reluctance that I have come to that conclusion.

Mr. Walton, of Maine, said:

Necessity compels us to pay our creditors in Treasury notes.

Mr. Kellogg, of Illinois, said:

I treat this emphatically and clearly as a war measure. It is necessary to carry on the Government in a war direction.

When the bill came back to the House from the Senate, in the course of the ensuing debate, Mr. Spaulding, the author of the measure, said :

All are obliged to receive and pass it as money, and all are obliged to submit to heavy taxation to provide for its ultimate redemption in gold and silver.

Mr. Pomeroy, of New York, said, speaking of the issues authorized by the bill, bonds and notes alike :

The credit of the Government is alike bound for the payment of both classes of indebtedness ultimately in coin. Each derives its entire value from that.

These opinions are from the friends of the bill, by whose votes it was passed, and they certainly prove that in that day no one intended to provide for a permanent irredeemable paper money. The interpretation given the law by those who created it is more likely to be correct than that of our latter-day financiers, who court repudiation.

The enemies of the bill denounced it most unsparingly as unwarranted under any circumstances; predicted that the issues would become worthless and would be ultimately repudiated. Now, when the nation can and is about to redeem its promises, some of these men still prominent in politics are laboring diligently to bring about a fulfillment of their prophecies through the processes of inflation.

In the Senate the whole course of the debate shows the same unanimity of opinion as to the necessity for the measure, and that it could only be justified upon that ground. All agreed that a return to specie payment should be provided for so soon as practicable. We are now asked to disregard these distinct pledges of ultimate redemption given at every stage of the creation of the greenback.

If public pledges, solemnly made, are to be held better than mere tracings in the sand we ought not to turn back now. These pledges were the bone and sinew, the life of the greenback, and the friends of the currency should insist that they be sacredly kept. The men who fought this currency at the beginning, either in these halls or in the tented field, may consistently advocate measures looking to its depreciation, but the republican party, that is responsible for its existence, for the honor of its organization, for the credit of the nation and the good of the whole people, should insist that its promise be fulfilled. We should go forward until every dollar of its volume is worth one hundred cents.

SUPREME COURT DECISIONS.

Not only have we the pledges of the men by whose votes this law was passed that the inconvertibility of its currency should be considered a war measure, and not applicable to times of peace, but we have the decisions of our Supreme Court that only thus can it be supported. Witness the language of the Supreme Court upon this subject in 1871 :

One of the duties of the Government is to preserve itself, and it has all the necessary powers to that end. If under the circumstances of the war and the means required to maintain the Army and Navy, it were certain that nothing else would have supplied the absolute necessities of the Treasury, that nothing else would have enabled the Government to maintain its Army and Navy, that nothing else would have saved the Government and the Constitution from destruction, while the legal-tender act would, it cannot be said that Congress transgressed its powers in the enactment of this law, or if this enactment did work the result it cannot be maintained now that it was not for a legitimate end, and appropriate and adapted to that end.

In the decisions we find this further language :

It is a power not to be resorted to except on extraordinary and pressing occasions, such as war or other public exigency of great gravity and importance, and should no longer be exercised than the circumstances of the case demand.

In the case entitled *Bank vs. Supervisors*, reported in 7 Wallace, the Supreme Court said :

It is clear that these notes are obligations of the United States. Their name imports obligation, and every one of them bears on its face a promise to pay a certain sum. The dollar note is a promise to pay a dollar, and the dollar intended

is the coin dollar of the United States; a certain weight and fineness of gold or silver. * * * These notes are obligations. They bind the national faith. They are therefore strictly securities.

Again, referring to what is known as the Legal Tender decisions, in 12 Wall., 553, we find the following language in the decisions :

The legal-tender acts do not attempt to make paper a standard of value. We do not rest their validity on the assertion that their emission is coinage or any regulation of the value of money. Nor do we assert that Congress may make anything which has no value money.

Surely no one who reviews these facts with an unprejudiced mind can doubt our duty (if we retain the slightest regard for good faith and established law) to restore these notes, so soon as may be, to specie values.

RESUMPTION IS PRACTICABLE.

Next I say, Mr. Speaker, that resumption is practicable on the day fixed by law. The first and perhaps the most important fact to be considered in this connection is that we have already reached practical resumption. Already in most of our large cities and in many smaller towns gold is being paid over the counters side by side with legal tenders. The cheering news comes to us from the distant West that in one instance even a premium in gold has been paid for greenbacks, and nowhere does gold command a greater premium than one-half of 1 per cent. This would not be so did not the state of our credit and the condition of our affairs convince the people of our ability to keep the promise of the law and the currency.

The resumption law will not be repealed. That settles the purpose of the nation to resume if it has the ability. Long experience has shown that to maintain specie payments it is not necessary to keep a reserve fund greater than about 40 per cent. of the circulation or demand liabilities. For the remainder, sufficient resources to draw upon in time are all that is required.

The following table, furnished by the Secretary of the Treasury, shows the condition of the Treasury with reference to resumption April 1, 1878, and what it will be under existing laws and contracts on January 1, 1879 :

Statement showing the apparent and probable condition of the United States Treasury, including the proposed accumulation of \$50,000,000 coin.

	Apparent.	Probable.
Demand Liabilities, April 1, 1878:		
Coin-tender notes	\$347,848,712 00	\$340,000,000 00
Coin certificates	57,883,400 00	57,883,400 00
Interest overdue	4,121,146 77	4,000,000 00
Debt, matured and interest	8,439,391 04	8,000,000 00
Currency certificates	25,215,000 00	25,215,000 00
Fractional currency	16,950,115 63	
Demand notes	62,342 50	
Unclaimed Pacific Railroad interest	7,267 03	
Totals	460,527,374 96	435,098,400 00
Demand resources, April 1, 1878:		
Coin	138,357,608 14	188,357,608 14
Currency	35,966,851 35	35,966,851 35
Totals	174,324,459 49	224,324,459 49
Percentage of resources to liabilities	.37	.51

And the following table from the same source shows with what resources the national institutions mentioned therein have successfully maintained specie payments :

Statement showing the resources and liabilities of certain European banks at dates mentioned below.

Bank.	Date.	Demand liabilities.		Total.	Demand resources.	Percentage of resources to liabilities.	Average depreciation, per cent.
		Circulation.	Deposits.				
Bank of England.	1818.	\$26,202,000	\$7,928,000	\$34,130,000	\$6,363,000	.18+	2 13. 2.
Bank of England.	1820.	24,299,000	4,421,000	28,720,000	8,211,000	.28+	12. 0.
Bank of England.	1822.	17,465,000	6,399,000	23,864,000	10,098,000	.42+	Nil.
Bank of England.	1824.	20,132,000	9,680,000	29,812,000	11,787,000	.39+	Nil.
Bank of England.	1826.	21,564,000	7,200,000	28,764,000	6,754,000	.23+	Nil.
Bank of England.	1828.	21,358,000	10,201,000	31,559,000	10,499,000	.33+	Nil.
Bank of England.	1830.	21,465,000	11,621,000	33,086,000	11,150,000	.33+	Nil.
Bank of England.	1832.	18,320,000	10,278,000	28,598,000	7,514,000	.26+	Nil.
Bank of England.	1834.	19,195,000	13,300,000	32,495,000	7,303,000	.22+	Nil.
Bank of England.	1836.	18,018,000	12,040,000	30,058,000	5,250,000	.17+	Nil.
Bank of England.	1838.	19,488,000	8,922,000	28,410,000	9,540,000	.33+	Nil.
Bank of England.	1840.	17,170,000	6,254,000	23,424,000	4,290,000	.18+	Nil.
Bank of England.	1842.	20,332,000	8,690,000	29,022,000	9,729,000	.33+	Nil.
Bank of England.	1844.	21,485,000	12,138,000	33,623,000	15,315,000	.45+	Nil.
Bank of England.	1846.	21,390,000	16,322,000	37,712,000	16,388,000	.43+	Nil.
Bank of England.	1878.						
Bank of England.	Feb. 20.	26,584,674	28,054,497	54,639,171	24,730,793	.45+	Nil.
Bank of France.	Feb. 14.	99,350,000	21,193,000	120,543,000	78,896,000	.65+	
Bank of Germany.	Feb. 7.	30,987,000	10,311,000	41,298,000	24,759,000	.58+	
National Bank of Belgium.	Feb. 7.	13,170,000	2,330,000	15,500,000	3,991,000	.25+	

A comparison at once shows that the reserve then on hand will constitute a much larger percentage of the demand liabilities than is known to have been successfully relied upon by the European national banks. That the Secretary has not overestimated his resources to be obtained, is attested by the fact that the additional accumulation proposed by him, is coming in much more rapidly than he had hoped. The coin he expected to secure by the 1st of August is even now provided for. Add to this the fact that European nations produce but little of the precious metals, while we are adding to our present stock of gold and silver—amounting to \$250,000,000 according to the best estimates—at the rate of over \$80,000,000 in each year. Add to this the fact that the balance of trade is now most heavily in our favor, and must long continue to be, also the fact that the material wealth of the country and its resources for revenue are increasing at a wonderfully rapid rate, and the most timid ought to admit that the ability of the nation to resume is beyond question.

