Davis, late surgeon of the Tenth Indiana Cavalry—to the Committee on Military Affairs.

By Mr. STONE: The petition of citizens of Ipswich, Massachusetts, for the improvement of Ipswich River—to the Committee on Commerce.

By Mr. P. B. THOMPSON: Papers relating to the claim of Major John A. Morrison—to the Committee on War Claims.

By Mr. AMOS TOWNSEND: The petition and remonstrance of the Cleveland Vessel-Owners' Association against the passage of the bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. THOMAS UPDEGRAFF: The resolutions of the General Assembly of Iowa relative to building bridges over the Missouri River above Omaha—to the same committee.

By Mr. VANCE: Memorial of Mexican Veteran Association of the United States, urging the passage of a bill to place on the pension-roll the surviving soldiers of the Mexican war—to the Committee on Pensions.

By Mr. WALKER: The petition and resolutions of the Irish National League, of Bradford, Pennsylvania, for the protection of Irish-American citizens—to the Committee on Foreign Affairs.

A petition was reported under clause 2 of Rule XXII, and referred as follows:

From the Select Committee on Pensions, Bounty, and Back Pay: The petition of Daniel P. Whiting—to the Committee on Pensions.

SENATE.

TUESDAY, *March* 7, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, 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 a report of Captain A. Mackenzie, Corps of Engineers, of a survey for a harbor of refuge in Lake Pepin, at Stockholm, Wisconsin, and Lake City, Minnesota, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McDILL. I present a memorial and joint resolution of the General Assembly of the State of Iowa, in relation to the improvement of the Missouri River, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The memorial was ordered to be printed in the RECORD, and referred to the Committee on Commerce, as follows:

MEMORIAL.

To our Senators and Representatives in Congress:

We, the members of the nineteenth General Assembly of the State of Iowa, and now assembled at Des Moines in a legislative capacity, speaking for and representing the wish and imperative demand of the whole population of the State, would most respectfully represent:

That there is no question in which all our people have so great and vital an interest as that of cheaper transportation for their products to the markets of the world; that Iowa is and must ever remain an agricultural State; that success in agricultural pursuits depends not only on the amount produced but also largely on the price realized by the producer, and this is governed mainly by his means of transportation; that our products have so far outgrown our means of transportation that fully one-half of the price of all we produce is consumed in the form of freights, as fixed and regulated by corporations who have full control of our present means of transportation; that the Missouri River, if properly improved from Sioux City, in the State of Iowa, to its confluence with the Mississippi in the State of Missouri, would afford a cheap, safe, and speedy means of transportation for the four great grain-producing States, namely, Iowa, Missouri, Kansas and Nebraska. These States had, as shown by the latest official report, an aggregate population of 5,198,103 inhabitants, and produced in the year 1880 586,000,000 bushels of corn, or more than one-third of that of the whole United States. Of this Iowa alone produced 276,000,000 bushels. In the year last named these four States produced of cereals the fabulous quantity of 780,000,000 bushels, or more than double that of the sixteen Atlantic States. An increase in the price of these vast products of ten cents on the bushel for a single year would raise a sum ten times greater than is necessary, if properly expended, to secure a uniform channel-depth of twelve feet at low water from Sioux City, in Iowa, to Saint Charles, in Missouri, and thereby lessen the cost of transportation at least 50 per cent., and save to the producers of these four great States fully $100,000,000 per annum, and to the farmers of Iowa not less than $30,000,000 each year. That Major C. R. Suter, an able and efficient civil engineer, was duly commissioned by the Government to survey and report upon the practicability of so improving the Missouri River as to make its navigation safe and at all times reliable, and has within the two years last past completed said survey, and reported to Congress last winter that the Missouri can be so improved as to secure a uniform depth of twelve feet at low water from its mouth to Sioux City, in Iowa, and at a cost not exceeding $10,000 per mile, and in the aggregate not exceeding $7,820,000. (See Senate document, Forty-sixth Congress, third session.) Your memorialists are aware that large sums of money have from time to time and at almost every session of Congress been appropriated for the improvement of rivers and harbors in the Eastern and older States ever since the formation of our Government, whereas the Middle and more Western States have received but little or no encouragement by way of appropriations for a similar purpose, notwithstanding they have constantly been heavily taxed, and have responded cheerfully and liberally to every demand made by the General Government. They have now grown weary and restive under and by reason of this unequal and unjust disbursement of the public funds, and therefore properly and earnestly demand such an appropriation for the improvement of their large rivers as may be necessary to secure to them a cheaper and more reliable means of transporting their vast and yearly increasing products to the marts of the world, and thereby secure to them a just reward for their industry and enterprise: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested and instructed to take early, earnest and persistent action by way of securing an appropriation of not less than $7,000,000 for the improvement of the Missouri River between Sioux City, in the State of Iowa, and Saint Charles, in the State of Missouri, and that they secure such other national legislation as may be necessary to insure the faithful and honest application and disbursement of the money so appropriated, to the end that the work may be commenced as early as possible and completed without unnecessary delay.