As well illustrating the rapid growth, within the last seven years, of interests which lie at the foundation of our national wealth and prosperity, I have compiled the following statement from the figures of the census of 1870 and statistics furnished by the Department of Agriculture at the request of the gentleman from Illinois, [Mr. BURCHARD.]

Statement showing the increase in the number of live animals and in the amount of cereal and other farm products in 1877 over 1870, and the percentage of such increase over the aggregate of 1870.

Animals.	Increase in number.	Percentage of increase over number in 1870.
Horses.....	3,184,330	44
Mules.....	512,085	45
Cows.....	2,364,768	26
Oxen and other cattle.....	4,338,024	29
Sheep.....	7,262,549	25 $\frac{1}{2}$
Swine.....	7,127,931	22

Crops.	Increase in amount.	Percentage of increase.
Bushels of corn.....	245,745,000	22 $\frac{1}{2}$
Bushels of wheat.....	124,114,300	52
Bushels of oats.....	157,922,600	62
Bushels of rye.....	6,627,000	42
Bushels of barley.....	9,304,600	35
Pounds of tobacco.....	229,372,000	91
Tons of hay.....	6,975,000	28
Acres cultivated.....	31,000,000	34

This vast increase of wealth is not confined to one section. It is the increased wealth of the whole country. It is an addition not to the wealth of the speculator and stock-jobber, but to the farm and field, upon which rests at last the prosperity of the whole nation. These facts show a silver lining to the cloud that has threatened us. I do not forget, and I would not disguise the fact, that we have passed through a period of severe business depression. It is because I well remember this that I would avoid a policy which, at the best, can only temporarily relieve and must ultimately aggravate the evils that have befallen us.

Turning from that darker side of the picture it is most gratifying to find assurance that there is solid ground beneath our feet, and that on every side are indications of the dawn of that safe, enduring prosperity that will surely follow resumption.

RESUMPTION DOES NOT MEAN CANCELLATION.

The cancellation or retirement of the legal-tender notes will not follow resumption. Under the Secretary's construction of the present law they would still be kept in circulation. But that no possible doubt may exist it is to be hoped that the wise provisions reported by the Finance Committee of the Senate in lieu of the act passed by this House will become a law.

The present volume of paper circulation will be maintained, not dishonored and depreciated, but always and promptly convertible into coin at the will of the holder. Three hundred millions of actual money, gold and silver, will be thrown into the circulation and our currency healthily expanded by so much. Side by side the promise of the Government and the money of the world will circulate among the whole people.

Then the money of the millionaire and the mechanic will be the same and be of equal value. Then the little stores of the frugal and industrious, laid by against the day of adversity, will not dwindle away to nothing under the withering influences of depreciation. Then will industry and legitimate business each receive its own and speculation find its "occupation gone."

We can go forward certain of success. We can go forward assured that subsequent events will vindicate our action. We can go forward assured that in history the complete success of resumption, the vindication of the nation's faith, honor, and credit, will be recorded as a triumph second only to the suppression of the great rebellion.

To recapitulate, I claim :

First. That all experience has shown that an irredeemable paper currency is among the worst of evils that can befall a nation, and more especially an evil to the working classes.

Second. That the best and wisest men the country has produced, each in his day has spoken against the evil.

Third. That to abandon resumption would violate the pledges given by those who passed the law, both before and after its enactment.

Fourth. That resumption on the day fixed by law can be accomplished, and that so far from decreasing the circulating medium it will, in fact, add to the currency \$300,000,000 in actual money.

Fifth. It will insure stable values and solid prosperity.

POSTAL SAVINGS-BANKS.

Mr. HARDENBERGH addressed the House upon the postal savings-banks and the claims of labor. [His remarks will appear in the Appendix.]

LABOR VS. CAPITAL.

Mr. WHITTHORNE. Mr. Speaker, was the aspiration and belief of the men who founded and originated the governments making the Federal Union that the conflicts between labor and capital, which had embroiled the people of the Old World, would find their solution in the guarantees secured or attempted to be secured in written constitutions. In the struggle of man for life, liberty, and the pursuit of happiness he had been met by force, which, enthroned, claimed to govern by divine right. Force, obtaining power by fraud, treason, and might, sought, under the protection of religious sanction, to enslave the mass of mankind. This mass, protesting from time to time against the arbitrary power and rule of force, rebelled against its tyrannical exactions and asserted equality before God, and the right inalienable to life, liberty, and the pursuit of happiness. The mass represented labor. Capital was represented in force. The founders of the American Constitution, recognizing this conflict, wisely endeavored in framing a government to secure to each individual the fruits of his labor and the protection of his inalienable rights; hence their protests against perpetuities monopolies and hence the reservation to the people of the taxing power and the control of all questions affecting their rights, privileges, and responsibility of labor.

It was wise that they should do so. Almost living witnesses of the disgraceful and tyrannical oppression of the house of Stuart, who had made merchandise of the labor and rights of the people of England, careful students of the struggles of the oppressed laborers of centuries—of the millions tributary from the sweat of their toil to the luxuries and pleasures of those who were anointed by force—themselves fugitives from the oppressions of the few, who claimed jurisdiction over the soul and body of man, it is not surprising that, in defining the rights of the governed and the powers of the ruler, they should declare "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men;" and that they should make in our constitutions such monumental boundary marks as in their opinion would secure labor protection from the encroachments and dominion of power and capital. And for this they proclaimed the sacredness of jury trial, the freedom of speech and the press, the right of petition, the sanctity of contracts, and the preservation of the rights of person and property under the guardianship of the law.

Their idea and purpose in forming government was that it was the mere agent and creature of the people, made and ordained to establish "justice," by securing and guaranteeing to each citizen protection in the fruits of his industry and security in the pursuit of that which would insure his happiness, leaving him to the full enjoyment of these rights deemed inalienable, only enjoining that in such pursuit and enjoyment he should not trespass on the granted similar rights belonging to others. Thus independent and free, man, subject alone to government of his choice, would in peace, with full assurance of due reward to his labor, avoid conflicts which had heretofore made slaves of him and his children.

I have said that it was the aspiration of the founders of American governments that this conflict should be avoided, and with that view our peculiar and popular institutions were formed. Have these governments failed to accomplish this purpose?

He who reads our history and heeds the lesson of the present cry of distress now abroad in our land must conclude that, notwithstanding the form and character of our Government, the end is not yet, that the conflict still exists. Indeed, so severe and alarming have been the struggles between these opposing forces that conservative and patriotic lovers of constitutional liberty are awed with apprehension of danger thereto, from communism upon the one hand and centralization upon the other.

Capital seeks the protection of centralization. Distressed labor, denied the security of Government, resorts to communism. The effort of each is a stab at the form of government established by those from whom we inherited it.

Labor and its representatives assert that the Government is con-

ducted in the interests of capital, and so as to control its efforts and deprive it of its just rewards; that its industry and mechanism, through unjust and oppressive taxation, through partial and class legislation, are made tributary to the behests, dominion, and power of the few; and, impatient under the continuance of this domination, seeks by mobs, combinations, and other steps unknown to the law or a healthy political existence to be relieved of this enslavement.

Have we forgotten how the country was startled and shaken to its very foundation by the riots of the last year? Can we forget the immense destruction of property—counted in value by the millions—that occurred as the result of these riots? Is it possible that so soon have fled from our memory the fright of capital and the paralysis of commerce, and that, pallid with fear, they demanded the protection of the military arm of the Government? Do not the scenes of that eventful crisis speak in warning and prophetic tones of coming danger? Shall the lesson of that period go unheeded?

Were not these scenes the outgrowth of this conflict between labor and capital? Beyond these evidences of this conflict let me invite your attention to the increase of a sentiment in all sections of this country that threatens the repudiation of all obligations that rest for their enforcement or payment upon the tax powers of this Government. That this sentiment exists and is growing in numbers and strength no thoughtful citizen for a moment doubts.

In view of this unquestioned state of affairs, pausing for a moment that the full significance of the queries that I have propounded may find lodgment in considerate minds, I have to repeat, shall the lesson of these riots as well as the logic of threatened repudiation go unheeded?

That we may give full heed to them it is well, Mr. Speaker, that we should look deeply and wisely into the causes that have produced these results. A resort to force or an application of evasive remedies will not suffice. We must boldly and conscientiously confront the complaint made by labor and the tax-payer, and fearlessly, honestly, and justly give the remedy. If these complaints be just they should be met and relief granted. If they be not just, appeal to reason and correct the error. The stake is too high and precious—that of the preservation of our constitutional forms of government—to be submitted to the tyranny of centralization or the anarchy of communism. From the Scylla of the one or the Charybdis of the other the valued inheritance of free institutions must be saved. It behoves the honest, patriotic citizens to guard against the counsel and corruption of the advocate of capital, or the wiles and seductions of the demagogue who represents communism. In doing so, and in an honest inquiry into the complaints made by labor and the tax-payer, while condemning any appeal to violence, any disregard to law, or any repudiation of an honest, legal contract, I feel constrained, alike from observation and study, to say that in a very great measure if not altogether these complaints are just.

Let us examine them. Everywhere poverty and distress exist. Bankruptcy threatens the fortunes and homes of the great mass of our countrymen. On all sides of us comes the appeal of laboring men and women for employment, and behind the appeal is the cry and wail of starvation. Behind this countless army of supplicants for employment stands arrayed another ready from inadequate rewards for labor to form in reserve. Upon their flanks are stationed the thousands who have swelled the list of bankrupts in trade made since the era of contraction commenced. Look at the track of their march throughout our country; it is marked by wasted fields, voiceless machinery, idle mills, unused factories, unemployed furnaces. Crime and death are the camp-followers of this immense horde. The condition of the revenues of the National Government as well as those of a large number of the States exhibits a deficiency, and yet the tax-payers are only conscious of the increasing weight of taxation and that they are growing poorer day by day.

But there is another picture. See the favored of our land, immense wealth has been gathered into their hands, all the luxuries and pleasures as well as the comforts and ease that wit or appetite may demand is theirs. Day by day it doth seem their aggregate is increased. The multiplication of bankruptcy and the addition of general poverty and distress but adds to their treasury. They do fatten upon the misery of the unfortunate. Too highly colored may this picture seem, but yet behind the color we do recognize the character of the living truth which speaks in unmistakable tones that there is existing reality in them.

The friend of labor and the tax-payer when required to explain why such a state of things exists, answers and says that it is in consequence of the vicious, corrupt, and subservient legislation that has pervaded alike State, municipal, and Federal legislatures; that this legislation has created monopolies, has fostered corporations, has made special and favored classes, and has prostituted itself to the interests of capital, and in verification thereof points to the past history of the cities and States of the Union as also to that of the National Government. Passing from any review of that history prior to the civil war, although it is fruitful in much of class legislation and in the multiplication of corporate and associated wealth, and waiving any view or reflection that might justly be made that that war was precipitated by this conflict between labor and capital, we come to the more serious legislation of the National Government enacted during and since the war.

It is to be noted that during that fearful struggle capital dictated its own terms to the National Government in its rate of interest, in

relief from taxation, and in banking facilities secured to the creditors of the Government and no one else. At the close of the war, when the Government found more than a million of its producers destroyed, with more than nine billions of its wealth blotted out; with an increased pension list; with a debt of nearly three billions requiring provision for its payment; with its States, cities, counties, and towns overburdened with obligations; with the States recently subdued impoverished, it had to confront the claims of its creditor, who demanded terms and conditions of his own making, and such was the power of capital that his exactions were complied with.

Not content with the security, the privileges, and the exemptions made in its favor, capital, dissatisfied with the partnership that existed with labor and the tax-payer in the fact that they had a common, cheap, full, and non-oppressive currency, (in the greenback notes and other evidence of a common indebtedness,) demanded its retirement; demanded the conversion of the bonds which might under the law have been paid in this non-interest bearing currency, into 6 per cent. bonds; demanded the contraction of the volume of currency; demanded that the sinking-fund pledge of the Government should be applied to the whole nominal amount of the nation's indebtedness; demanded that the entire debt of the Government should be paid in coin; demanded, after having gained this last victory, that the coin should be limited to gold; demanded that the creditor of the Government should be the only banker of its citizens, and demanded that the Government should in quick and prompt time resume payment of specie upon its Treasury notes held and valued by the people as their currency. Along with these demands, remorselessly enforced, capital coerced high taxes and tariffs, and allied itself with the powerful corporations of the country that controlled its trade and industry, compelling labor to pay tribute to these monopolies which had been fostered and enriched by national legislation at the expense of the tax-payer. Let us pause for a moment to examine in detail the character and effect of these demands. In order to do so it is necessary and proper we should look at the condition of the currency and the state of the national indebtedness in the year 1865 and at the close of the war.

The bonded indebtedness, exclusive of the 7.30 notes, the old demand, one-year, two-year, and compound-interest notes, as well as legal-tenders and fractional currency, was \$1,090,046,125.96.

At which time the state of the currency was in the notes referred to, excluding 7.30 notes, the sum of.....

National-bank notes	146,406,720 00
Notes bearing 7.30 per cent. interest	234,400,000 00

Total

\$698,918,800 25

Under act of March 3, 1865, this amount was increased about six hundred millions by the issue of more 7.30 notes. So that the country had an apparent circulation of nearly \$1,700,000,000 in the year 1866. The money power or capital demanded the contraction of this circulation. True, the large part of it was bearing interest, but it was likewise true it was held and received by our people. And its conversion into a long bond was with the avowed purpose that the long bond should be sold in foreign markets; a most ruinous and disastrous policy in every point of view, as subsequent events have made most manifest. This policy not only deprived our people of currency, but robbed them of interest and compelled their labor to pay tribute to a money power alien to them and their interests.

But that we may fully understand the immense contraction that has taken place, I submit the following figures, taken from tables prepared by Mr. Power, chief of the warrant division Treasury Department, December 10, 1877, and laid before the House by my friend MR. MILLS, of Texas:

1866. Total notes United States	\$609,870,825
National bank notes	281,865,268
7.30 notes of 1864, 1865	806,251,550

Total

1,696,987,643

Now, in 1877, the currency is shown to be as follows:

Old demand notes	\$63,962 50
Legal-tender notes	359,764,332 00
One-year notes	55,425 00
Two-year notes	40,300 00
Compound-interest notes	296,630 00
Fractional currency	20,403,137 34
National-bank notes	317,048,872 00
7.30 notes	164,550 00

Total

707,837,238 84

This sum of \$707,837,238.84 represents the nominal amount of the currency in the year 1877, and shows a contraction from the year 1866 of \$989,150,405. We need not be told of the effects following step by step this reduction of the currency. Year by year the list of failures, amounting now to over eighty thousand in number and representing in amount a sum nearly equal to the present indebtedness of the Government, attests the result in the distress, desolation, and bankruptcy that pervade all sections of the country.

While this conversion of the 7.30, one-year, two-year, and compound-interest notes was going on, if the Government had exercised its clear legal right to discharge the 5.20 bonds in greenbacks or legal-tenders, the effects of contraction in this direction would have been counteracted; but the money power in conscious strength demanded

that the "sinking-fund pledge" of the Government should be redeemed, and at the same time exacted a new pledge or additional obligation that all the debts of the Government should be paid in coin.

The immediate effect of these two measures was to enhance the value of the bonds. This enhancement of the value of the bonds meant an increase in their purchasing power and a consequent diminution in the prices of the property of the people. In one alone of these measures, to wit, the coin act of 1863, by which the Government, subservient to the demand of the money power, pledged its faith to the payment of its entire debt in coin, it has been estimated that the increase in value of the securities in the hands of the money power was the sum of \$250,000,000. This gain to their power was a loss of so much to the people. I feel sure that in all of its consequences, direct and remote, the loss has been far beyond this sum.