Second. That this memorial be printed, properly authenticated, and a copy sent by the secretary of state to each of our Senators and Representatives in Congress, also one to each Senator and Representative now in Congress from the States of Missouri, Kansas, and Nebraska.

Approved February 25, 1882.

STATE OF IOWA,
Office of Secretary of State.

I, J. A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a true and correct copy of a joint resolution of the nineteenth General Assembly on file in my office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at Des Moines this 3d day of March, A. D. 1882.

[SEAL.] J. A. T. HULL,
Secretary of State.

Mr. McDILL. I also present a joint resolution and memorial of the General Assembly of Iowa, relating to the Des Moines River lands, which I desire to have printed in the RECORD and referred to the Committee on Public Lands.

Mr. SHERMAN. I do not think it is the custom of the Senate to print memorials in the RECORD.

The PRESIDENT *pro tempore*. But this is the joint resolution of a State Legislature.

Mr. SHERMAN. Then it is all right, so it is not an ordinary memorial.

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

Joint resolution and memorial of the General Assembly of the State of Iowa, relating to the Des Moines River lands.

Whereas the settlers upon what is known as the lands granted to the Des Moines Navigation and Railroad Company believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly, properly, and adequately represented in court; and

Whereas the said settlers desire that the United States may be fairly and fully represented in the court: Therefore,

Be it resolved by the house of representatives of the State of Iowa, the senate concurring, That our Senators and Representatives in Congress be earnestly requested to exert themselves to secure the prompt passage of a bill which shall in some way provide that the Attorney-General of the United States shall immediately institute proceedings, or cause such proceedings to be commenced at once, by action either in equity or at law, as may be deemed best, and appear in the name of the United States, so as to remove all claims from the title of said lands, and that in such action or actions to be instituted, as aforesaid, any person or persons in the possession of or claiming title to any land or lands under the United States involved in such action or actions may, at his or her expense, unite with the United States in the prosecution of said action or actions for the purpose of forever settling the title or titles of the person or persons claiming said lands.

Approved March 3, 1882.

STATE OF IOWA,
Office Secretary of State.

I hereby certify the foregoing to be a true copy of joint resolution No. 5, of the acts of the nineteenth General Assembly, on file in this office.

Witness my hand officially and the great seal of the State, March 3, 1882.

[SEAL.] J. A. T. HULL,
Secretary of State.

Mr. SAWYER presented the petition of E. D. Smith and 60 others, citizens of Menasha, Wisconsin, praying for the passage of a law for the suppression of polygamy; which was referred to the Committee on the Judiciary.

Mr. PUGH presented a petition of citizens of Alabama, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. MITCHELL presented a petition of officers of the Twenty-first Infantry, praying for the passage of the bill (H. R. No. 1475) to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs.

Mr. TELLER. I have in my hand the resolutions of a large mass meeting of citizens of Colorado, residing in the neighborhood of the Ute Indian reservation, in reference to that reservation. The paper is not in the exact form that it ought to be to be presented to the Senate as a memorial; and yet I have no doubt that when the people adopted the resolutions they supposed they would be in a proper shape for presentation here. If there is no objection I should like to have the paper printed, inasmuch as it relates to a matter that will come before the Senate.

The PRESIDENT *pro tempore*. Does the Senator present it as a memorial?

Mr. TELLER. I present it in that character, although I want to state that it is irregular as a memorial, and I did not feel at liberty myself to change the form of it.

The PRESIDENT *pro tempore*. The Senator will be the judge whether it was intended to be a memorial. Although it be not in the strict form, if it was intended as a memorial to Congress it does not matter what shape the words are in.