But turning a moment to the manner in which the redemption of the "sinking-fund pledge" has been executed, in which we see the same subserviency to the money power, it is to be remarked that Secretary Boutwell when he commenced in the year 1870-'71 to fix the amounts upon which he would establish the 1 per cent. assumed not the amount at that date, not the amount of the interest-bearing obligations of the Government created by and under the act of 1862, but he selected that date which showed the highest amount of outstanding indebtedness at any period since 1862, to wit, in August 1865, when the sum was \$2,756,571.43. Now, in this sum was included not only the interest-bearing bonds and obligations of the Government issued for war purposes, but all bonds issued prior to the war, the Navy pension fund, (which is a mythical indebtedness,) certificates of gold deposit, and for which the gold was then in the Treasury, and the large amount of United States currency then outstanding.

Taking out the sums which ought not to have been included, and assuming that the amount of the interest-bearing obligations created by the war, due and existing at the time purchases were commenced on account of the sinking fund, it would give about \$2,000,000,000 on which the 1 per cent. should have been reckoned, or, in other words, the sinking fund would have commenced at \$20,000,000 per annum in 1870-'71, instead of twenty-eight millions. By so doing the people would in this year be paying from ten to twelve millions less than they do now. Under the assumption made the tax-payers are crushed with unnecessary and accumulated taxation in order to maintain and enhance the value of the bond. In the management of this fund for this purpose over \$200,000,000 have been unnecessarily added thereto; in other words, this amount has been unnecessarily added to the wearisome burdens of the people during these years of bankruptcy and distress, and all at the dictate of the money power.

But, Mr. Speaker, why should the 1 per cent. upon this false amount of \$2,756,431,571.43, assumed by Secretary Boutwell, be maintained; it is estimated, and a calculation will show correctly estimated, that with a continuance of this rate the entire public debt will be paid within the present century. By the report of the Secretary of the Treasury it appears that out of the taxes of the people, the sum of \$220,954,459.39 has been paid in excess even of what the law requires. Again, it is not to be overlooked in this connection that a large part of the existing debt of the Government is now being reconverted at lower rates of interest into loans payable at long dates, and that with this deferred date and decreased rate of interest the debt will be extinguished before its maturity; hence it is cruel and unnecessary to oppress this generation with a wholly useless burden.

The process of contracting and funding inaugurated, the next step in the interest of capital is taken in the declaration and pledge of the Government made in 1869 that the debt of the Government should be paid in coin. The people had not asked this to be done for the amount held by them by currency; the tax-payer who supports the Government, maintains its Army, Navy, Legislature, judiciary, and Executive, had not demanded that the bond which was lawfully payable in currency (to wit, the five-twenties) should be made payable in coin. But yet the fiat of the money power required it and an obedient Congress and Executive complied, again increasing the purchasing power of the bond and diminishing the tax-paying resources of the country, again warring against labor and protecting capital. No more crushing and fatal policy of depression to the industrial energies of a people just emerging from a struggle in which had been destroyed from eight to ten billions of property could well have been adopted. From the hour of its passage to the present moment the history of desolated homes, bankrupt fortunes, unemployed labor, approaching poverty, and increasing distress have been daily witnessed.

But not content with these results the money power, in the continued possession of the controlling authorities of the Government, commands that the means of payment shall be limited, and this command is obeyed. By the act of 1869, the people are deprived of the right and privilege of paying, according to their contract, a portion of their debt in legal-tenders and are required to pay it in coin.

By act of Congress in 1870, the new bonds of the Government authorized to be issued for the purpose of funding the public debt in 5, 4½, and 4 per cent. bonds were made payable in coin of the United States at its then standard. At both these dates the silver dollar, as well as gold, was recognized legal coin, and silver dollars as well as gold were legal tender in payment of all the dues to the Government. About this time the German government, successful in her war against France, demonetized silver, most probably urged thereto by the desire

to oppress and harass the French people, that country being the principal commercial government in the Latin union—a union that recognized the bimetallic standard of gold and silver—and with the further motive that, being a creditor government, such action would enrich her citizens. England, the great creditor country of the world, had previously demonetized silver; and it is a further fact to be noted that it is in these countries where the larger amount of our foreign debt, national, State, municipal, and railroad, is held. Bearing these facts in mind, and the further fact that the bonded indebtedness of this country is estimated at over \$5,000,000,000, one-fifth, or about \$1,200,000,000 of which is held abroad, and we commence to understand why it is that the money power demanded in 1873 that the means of payment of the people should be limited, or, in other words, why our creditors required that silver should be demonetized and that gold alone should be deemed a legal tender.

Regard for a moment the actual condition of the people at the time this requirement was made. A national debt of over \$2,000,000,000; State debts exceeding eight hundred millions; municipal and corporate debts of over two billions, with an individual indebtedness exceeding the total of these amounts; all this hanging over a people whose surplus products, gathered from all the fields of labor, found no rewarding markets; and then, at this moment, secretly and fraudulently, they are deprived by the tricks of legislation of one of the means of payment, and the markets of one-half the world closed to their labor in the passage of the act of Congress, in 1873, demonetizing silver. No greater crime against the labor of the country has marked the legislation of any government.

No nation produced as much mineral wealth, and especially that of silver, in 1873, as did the United States. Gold and silver were among our chief resources. The production of silver was rapidly increasing, and it would seem that no policy could have been more foolish and mischievous or so unjust and oppressive as this. With the demands made upon the labor of the country to pay for the support of Government and the interest upon public indebtedness, it was the blackest of crimes to deprive one of the chief resources to meet these burdens, of its value for that purpose.

Sir, what would be thought of the wisdom of that architect or builder who, completing his structure, would commence diminishing his base which could barely sustain the weight of the entire structure, and, having reduced it more than one-half, should then contract or diminish it 50 per cent.? Would not the common sense of mankind pronounce it stupid folly, and say at once the superstructure must needs topple over. Suppose in the toppling over it brought death and destruction, would not the folly become crime?

And yet this is the fact in our financial legislation. From necessity the Government had built a pyramid of debt based upon a currency made up of a circulation of governmental notes, gold, and silver. The Government first subtracts from that base a large proportion of its notes, and in doing so adds to the weight of the pyramid by the increase of debt; and secondly, subtracts from the base "silver." Is it at all wonderful that the pyramid commences to tumble over? And, looking to the vast numbers under its shadow, some of whom are already buried and others pinioned so that they cannot escape, and now confront inevitable death and destruction in their fortunes, all the result of this criminal policy; what words of condemnation can be employed to do full justice either to the policy or its agents? No wonder is it that labor, appalled and paralyzed, should cry out in distress and protest against such domination. Who can measure the far-reaching effects of this legislation in the disturbance it made in values, the millions added to the treasury of capital and stolen thereby from labor?

But the end of this great conspiracy against labor for the felonious purpose of enriching capital, was not yet. The next step taken was by the act of January 14, 1875, in which it was enacted that the Government should upon the 1st day of January, 1879, redeem the notes of the Government then outstanding in coin. Let us pause for a moment to see the precise logic of this enactment. It was to convert the immense national, State, municipal, railroad, and individual indebtedness of the country, amounting to over ten billions of dollars, (the largest portion of which was contracted on a basis of the mixed currency authorized by law,) into coin.

In other words, the largest proportion of this indebtedness was contracted upon a volume of currency amounting upon an average to over a million of dollars, while its payment under this legislation is to be made upon a volume of currency, not exceeding in its practical use over five hundred millions. This being the logic of this legislation, the next question is to inquire into its effects. To do so, it is proper to understand, if we can, the amount of currency which will be in the hands of the people upon the 1st day of January, 1879, the date fixed for resumption. As I have said previously, the nominal amount of currency in the year 1877 was the sum of \$707,837,238.84.

I give again the table showing this, which is as follows:

Old demand notes	863,962 50
Legal-tender notes	359,764,332 00
One-year notes	55,425 00
Two-year notes	46,300 00
Compound-interest notes	296,630 00
Fractional currency	20,403,137 34
7.30 notes	164,550 00
National-bank notes	317,048,872 00
Making total	707,837,238 84

Now, approximating as near as can be done, I assume that it will be shown upon the 1st day of January next the following sums:

Legal-tender notes.....	\$340,000,000
National-bank notes.....	300,000,000
Total.....	640,000,000

This will be about the nominal amount then shown to be outstanding by the books of the Treasury and the banks. But will this nominal amount show the real amount in circulation or accessible to the people for the purposes of effecting the exchange of the products of labor or for payment of debts, &c.? I answer, unhesitatingly, not. Why not? When that day arrives it will become the duty of the Secretary of the Treasury, in the interest of resumption, not only to retain as much as he can of the gold on hand, but also to husband in the Treasury as much as possible the legal-tender circulation. Its reissue makes the necessity of a redemand for resumption, and hence makes a constant demand upon the coin of the Treasury, and therefore it is that he must husband and keep the legal-tenders to a very large extent. That this demand will be large necessarily follows from the relations of the Treasury to the national banks, whose circulation the Secretary must be prepared to support and redeem.

Now, the banks must in order to maintain their position of solvency keep and hold in reserve a sufficiency of legal-tenders to meet any demands made upon them for the redemption of their circulation. Assuming that each, that is the Treasury and the banks, adopt (and the preservation of the public credit will compel and make necessary some such percentage) 33 per cent., and we have a mobile circulation of about four hundred and fifty millions; but deduct from this the lost and destroyed notes, and there will remain about the sum of four hundred millions of paper circulation to perform all the offices of currency for the trade, commerce, industry, and debts of the people of the United States. To this assumption of facts it is replied that gold and silver will form then a part of the currency. Let, then, one hundred millions be added on this account and we will have nearly or quite the sum of \$500,000,000 to perform all the offices of currency required by the trade and commerce of forty-five millions of people inhabiting a territory larger than that of the whole of Europe, and whose import and export (foreign) trade is over \$1,200,000,000 per annum, whose internal and domestic trade is estimated at nearly \$20,000,000,000 per annum. I dare challenge any one safely to promise under the resumption policy any larger amount of circulation than that I have estimated.

It is about \$11 *per capita*; quite 100 per cent. below that of any of the intelligent and commercial countries of the world. In France the circulation is estimated at about \$44, in England it is about \$28, in Germany it is about \$24 *per capita*. With our immense domestic trade and between distant States, with our population remote from trade centers, there is a necessity for a retention of currency in the pockets of traders and people that does not exist in the countries named. In view of all these facts, will any disinterested man argue unselfishly that the amount of circulation promised under the resumption policy is sufficient? Is it not patent, with the volume of currency so contracted, that it subjects the property and labor of those who do not hold or possess it to the dominion and control of those who do? Is it not idle to argue so plain a proposition? But it is suggestively replied that banking is now free. Free to whom? The bondholder. If you want his bond for such purpose he dictates the price and may make your banking dear to you. But suppose it is not dear, and more banks are multiplied as they bring into life more bank-notes, do they not retire for purposes of maintaining and preserving resumption more "greenbacks?"

After all, Mr. Speaker, is not this the object of this grand conspiracy against the labor of the country, to foster, nourish, and perpetuate the national-banking system, whose very life is the national debt? To state the proposition in other words, is it not the policy to confer upon your creditor the right and privileges as well as monopoly of making, managing, and controlling that which is the representative of the labor, industry, and energy of the debtor? If the statement of the proposition is correct, and I undertake to say no one can successfully controvert it, is it not an enslavement of the labor and muscle of the great mass of our people—who are the laborers—to the dominion and mastership of the bondholders? Let us see for a moment what this dominion and mastership means. Assuming resumption is an accomplished fact, the Treasury of the Government, unless greenbacks be wholly retired, is at the mercy of the banks, who may constantly accumulate and constantly demand payment of these notes. The markets of the country are dependent upon the facilities they afford to commerce and trade; being lords of the currency, they enlarge or contract these facilities, and so control the industry and labor of the people.

Sir, recently you emancipated the black man from the slavery of the body. But the black man from his master obtained shelter, bread, and raiment. It is the dire misfortune of white and black who are now laboring-men under the ruinous policy inaugurated and maintained by the money power that they have as masters, whose system of slavery deprives them alike of shelter, bread, and raiment. I but pause to remark of the present national banking system that it is framed so as to enable Wall street, in New York, and State

street, in Boston, to control the entire brood of banks throughout the limits of the Union, and that its whole tendency is to concentrate power into the hands of the metropolitan banks; and need I add that these metropolitan banks are controlled in a very large degree by foreign capital. In short, sir, the kings of the money power, now controlling, through these agencies, the trade, commerce, and industries of the United States, are foreign and alien to our people. No such dominion and power was ever before stolen from the people—the cruel results of which are plainly visible in our ruined commerce and prostrated industries.

Much more, sir, could I say in criticism of this system of banking, but just now I am content to protest against its privileges and powers and to utter a warning as to dangers which will affect not only the trade and commerce of the country, but the character of our free institutions, from a continuance of these powers and privileges.

Again, while these various measures were being put into force, labor complains that other monopolies were being created and that unjust and oppressive taxation was being enforced under the sanction of legislation, and points to the increase and multiplication of vast railroad and other corporations, a large number of which were enriched out of the public Treasury, either in lands or money belonging to the people, and that, in order to grant these largesses and give value to the investments of the money-power, heavy and onerous taxes were levied and collected. When we look to the grants of public lands and loan of bonds made to various railroads since the year 1862 by Congress, a table of which I append to my remarks, showing that the homeless of our country have been deprived of 180,311,573 acres and the tax-payers made liable for \$64,623,512, with now nearly thirty millions of accrued interest, and then examine our present iniquitous tariff, under which our people are taxed from three to five hundred millions of dollars, not for the support of their Government or the payment of their debt, but for the benefit of the protected classes, we are compelled to concede the justness of the complaints made upon behalf of labor and the tax-payer.

And thus, Mr. Speaker, having gone over the complaints made by labor and its representatives, which complaints, as I stated in the outset of my remarks asserted, "that the Government is conducted in the interest of capital, and so as to control its efforts and to deprive it of its just rewards, that its industry and mechanism through unjust and oppressive taxation, through partial and class legislation is made tributary to the behests, dominion, and power of the few," and finding that labor has justly and temperately stated the truth, I have but now to invoke your attention to the remedies which are or may be suggested and to the agents who are or may be selected to apply them.

But before doing so let it be understood that in the period of time during which these iniquitous and inconsiderate measures were being adopted the democratic party had no authority or control. An appeal to the record will show, however, that step by step this conspiracy in favor of the money power against the labor and industry of the country has encountered the stern opposition of the great body of the democratic Representatives; and that now, while upon all sides of us and in all sections of our common country, notwithstanding the earth in production has been generous, the seasons have been kind and gentle, and labor has with skill and industry added increasing millions to the common treasury of the world, yet in our midst and among all classes save the favored few distress, poverty, and bankruptcy prevail, and that for this, alone, are those who at present administer our finances responsible. If there be merit in this state of things, John Sherman, the present Secretary of the Treasury, more than any other man, is entitled to the credit. If there be wrong, crime, and folly, he is the chief criminal.

Relief cannot come from a resort to violence; strikes fail as a remedy, and more often than otherwise recoil with disastrous effect to the cause they seek to favor. The law is the best friend of the poor and the laboring man. Battle that down and force is supreme. Nor can relief come from repudiation of legal and honorable contracts. Repudiation enforced is the destruction of credit. The destruction of credit is to take from the young their inheritance of hope and energy and to rob the poor of possibly the sole means they have of support. Repudiation is a check to commerce, trade, and public improvement. Repudiation demoralizes our faith in all things esteemed sacred. It is communism in its most dangerous form. Violence and repudiation take from the cause of labor its highest merit and chiefest support, the law and respect for its mandates, in fact its only safe shield and protection. He who teaches the people a resort to either distrusts their intelligence, manifests his want of confidence alike in the form of our government and faith in free institutions and the capacity and strength of the people to remedy the evils which may now or at any time threaten their interests.

These measures will not do; they but add to the existing distress. What are the proper measures of relief? Who shall decide? Shall we take the consideration of these questions away from the people? If so, to whom shall we refer them? It is sufficient now to say that the people have, under the Constitution, the consideration of these measures before them and are fearfully divided in their opinions in regard to them. The issues are well and sharply defined. Parties are strongly arrayed on each side.