Mr. TELLER. I judge from the letter I received with the paper that they expected it to be for the use of the Senate when the bill came before us.

Mr. ALLISON. What bill?

Mr. TELLER. The bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians,

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which is now pending, and which provides for opening the Ute reservation to settlement. The bill was reported to the Senate by the Committee on Public Lands. I only ask that the memorial may be printed so that it may be used in the discussion. It contains some information that will be of value.

The PRESIDENT *pro tempore*. The Senator does not desire it printed in the RECORD?

Mr. TELLER. I do not ask to have it printed in the RECORD, but printed so as to be laid on our tables.

The PRESIDENT *pro tempore*. If there be no objection, the memorial will be printed and lie on the table.

Mr. MILLER, of California, presented several memorials from citizens of California, protesting against the passage of the bill (S. No. 463) to provide for setting apart a certain tract of land in the State of California as a public park; which were referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. BECK. I am directed by the Committee on Finance to report back the bill (S. No. 976) to punish the unlawful certification of checks by officers of national banks, with an amendment. I desire an amendment that I propose to offer to the amendment of the committee to be printed along with the bill, which I now send up.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON. All the amendments will be printed, including the committee amendment and the amendment offered just now by the Senator from Kentucky.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky will be printed with the bill, and the amendment of the committee will be printed under the rule.

Mr. SHERMAN, from the Committee on Finance, to whom the subject was referred, reported a bill (S. No. 1400) to provide for the conversion or redemption of ten-dollar refunding certificates; which was read twice by its title.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 368) to grant arrears of pension to the widow of Peter W. Farley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 48) to increase the pension of Mrs. Margaret R. Jones, widow of Colonel James H. Jones, late of the United States Marine Corps, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 949) making pension certificate No. 190198 payable to Samuel Bell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. No. 165) granting a pension to Mrs. Rose M. Wood, 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 S. P. Cheney and others, citizens of Dorset, Vermont, praying that a pension be granted to Elizabeth Gray, widow of Paddock Gray, who was a soldier in the war of 1812, submitted a report thereon, accompanied by a bill (S. No. 1401) granting a pension to Elizabeth Gray. The bill was read twice by its title, and the report was ordered to be printed.

Mr. TELLER, from the Committee on Pensions, to whom was referred the bill (S. No. 656) granting a pension to Charlotte T. Alderman, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR. There is a minority report, which I ask leave to submit, and that it be printed with the majority report.

The PRESIDENT *pro tempore*. The views of the minority will be printed as desired, and the bill will be placed upon the Calendar.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1150) for the relief of J. L. Whitaker, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1303) to cheapen transportation on railways, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 1234) to regulate the licenses of vessels engaged in the coasting trade and fisheries, reported it with an amendment.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1195) granting a pension to William Hazelit, reported it with an 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. 629) granting a pension to Lemuel Adams, 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. 921) granting a pension to Mary A. Mitchell, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

RELIEF OF AMERICAN SHIPPING.

Mr. FRYE. I ask leave to introduce a bill, and I ask the indulgence of the Senate for a few moments while I call its attention, and especially the attention of the Committee on Commerce, to the subject-matter of the bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1402) for the relief of shipping; which was read twice by its title.

Mr. FRYE. Mr. President, besides presenting this bill to-day I presented one three or four days ago and had it referred to the Committee on Commerce, asking that certain laws touching the regulation of ships engaged in the passenger trade should be made to apply to foreign vessels sailing from our ports as well as to home vessels; and it is within my knowledge that a similar bill has been referred to the Committee on Commerce heretofore quite a number of times, and that nothing has ever been done.

There is no reason on earth why an English steamer engaged in carrying our passengers—and they do carry 95 per cent. of them—should not be held to the same laws and the same regulations with our own steamships of the same capacity. We are held to comply with every English law. Let a vessel from our ports sail from Liverpool, and she is compelled to comply with the English laws touching the carrying of passengers. They will send their board of trade on board of her; they will inspect her; they will discharge a surgeon if they please, no matter what certificates or diplomas he may have, no matter what his capacity is, and they will inspect the cabins and the saloons, and order any repairs they please. I remember the American steamship Ohio, in coming down the Delaware a year or two ago, struck. She was not much injured. She arrived at Liverpool. The news was conveyed to the board of trade that she had struck on her passage out. They inspected that steamship. They ordered her hauled up at a cost of $500. They then ordered a portion of her keel removed, and it was removed at an expense of $20,000; and yet that keel after it was removed was found to be as sound as a dollar—sounder than our American dollar, at any rate.

England compelling the ships of all the world to do that, why should we not compel the ships of the world doing our carrying and passenger trade to comply with our laws, which are made for the safety, convenience, and comfort of our passengers? Let me illustrate. An English steamship of 3,000 tons is required by English law to have eight life-boats, and only eight life-boats. Now, it is apparent to any man who has been on an English ocean-going steamer that eight life-boats in trouble will not save any more than the officers and the cabin passengers; the crew and the steerage passengers may go to the bottom. Our law, which I have here in the statute-book, compels an American steamship of the same tonnage to have ten life-boats and ten life-rafts, each life-raft with more carrying capacity or floating capacity than a life-boat. It provides, further, that those boats and rafts shall all be provisioned, shall be supplied with water, shall be supplied with nautical instruments, and that they shall be inspected every three days; that the provisions and water shall be renewed, and the nautical instruments, if they are lost.

The whole expenses under the law for a 3,000-ton American steamer carrying passengers is at least $50,000 for the outfit of life-boats, life-rafts, housings, and gear, and the cost annually by wear and loss is at least 30 per cent. of that amount; and the English steamer, sailing from New York with 95 per cent. of our passengers, is only compelled to take eight life-boats.

I do not complain that our law requires too much. It very likely requires no more than is sufficient for the safety, comfort, and convenience of the passengers. What I complain of is that our American Congress allows that discrimination in favor of foreign ships, when it is clearly within our power to compel them, carrying our passengers, to comply with our law.

I wish now to call the attention of the Senate to the bill which I present to-day relieving our vessels engaged in the coastwise trade from certain burdens. The increase of fee required of a coaster within the last twenty years is at least ten times, and yet the burdens upon coasters beyond that have increased and the profits have decreased. Let me illustrate. Here is a coaster of 112 tons, the Louise A. Boardman; she wants to sail from one of our ports to Calais, and then across the river a quarter of a mile to St. Stephen's in the provinces. We have quite a large trade with the Dominion of Canada, in which our vessels are engaged, as their vessels are engaged in sailing from their ports to ours. Now, what is that Louise A. Boardman compelled under our law to pay? First, new vessel 112 tons, enrollment and bond, $1.10; license, $1.20; admeasurement, $15—making $17.80. For clearance—register and bond, $2.25; certified list of crew and bond, 65 cents; certified shipping papers, 20 cents; entry, $2.50; blanks, 40 cents—making $6 more. Then for entry—entry, $2.50; hospital money, five men, one month, $2. A little schooner of 112 tons paying $24 a year hospital tax, while the English tax is only 2 cents a month, and they have as good hospitals as we do.

Mr. BAYARD. May I ask the Senator a question?

Mr. FRYE. Certainly.

Mr. BAYARD. The fees he is reading, I understand, are exacted under the laws of the United States?

Mr. FRYE. Under the laws of the United States. Tonnage, 112 tons at 30 cents a ton, making this little schooner pay $33.60 every time, if she happens to go from Calais across to St. Stephen's. That was nothing but a war tax, never imposed before the war, and still Congress permits it to be kept on these coasting vessels. Further, for permit to land, 20 cents; protections, 20 cents; bill of health, with report, 20 cents; blanks, 10 cents, making in all $38.80. Again, charge to enrollment and license: Enrollment and bond, $1.10; license, $1.20; making $2.30. That American schooner of 112 tons burden is obliged to pay under our laws all those immense and burdensome taxes; and the attention of Congress has been called to it again and again, and yet no relief has been offered.

There has been talk in the Congress of the United States for ten years about relieving American commerce and restoring it to its old ground. I admit it has been nothing but talk. Nothing has been done, but there is hope that this Congress will, by paying at least half as much to American steamers for carrying United States mails across the ocean as we pay to the stages that carry the mails across the prairies, or to little steamers to carry them down the Mississippi River; I say there is some hope that Congress may do something for their relief in that direction. But that does not touch our coasting trade at all, nor does it help our sailing vessels.