Upon the one hand, adherence to the present legislation of the country is maintained with great obstinacy. The party in power, with

all the influence of the Government, conscious in its strength, is the advocate of adherence. Pointing to the fact that gold and the paper currency are nearly at par and that resumption is nearly an accomplished fact, they promise that when resumption is such fact the streams of confidence will commence to flow and the gates which now confine locked-up currency will be opened, values will be adjusted, and a new era of prosperity will dawn upon the country and all of its industrial pursuits; that our bonds calling for low rates of interest can be sold at or above par, thus enabling the Government to reduce the amount of expenditures per annum; that now, with such an era, with these means, in sight, it would be a great error to retrace our steps. In this policy of adherence there is no proposition to amend or modify the tariff and the internal-revenue laws. Adherence means no change in the laws which have brought the country to its present condition; no protest against the monopolies that control the trade and industries of the country; no modification of the banking laws, under which the bondholder controls and dictates the rewards of labor, and no relief from the burdens of taxation.

If we accept the measures of relief proposed by the policy of Mr. Sherman, we must prepare to adjust our trade, (foreign and domestic,) our debts, (national, State, municipal, corporate, and individual,) upon a specie basis, and that basis, according to the policy of adherence, must be maintained. Step by step, as we approach the day of resumption, bankruptcy, distress, poverty, and ruin mark and overtake every industrial pursuit and enter into almost every household of the land. Is the experience of other countries of any value to us in this crisis? Let us turn for a moment to what is said by two distinguished writers in reference to the legislation of Great Britain coercing resumption of specie payments. The Bank of England, which was the government's financial agent, had suspended specie payments in 1797, and in 1819 the British Parliament declared that resumption should take place in 1823; in reference to the effects of which, says Alison, in his history of that period:

The effect of this extraordinary piece of legislation were soon apparent. The industry of the nation was speedily congealed, as a flowing stream is by the severity of an arctic winter. The alarm became as universal and wide-spread as confidence and activity had recently been. The country bankers, who had advanced largely on the stocks of goods imported, refused to continue their support to their customers, and they were forced to bring their stocks into the market. Prices in consequence fell rapidly; that of cotton, in particular, sank in three months to half its former level. The entire circulation of England fell from \$232,000,000 in 1818 to \$174,000,000 in 1820, and in the succeeding year it sank as low as \$142,000,000.

The effects of this sudden and prodigious contraction of the currency were soon apparent, and they rendered the next three years a period of ceaseless distress and suffering in the British islands. The accommodation granted by bankers diminished so much in consequence of the obligation laid upon them to pay in specie, which was not to be got, that the paper under discount at the Bank of England, which in 1815 had been \$103,300,000, sank in 1820 to \$23,350,000, and in 1821 to \$13,610,000. The effect upon prices was not less immediate or appalling. They declined in general, within six months, to half their former amount, and remained at that low level for the next three years. Distress was universal in the latter months of 1819, and that distrust and discouragement were felt in all branches of industry which are at once the forerunner and the cause of disaster.

Doubleday, in his *Financial, Monetary, and Statistical History of England*, says:

We have already seen the fall in prices produced by the immense narrowing of the paper circulation. The distress, ruin, and bankruptcy which now took place were universal, affecting the great interests both of land and trade; but especially among landlords, whose estates were burdened by mortgages, settlements, legacies, and the like, the effects were most marked. In hundreds of cases, from the tremendous reductions which took place in the price of land, the estates barely sold for as much as would pay off the mortgages, and the owners were stripped of all and made beggars.

Now, Mr. Speaker, when we look to the immense amount which must be paid by the labor of this country annually to the payment of interest upon the vast amount of indebtedness existing in various forms among and from our people, then to the support of our different governments—national, State, and municipal—and to the protected classes, under our existing tariff and internal-revenue laws, with the admitted fact that under this weight of taxation and interest our products do not and cannot successfully compete with the products of other peoples in the markets of the world, is it possible to maintain specie resumption? To maintain it successfully we must be able to pay and adjust necessary expenses from our productions, and from this source alone (not by borrowing and so increasing our debt) pay the interest upon so much of our debt as is held abroad.

It is estimated that for interest paid to foreign bondholders of American securities and freight paid to foreign carriers of our commerce, as well as the coin taken from our midst by absenteeism of our citizens, there is a coin demand upon the productions of our country amounting to about \$175,000,000 per annum. With the statement warranted by the explanation recently made by the Secretary of the Treasury before the Committee on Banking and Currency of this House, that there will be available for purposes of resumption in the Treasury probably the sum of \$188,357,608, in coin, to redeem three hundred and forty millions of legal tenders, about one hundred millions of other demand obligations, and to support the banks, while the banks will have on hand about the sum of twenty-five millions in coin and seventy millions in currency to meet \$300,000,000 of bank-notes and \$664,000,000 of deposits, I submit herewith a table that I have collated that shows this probable condition of the Treasury and banks upon the 1st day of January, 1879, to which I invite attention.

This statement shows the probable condition of the United States Treasury and national banks upon 1st day of January, 1879, (see notes

of conference between Secretary Sherman and House Committee on Banking and Currency, pages 68 and 69:—)

Instant liabilities of the Treasury for legal-tender and other notes, interests, certificates, &c.	\$423,098,400
Circulation and deposits of national banks	960,816,052
	1,395,914,452
Coin resources in the Treasury, if successful in negotiating an interest-bearing debt of \$50,000,000	188,357,608
Coin resources in the banks	32,907,750
	221,265,358

It is estimated that there is on deposit in the savings and State banks about nine hundred millions liable to instant demand.

In view of this state of things, and recognizing the fact that a demand for coin in foreign countries, or even an alarm among the depositors of these various banking institutions, will at once create a "run" upon the Treasury, who does not see that the attempt to maintain resumption of specie payments must result in a failure? And that failure will be the loss of billions to our agricultural, manufacturing, and mining industries, with its attendants of distress and poverty to the great mass of the people, while the gain will be to the capitalists of this and foreign countries.

So believing of this policy, I have consistently and uniformly opposed it, and in so doing have I, as I believe, faithfully reflected the views and sentiments of the people whom I have the honor to represent on this floor.

But I am asked, "What, in lieu of the policy you so oppose, do you propose and advocate as measures of relief?"

I have no hesitation in replying, and wish that time and opportunity favored me so that I could elaborate the reasons which induce me to support them, but inasmuch as time is not allowed me, I simply state—

First. I advocate a modification of our present banking laws, with a view that the Government should issue the paper used or to be used as currency; and in so doing that measures should be adopted to reduce not only the amount of our bonded indebtedness, but the rate of interest; and further, in so doing cease to pay 6 per cent. to individuals to furnish a currency based upon Government currency.

Second. An immediate and unconditional repeal of the resumption act, to the end that the day of resumption may be determined by the business prosperity of the country rather than by legislation.

Third. I would give to silver coin and bullion the advantages and privileges now secured by law to gold coin and bullion. With this done a most important step will be taken in securing for our agricultural and manufacturing labor the trade of the silver-producing countries, especially that of Mexico and South America, and in my judgment would open a stream of wealth to our people unequalled in the history of the commerce of the world. It is the law of all nature that matter seeks that association in which it has most value. And while Germany and England denies to silver advantages and power it has enjoyed from the birth of commerce, it would seem wisdom in us, in view of all the facts which surround the trade of the countries to which I have referred, to give to it the powers, privileges, and advantages of gold, its legal associate under our Constitution.

Fourth. I would favor the conversion of our present bonded indebtedness (not converted into currency) into bonds of a long date with a low rate of interest, said bonds to be of small denomination, convertible into currency upon demand, which currency should be reconvertible into this bond. These bonds would afford a good security to the poor, whose accumulations and savings are small; they would retain the interest upon them in this country, and at the same time, as did the interest-bearing notes in 1865 and 1866, form a part of the currency of the country, and thus increase its volume.

Fifth. The next relief measure would be, first, a suspension of the sinking fund for a period of six or eight years until, in the opinion of the most fastidious, the obligation of the Government in this regard is met, and that then, or whenever purchases shall be made on account of said "sinking fund," the same shall be done in such amounts and in such manner as will only provide for the payment of the bonded indebtedness of the Government at maturity thereof; and in this way, without prejudice to the good faith of the Government, a saving of annual taxation of several millions of dollars per annum can be made, thus lessening the burdens resting upon the labor of the people.