What does the Louise A. Boardman have to pay if she gets out papers over in St. Stephen's instead of Calais? She would be compelled to pay two cents a month for a hospital tax per man and two dollars for admeasurement, and no other namable tax whatever. Where a schooner made ten or twelve voyages from our ports to Canadian ports in a year I have known her under our law to be compelled to pay one-tenth of her whole value for United States taxes.

Mr. President, I ask the Senate why a coasting vessel shall pay a hospital tax of forty cents a month a man? It was formerly only twenty cents a month. There is hardly a sailor to be found on an American coasting vessel who is not an American sailor with a home. If he is taken sick or is wounded he goes to his home; and out of a thousand of these sailors you will not find ten going to the hospitals when they are sick. Our vessels engaged in the foreign service, on the contrary, are manned almost entirely by foreigners, without any homes to go to, and there is reason in their paying the hospital tax; but there is no reason that can be given why a little coaster of 112 tons shall pay $28 a year for hospital tax, and there is no reason why any American sailor should pay forty cents a month for a hospital tax. It only goes to build up magnificent erections near your great cities and support high-toned superintendents and learned surgeons looking continually for higher salaries. That is what becomes of the money. I say the sailor should be relieved from every cent of that hospital tax. I say again they should be relieved from that tonnage tax. There is no propriety or sense in imposing either upon them. The owners of course pay them, and the burden falls upon the vessel.

Why do you not tax the railroads? There is the European and North American Railroad, the inter-colonial railroad, making its two voyages every day between Bangor and St. John's. Do you impose any tax upon that? Not one cent of any kind. Do you require any papers? Not a paper that can be named; and yet that line competes with these very coasters of ours doing business with St. John's and the Dominion of Canada, and you by law compel them to pay about one-tenth of their value annually if they make a dozen voyages in that time.

I have a letter here from one of our United States customs collectors, who knows entirely what he is talking about, and he gives me the old fees as compared with these new fees. The old fee for measuring was 50 cents a ton for a vessel of 5 tons and less than 20. If 20 tons and not over 70, it was 75 cents; if 70 tons and not over 100, $1, and if over 100 tons it was $1.50; and yet the Louise A. Boardman under your laws imposed since the war was compelled to pay $15 for that admeasurement instead of $1.50. Yet, while Congress is talking about reviving American commerce and building up American shipbuilding, it takes not one step to repeal that enormous and burdensome tax! For enrollment under the old law 50 cents; now $2.25. For license under the old law 25 cents not over 20 tons, 50 cents where the vessel is 100 tons and not under 20, over 100 tons $1. He says of this hospital tax:

It is too much to try for, but there is no sense in the hospital tax. The true way is to treat seamen as men, collect nothing from them, and make no hospital provision for them. The great portion of the fund is used up in maintaining costly buildings and large salaries, and like everything else the Marine Hospital Department is steadily laboring to enlarge its powers and the influence of its head.

I have a letter from the collector of the port of Saint Andrews, which is a port on the Canadian side. I desire to read a few words of it touching fees, showing the distinction between theirs and ours. Remember, their coasters have the privilege of coming to our ports continually. They bring lumber and granite and coal and all the heavy freights over into our ports; and see what they are subjected to. He says:

I am glad to know that at least a movement is about to be made to get the "tonnage tax" off vessels running between the Dominion and America, (or rather United States ports.)

I here inclose official papers which answer your first question for measuring vessels. There is no charge for furnishing papers or for registry of the same.

Answer to second question: There is no charge for entering vessels. There is a charge of two cents for sick mariners; that is, hospital dues. Vessels under 100 tons pay this but once in a year; over a hundred tons, three times—

While ours pay forty cents a man every month—

no matter how many times such vessel arrives and departs to or from any port in the Dominion. Vessels over 100 tons pay three times in each year two cents per ton each time, no matter how many times such vessel arrives and departs to or from any port in the Dominion. Those charges apply to all vessels alike, ours as well as foreign. If a vessel over 100 tons comes in the Dominion but once in the year, she only pays two cents per ton to this fund; the second time that she arrives two cents per ton more is collected; and the third time two cents per ton more is collected. Under any circumstances no more than six cents can be collected from any vessel over 100 tons, and no more than two cents from vessels under 100 tons.

Our customs act does not require a consular certificate when a vessel arrives from any of your ports—Dominion or United States vessels.

I read from a letter which I have here from another English consul, the consul at St. Stephen's, across from Calais:

In answer to your inquiry as to the amount of dues or custom-house fees exacted from vessels arriving from ports in the United States or elsewhere in ports in the Dominion, I beg leave to inform you that the only dues or fees to which they are subject is two cents per ton, register tonnage; this is payable only once per year on vessels under 100 tons, and three times per year on all vessels over 100 tons register. These dues are called the sick mariner's fund, and go to the support of hospitals for sick seamen; and all vessels paying these dues, no matter what their nationality, are entitled to send their sick seamen to the hospital to be cared for.

As an example of the requirements under our laws I may give you that of the United States schooner L. A. Boardman—

The very one that I named as paying the enormous tax of $50 or $60 a year when sailing from our port to hers—

which entered here July 10, 1881; register 112 tons, at two cents, $2.24. This was all the dues required, except twenty-five cents for furnishing blanks. When these are furnished by the vessel no charge is made for blanks.

Two dollars and twenty-five cents in place of about $60 that under our laws we charge that same Louise A. Boardman.

Mr. President, I believe fully and entirely that it is the duty of Congress to do something for the revival of American commerce. I believe that it should do something that shall favor American steamship lines. I believe that it is our duty first, at any rate, to examine our own laws touching sailing-vessels, and see where relief can be brought to them. I believe further that it is our duty to examine the laws, onerous as they are, affecting these coastwise vessels. They being the nurseries entirely of American seamen to-day, being run entirely by American seamen, and the only ships or vessels that are run by them, it is the duty of Congress to inspect carefully the laws which are burdens to them and repeal them so far as safety will allow.

Mr. HAWLEY. Will the gentleman allow me to make a suggestion there? It is beyond our reach, but I am told by men engaged in the business that a very large share of their burdens is imposed by State taxation, whereas the British Government taxes its vessels only as they shall make a profit; a vessel lying idle and making nothing is taxed nothing, while our State taxation along the coast varies, running up as high as 2 per cent. sometimes. I am told by a commercial company largely engaged in the West India trade that the total of their State and Federal charges amounts to 4 per cent. upon their capital.

Mr. BECK. The Congress of the United States, by a little persuasion, when we sought to register all our foreign-going ships at the port of Washington, succeeded by that movement in great part in inducing the State of New York to take off the 2½ per cent. tax on her ships; and we may by some like persuasion induce other States to do the same thing or remove other burdens. I hope Congress will exercise all the power it has to lighten these burdens, whatever they may be.

Mr. FRYE. The Senator from Connecticut [Mr. HAWLEY] touches upon the question of State and municipal tax on vessels. I have not a shadow of doubt that it is in the power of the Congress of the United States to relieve vessels engaged in foreign commerce from all taxation, State or municipal. I do, however, myself have a serious doubt whether that is a possible or the best method for relief for these coastwise vessels. Take, for instance, my own district. There is the city of Bath, which builds more wooden ships than any city in the United States, and builds as many now as it ever built. It built thirty-six thousand tons last year. It owns very largely in ships engaged in foreign commerce, and also in these smaller and coastwise vessels.

If we should relieve these vessels from all State and municipal taxation, it might be placing a tremendous burden upon the city of Bath, which would not be an equally-borne burden by interior cities and towns. That tax does not weigh so heavy as some of the taxes to which I have called attention, which are utterly unnecessary, doing no one any good, the Treasury of the United States not needing them at all, for to-day it is looking around to see where it can cut down and reduce the revenue.

Mr. President, I ask the pardon of the Senate for occupying so much time. I did it, because somehow or other the Committee on Commerce has not seemed to investigate this subject.

I ask that committee to examine with care this bill and the accompanying papers, which I will send to the Chair.

Mr. BECK. I am not sure that I am correctly informed, but I received a letter the other day from a gentleman in New York who said the coastwise trading vessels had a right to carry their own pilots

into the port of New York; that is, a ship from Maine going to New Orleans and returning can sail into the port of New York with her own pilot, but if she goes to Cuba and brings a load from Cuba she is compelled to take a pilot at an expense of from $100 to $150, although the pilot who takes her into any other port is on board and can take her in just as well when she comes from Cuba as when she comes from New Orleans. If that is true, something ought to be done to prevent that very burdensome tax upon her.