Sixth. The next in the order in which I mention them, but first in importance, is the modification and change of the tariff and internal-revenue laws. This tariff, framed ostensibly to meet the expenses of the war, but really with the view of affording protection to certain classes and interests in this country, has extorted per annum in indirect taxes more than the surplus production of the labor of the people, and has tended in a very large degree to increase the burdens of the people as well as their indebtedness. It is estimated by able and careful statisticians that under our present tariff system we pay from three to five times as much into the pockets of the protected classes as goes by way of revenue into the Treasury; that is to say, that when the consumer, who is the tax-payer, pays into the Treasury under the tariff the sum of \$130,956,493.07, (the amount of customs dues paid in the last fiscal year,) he pays in the enhanced price of commodities obtained from the protected manufacturers from three to five times this amount to the favored classes. Add to this the

onerous and unjustly discriminating internal-revenue tax upon whisky and tobacco, a tax that discourages the agricultural producer and is annoying and offensive in its methods of collection, and that is exceedingly oppressive to the producers of tobacco in the limitation and control of its sale so as to benefit manufacturers, in view of which a change in our tariff and internal-revenue laws is demanded as an essential and necessary relief measure.

Seventh. The corporations, vast in their power and almost limitless in their control, must be subjected to the supreme law of the life of the Government. Their powers and privileges must be held amenable to the purposes for which the Government was created, and not superior to it.

The rapid growth of corporations, that admittedly control the legislation of the country and increase the burdens of labor, fills the minds of all patriotic citizens, friends of constitutional liberty, with apprehensions as to the permanency of free institutions, and the necessity of strong and effective remedies to arrest the growth and encroachment of their corrupting and dangerous influences is deemed an absolute and essential measure of relief. It is not a stretch of constitutional power to provide by proper punitive legislation a check against their combination to impede interstate commerce or their combinations to thwart labor of its just compensation. On the contrary, such legislation is but responsive to the demands of the people for relief.

Eighth. I do not forget other measures of relief that have been submitted for the consideration of this Congress, one of which has special merit in my judgment, and which will afford relief to the agricultural States of the Union, and especially to the Southern States. I refer now to the proposition I had the honor to introduce, in the House bill to repeal the tax imposed upon notes of State banks and associations. In the first place, the tax itself is wanting in constitutional fairness and equality, and is an unjust interference with the business of the people. Its evident object is to consolidate and concentrate the business of banking in the hands of the few, and under the operation of existing laws gives the control of the industries of the people to the jobbers and speculators in trade, a middle and favored class, between the producer and consumer.

The necessities and interests as well as the misfortunes of State street, in Boston, and Wall street, in New York, dominate the want, interests, and misfortunes of the producers and manufacturers of the South and West. The production and preparation of the principal products of these sections of our country cannot be made upon the basis of commercial necessity and proper needs in the East and North, and yet under present laws these products and their preparation are absolutely dependent upon the commercial necessities and interests of the East and West. A local currency, with a system of banking adapted to the wants and necessities of the producers, which are more or less the development of climate and season, is necessary to the independence, health, and security of the trade of the South and West. This local currency, left to the wholesome law dictated by the trade and commerce of the world, will secure the rapid restoration of the prostrated labor and industries of those sections of our country from which alone permanent prosperity and wealth are to come.

I have not now the time to argue this proposition as it deserves to be done, but trust, if opportunity is afforded in the discussion of the various currency measures which may be brought before the House, to do so, when I shall assume to meet all the objections which have been made to it, and to maintain that this measure will give almost instantaneous relief, at least to the section of the country I in part represent.

Ninth. The next step in the relief to be afforded to the people is to restore the Government in its administration to the economic methods and constructions of the powers of its executive and legislative departments to the teachings and practices of its founders. These teachings and practices were in effect that the Government was but the agent of the people, and none but granted powers were to be exercised, and then only without abuse, extravagance, or unnecessary expense. How far and widely have we departed from these teachings. An adherence to them would cure all the evils that now afflict us. An adherence to them would solve the conflict between capital and labor. An adherence to them would insure the safety of free institutions forever.

Shall we despair of the Republic? True, labor is oppressed; true, money power has centralized the forces of the Government; true, wide departures have been made from the faith of our fathers; true, bankruptcy and distress doth environ our broad country; true, gloom and despondency doth brood alike over our industries and our energies, but after all the ballot is left, that sure weapon of a people's safety and a people's liberty. This weapon is in their hands. Shall we distrust their intelligence or fear their integrity and devotion? I, for one, do not, and in sincere faith believe they will meet their oppressors in the field, where happily under our form of government they may yet contest and decide these questions of fearful import to constitutional liberty and struggling humanity.

Heretofore it has been the proud boast of the democratic party that it has been the friend of labor and the opponents of special and class legislation; that its sympathies are with the oppressed and against the oppressor, and let it be admitted that by the record it is shown the great body of its representatives have consistently opposed the measures that doth now oppress the labor of the country and which doth now paralyze the energies and fortunes of the people. If

true to its ancient faith and present record, why seek other and untried agents for relief? Why, when near to the goal of victory, divide and disband? Division of its forces assures success to the adherents of the Sherman policy. No matter in what guise the advocate may come, or how plausible and tempting his pretext may be, it is to this complexion at last he will lead us.

APPENDIX A.

Statement of bonds issued to railroad companies.

Name.	Authorizing act.	Amount.
Central Pacific	1862 and 1864	\$25,885,120
Kansas Pacific	do	6,303,000
Union Pacific	do	27,236,512
Central Branch Pacific	do	1,600,000
Western Pacific	do	1,970,560
Sioux City Pacific	do	1,628,320
Total		64,623,512

APPENDIX B.

Grants of land for railroad purposes to States and corporations.

Name.	Authorizing act.	Acres.
Cairo and Fulton in Arkansas	July 28, 1866	1,040,000
Cairo and Fulton in Missouri	July 28, 1866	182,718
Memphis and Little Rock	July 28, 1866	365,539
Little Rock and Fort Smith	July 28, 1866	458,771
Iron Mountain	July 4, 1866	864,000
Saint Louis and Iron Mountain	July 4, 1866	640,000
Burlington and Missouri	June 2, 1864	96,000
Chicago, Rock Island and Pacific	June 2, 1864	160,991
Cedar Rapids	June 2, 1864	356,988
McGregor and Missouri	May 12, 1864	1,536,000
Sioux City and Saint Paul	May 12, 1864	524,000
Grand Rapids and Indiana	June 7, 1864	531,800
Bay de Moquet	Mar. 3, 1865	128,000
Saint Croix and Lake Superior	May 5, 1864	565,000
Wisconsin Central	May 5, 1864	1,860,000
Lake Superior and Mississippi	May 5, 1864	920,000
Southern Minnesota	July 4, 1866	735,000
Hastings and Dakota	July 4, 1866	550,000
Leavenworth and Lawrence	Mar. 3, 1863	800,000
Missouri, Kansas and Texas	Mar. 3, 1863	1,520,000
Atchison and Santa Fé	Mar. 3, 1863	3,000,000
Saint Joseph and Denver	July 25, 1866	1,700,000
Missouri River, Fort Scott and Gulf	July 25, 1866	2,350,000
Total granted to States for railroads as above		20,824,809
Add to this the grants of lands direct to the various Pacific Railroads and their branches since 1862		150,486,766
Total		180,311,573

Mr. HUMPHREY. I will give way for some gentleman to make a motion to adjourn. I rise merely for the purpose of holding the floor for the next session for debate.

Mr. VAN VORHES. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and five minutes, p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Resolutions of the General Assembly of Pennsylvania, asking Congress to devise a means of aiding and encouraging the immediate building of the Texas Pacific Railroad, and that the tariff laws remain unchanged—to the Committee on the Pacific Railroad.

Also, resolutions of the General Assembly of Pennsylvania, favoring the passage of the bill embodying the principle of Government assistance to citizens who will emigrate to and settle upon the lands of the far West, with a view to alleviate, in some measure, the suffering that now exists in the overcrowded towns and cities of the coal-fields and manufacturing districts of that Commonwealth—to the Committee on Public Lands.

By Mr. CAMPBELL: The petition of citizens of Logan Township, Blair County, Pennsylvania, that Congress take favorable action on the bill, now pending, to aid in the completion of the Texas Pacific Railroad, and that the rates of transportation thereon shall forever remain under the direct control of Congress—to the Committee on the Pacific Railroad.

By Mr. ERREITT: Resolutions of the Legislature of Pennsylvania, favoring the bill granting aid to settlers on public lands—to the Committee on Public Lands.

Also, resolutions of the Legislature of Pennsylvania, favoring the granting of aid to the Texas Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. FREEMAN: The petition of Christiana Garren, for a pension—to the Committee on Invalid Pensions.