Mr. FRYE. Mr. President, a bill to repeal or to regulate the pilotage laws of New York has been before the Congress of the United States for ten years within my certain knowledge. There have been hearings after hearings before the Committee on Commerce on the part of the House. The pilots of New York are a body of immense power. They unite; they send their delegates here to Washington; they make their desperate fight to retain their privilege of piracy—for it is nothing on earth but a privilege of piracy—and they still keep those burdens on our commerce and compel our captains of schooners, as the Senator says, clearing from Cuba, who know every inch of the harbor of New York just as well as the Senator from Kentucky and I know the way to the United States Senate—compel them to pay $100 or $150 for a New York pilot to escort them into the harbor. That is still existing; that is still an imposition; and I thank the Senator from Kentucky for reminding me of it. It is still another thing that the Committee on Commerce should look at.

I do not object to their looking abroad and seeing what can be done about our American steamships. I ask the Committee on Commerce to take these papers that I have, to take the suggestion which the Senator from Kentucky has made, and to examine with care to see if there is not infinite relief which we can under our laws afford to our people without doing any harm to the Treasury or inflicting any wrong upon any one.

Mr. BAYARD. Mr. President, in the line of what has been said by the Senator from Maine, I would suggest to him that there was at the last session of Congress an amendment to an appropriation bill adopted at the instance of the Committee on Finance, offered by me as the agent of that committee, which instructed the Secretary of the Treasury to inform Congress at the present session what was the aggregate amount of fees imposed by law for license, for measurement, tonnage dues—all the fees, or I may speak of them more properly as all the burdens imposed now by law upon American shipping under the laws of the United States. An appropriation of a thousand dollars was made to enable the Secretary to employ a clerk to obtain so far as practicable from State authorities the list of fees and their amount, and the taxation imposed by law whether under the form of fees or under the form of direct assessment of value upon American shipping.

I hold that such information is a necessary precedent to action in the way of relief to American shipping, which I am most desirous to see effected. I say this much because I proposed to draw the attention of the Treasury Department to the fact that no response, so far as I am aware, has been made to the direction of the Senate and to the meaning and effect of the amendment to the appropriation bill of last year.

As to the discrimination of local fees and charges upon English-owned or foreign-owned ships and our own, that is capable of a remedy only in part, because of course, except by treaty stipulation and by the principles of comity between friendly nations, we cannot interfere with the laws of local taxation upon vessels owned or vessels coming from a distant port within the jurisdiction of the taxing power. It struck me, however, as the Senator from Kentucky suggests, and I concur with him in that, that while my friend from Maine was declaring that the United States laws exacted from passenger-carrying ships much larger and more expensive equipments in the shape of life-saving boats than did the English, it is a question whether the wisdom lay with them or with us, as to whether we should require our vessels to carry this, as they term it, excessive equipment in the way of life-saving apparatus. Certain it is that the more expense you put, no matter with what view, upon the vessel-owner the more he must charge for the transportation of individuals or merchandise. That is clear. The more you reduce the burdens upon him the cheaper he can carry. You cannot have one without the other.

But I am very anxious to see, in what I consider a legitimate manner and not by a system of enforced bounties from the Treasury, the burdens upon American shipping so relieved that the flag of the United States shall be restored to its proper place upon the great highway of nations, and any steps that will assist in that will find in me a most hearty coadjutor.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. FRYE. I now ask leave, in connection with the bill I have introduced, to present the memorial of Hon. F. A. Pike, of Maine, in support of the bill, and also the accompanying papers. I ask that the memorial and accompany papers may be printed, not in the RECORD, but for the use of the committee, and referred with the bill.

The PRESIDENT *pro tempore*. The petition and accompanying papers will be received and referred to the Committee on Commerce, and ordered to be printed.

THE MISSISSIPPI OVERFLOW.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River.

The Acting Secretary read the resolution at length, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to use the hospital tents now possessed by the War Department, so far as may be necessary, to furnish temporary shelter to the destitute people who have been driven from their homes by the present overflow of the Mississippi River.

Mr. GEORGE. I ask that the telegram from the Secretary of War, which I send to the desk, be read.