Also, the petitions of Brown Brothers & Co., Drexel, Morgan & Co., Morton, Bliss & Co., John A. Stewart, Peter Cooper, and others, of New York; of Joseph Patterson, Peter Wright & Sons, S. & W. Welsh, and others, of Philadelphia; of Lee, Higginson & Co., Foote & French, Charles A. Sweet & Co., Macular, Williams & Parker, and others, of Boston; of Field, Leiter & Co., Charles P. Kellogg & Co., Franklin McVeagh & Co., William Blair & Co., Grey, Clark & Co., Crerar, Adams & Co., of Chicago; C. F. Adal & Co., Espy, Heidebach & Co., R. M. Bishop & Co., and others, of Cincinnati; and of John A. Scudder, James Reilly & Co., Dutcher & Co., L. Butterfield & Co., Barton & Grant, and others, of Saint Louis, against granting the monopoly of landing and operating any ocean telegraphic cables to any one, and that all persons whomsoever be allowed the privilege of landing and using telegraphic ocean cables between the United States and foreign countries—to the Committee of Ways and Means.

Also, the petition of Captain Nathaniel R. Harris, Company D, Thirteenth Regiment Pennsylvania Cavalry, for relief—to the Committee on Military Affairs.

By Mr. HERBERT: The petition of C. A. Newton and other citizens of Belleville, Conecuh County, Alabama, that certain funds be appropriated to educational purposes—to the Committee on Education and Labor.

By Mr. JONES, of Ohio: Three petitions from citizens of Marion County, Ohio, against granting J. C. Birdsell an extension of a patent for a machine called a combined clover-thrasher—to the Committee on Patents.

By Mr. PAGE: Joint resolutions of the Legislature of California, in relation to choosing presidential electors—to the Committee on the Revision of the Laws regulating the Counting of the Electoral Votes for President and Vice-President.

Also, joint resolution of the Legislature of California, in relation to taxation of savings-banks—to the Committee of Ways and Means.

By Mr. ROBERTS: Resolutions of the Board of Trade of Baltimore, Maryland, opposing the transfer of the life-saving service to the Navy Department, and approving its retention in the Treasury Department—to the Committee on Commerce.

By Mr. SHALLENBERGER: The petition of Council No. 347, Order of United American Mechanics, Homewood, Pennsylvania, against a change of the tariff or the attempt to make the labor of the country appear hostile to capital—to the Committee of Ways and Means.

By Mr. SMITH, of Pennsylvania: The petition of 56 citizens of Columbia, Pennsylvania, against the enactment of an income-tax law—to the same committee.

By Mr. THOMPSON: Resolutions of the Legislature of Pennsylvania, in relation to affording assistance to persons who settle on the public lands—to the Committee on Public Lands.

Also, resolutions of the Legislature of Pennsylvania, favoring the granting of aid to the Texas and Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. WHITE, of Pennsylvania: Resolutions of the Legislature of Pennsylvania, in favor of granting aid to the Texas and Pacific Railroad, and in favor of devising means for the employment of surplus labor—to the same committee.

Also, resolutions of the Legislature of Pennsylvania, in favor of employing surplus labor and aiding emigration to the West—to the Committee on Public Lands.

By Mr. WILLIAMS, of Michigan: The petition of Beehive Council, No. 2, of the District of Columbia, Sovereigns of Industry, representing 120 families in said District, for a law that will insure full weight to purchasers of coal and compel coal-dealers to send the certificate of a properly appointed Government weigher with every load of coal delivered—to the Committee for the District of Columbia.

By Mr. WRIGHT: Resolutions of the General Assembly of Pennsylvania, instructing the Senators and requesting the Representatives in Congress from that State to use their influence to secure the passage of a law to furnish assistance to citizens to enable them to emigrate and settle upon the public lands—to the Committee on Public Lands.

IN SENATE.

THURSDAY, May 9, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 25th of April, a report of the Chief of Engineers, and a copy of the report of Lieutenant-Colonel Q. A. Gillmore, and also the preliminary report of the board of engineers to whom the project of Colonel Gillmore was referred concerning the practicability and cost of constructing permanent works of improvement for the ship-channel at the entrance into the harbor of Charleston, South Carolina; which, on motion of Mr. BUTLER, were referred to the Committee on Commerce, and ordered to be printed.

MEXICAN COMMISSION AWARDS.

Mr. DAVIS, of Illinois. I should like to have the bill (S. No. 1016) to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868, taken up by unanimous consent, and laid aside until the morning business is concluded.

Mr. DAVIS, of West Virginia. We had better go on with the morning business.

Mr. THURMAN. But the morning business can be gone on with. The Senator from Illinois wishes to take up the bill and then let the morning business proceed.

Mr. DAVIS, of West Virginia. Very well.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Illinois? The Chair hears none, and the bill is before the Senate.

Mr. EDMUND. Now let it be laid aside informally.

The PRESIDENT *pro tempore*. The bill will be laid aside informally for the reception of morning business.

PETITIONS AND MEMORIALS.

Mr. WALLACE presented resolutions of the Legislature of Pennsylvania, in favor of the passage of the Texas and Pacific Railway bill; which were referred to the Committee on Railroads, and ordered to be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES,

May 2, 1878.

Whereas numerous petitions have been presented by citizens of this Commonwealth, and especially from the mining and manufacturing districts thereof, urging such action by the Legislature as will tend to relieve the great distress prevailing therein; and it being of vital importance that labor should be provided for those who are willing to work; and

Whereas the increase of laborers during the rebellion and since, the over-production of our manufactured materials and mining resources, and subsequent financial stringency, over which the State of Pennsylvania has no control, and for the evils resulting from the same she is unable to furnish the much-needed relief in her legislative, judicial, or executive capacity; and

Whereas to this end legitimate enterprises which create a demand for the products of our mills, mines, and factories, should be encouraged, especially where they are national in their character, and while aiding the people will develop new wealth and increase the revenues of the country: Therefore,

Be it resolved, That the house of representatives (the senate concurring) would most earnestly and respectfully recommend that our Senators and Representatives in Congress devise a means of aiding and encouraging the immediate building of the Texas Pacific Railroad, and any other needed national improvement consistent with prudent economy and protection to our national interest.

Resolved further, That we recommend that they adopt some practical plan and furnish the necessary means by which a portion of the surplus labor of the country may be settled on the public domains and assisted until such times as they can be self-sustaining; and that we earnestly protest against any change, at the present time, of the tariff laws of the nation.

Resolved, That a copy of these resolutions be transmitted to each of our Senators and Members in Congress.

WM. C. SHURLOCK,
Chief Clerk House of Representatives.

Concurred in by the senate, May 2, A. D. 1878.

THOS. B. COCHRAN,
Chief Clerk.

Approved May 3, A. D. 1878.

J. F. HARTRANFT.

Mr. WALLACE presented the petition of Owen Brady & Co. and others, shipping merchants of Philadelphia, praying for the passage of the bill (H. R. No. 2478) to amend certain sections of the Revised Statutes concerning commerce and navigation and the regulation of steam-vessels; which was referred to the Committee on Commerce.

Mr. HARRIS presented the petition of James L. Williamson, of Tennessee, praying compensation for certain quartermaster and commissary stores taken from him in 1862 by the Army of the United States; which was referred to the Committee on Claims.

Mr. DAVIS, of Illinois, presented the petition of T. W. Chickering, late first lieutenant Sixth United States Cavalry, praying for the passage of a law restoring him to his former rank in the Army held by him prior to the 27th day of January, 1875; which was referred to the Committee on Military Affairs.

Mr. BOOTH presented a joint resolution of the Legislature of California, in favor of such an amendment of the present law relating to the election of President and Vice-President of the United States as to provide for the lapse of at least five months between the day fixed for choosing electors and the day fixed for the casting of their votes; which was referred to the Select Committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of President and Vice-President of the United States.

Mr. PLUMB presented the petition of J. M. Russell and others, citizens of Wyandotte County, Kansas, praying for the repeal of the resumption act; which was ordered to lie on the table.

Mr. RANSOM. I present, Mr. President, several petitions of citizens of North Carolina, praying Congress to repeal the clause of the national-banking act imposing a 10 per cent. tax upon the circulating notes of State banks. I find that these petitions are signed by the leading men of the State. One of them has the signature of the governor of our State, the attorney-general, the auditor of state, the secretary of state, various presidents of national banks, presidents of railroad companies, and the leading and principal merchants in the commercial cities of the State. I think I can say with propriety that the sentiment in North Carolina is, without exception, in favor of the repeal of that clause of the banking act.