The Acting Secretary read as follows:

WAR DEPARTMENT, WASHINGTON, D. C., *March* 7, 1882.

Hon. J. Z. GEORGE, *U. S. Senate:*

I have telegram from Governor Lowry, asking for one hundred (100) tents to be sent to Greenville, Mississippi. Many whites and blacks congregated there and no shelter, the telegram stating that you will explain situation. I have no authority to issue tents. We have no tents not in use, except about twelve hundred (1,200) hospital tents, of a capacity for sixteen (16) people each, nearly all at Philadelphia depot. Some of these could be issued if Congress gives authority.

ROBERT T. LINCOLN,
Secretary of War.

The joint resolution was read twice by its title, and considered as in Committee of the Whole.

Mr. ALLISON. I desire to ask the Senator from Mississippi whether it is proposed that these tents shall be used by the War Department itself?

Mr. GEORGE. Yes, sir.

Mr. ALLISON. Under the care of Army officers?

Mr. GEORGE. Of Army officers.

Mr. HOAR. I suggest to put in the words "in his discretion" after the word "authorized."

Mr. GEORGE. I have no objection.

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

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1403) for the relief of George W. Graffam; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1404) to establish a port of delivery at Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1405) granting a pension to Penelope T. Heald; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1406) to amend section 4414 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1407) to determine the local rank of the governor of the military prison at Fort Leavenworth, Kansas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1408) granting public lands for the relief of certain citizens of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1409) for the relief of Mrs. Jennie S. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1410) for the relief of Albert T. Whiting; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1411) to authorize the Duluth and Winnipeg Railroad Company to extend its line through certain Indian reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1412) to provide for the establishment of fast ocean steamship mail service between the United States and Great Britain, and to secure to the Government the use of the vessels employed therein for postal, naval, and other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 44) authorizing the pay-

ment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO BILL.

Mr. HALE submitted an amendment intended to be proposed by him to the bill (S. No. 55) to regulate the promotion of midshipmen and cadet engineers, and to establish the grade of sub-assistant engineer in the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

DISMEMBERMENT OF PERU.

Mr. CALL. I offer a resolution, to lie on the table and be printed:

Resolved, That the President of the United States be requested to inform the Senate whether there has been any representation made by the diplomatic representative of the United States at Chili that the United States would regard with indifference or consent to the dismemberment of Peru by the cession of any part of her territory to Chili under existing circumstances, and whether any authority has been given by the Government to such representative to make such a statement.

The resolution was ordered to be printed and lie on the table.

Mr. GARLAND. The Senator from Florida has omitted the words "if in his opinion not incompatible with the public interest."

The PRESIDENT *pro tempore*. The words will be considered as put in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2127) granting a pension to James F. Rose;

A bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels; and

A joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburgh, in July, 1882.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of one has arrived and the morning business is closed. Proceedings under the Anthony rule are now in order. The bill (S. No. 230) granting a pension to Angus McAuley was under consideration at the close of the business under the Anthony rule yesterday, and the Senator from Michigan [Mr. CONGER] can, if he desires it, have his bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic considered after that.

Mr. INGALLS. I think, with great deference, that the ruling of the Chair is wrong; that there is no unfinished business under the Anthony rule nor of the morning hour, but that all business falls at the expiration of the time fixed by the rule.

The PRESIDENT *pro tempore*. This is the first bill on the Calendar and it was partly considered yesterday. That is all.

Mr. INGALLS. But the fact that it was partly considered yesterday gives it no precedence to-day; and if the Senator from Michigan desires to call up his bill he has a prior right to do so under the practice of the Senate.

The PRESIDENT *pro tempore*. But it has been usual when a bill under the Anthony rule has been partly considered to get through with it before anything else is taken up. That has been the usage of the Senate. The McAuley bill was reached yesterday, and the Chair supposes it will not take five minutes to dispose of it.

Mr. CONGER. I desire that the bill to provide for a commission on the subject of the alcoholic liquor traffic should be called up and acted on to-day. We have had that subject long under consideration. For years, as I am informed, it has been in Congress. I will not detain the Senate myself with any remarks upon it, but ask, if others are prepared to take a vote on the bill, that we act on it.

Mr. DAVIS, of West Virginia. Regular order, Mr. President.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the bill which was partly considered yesterday is the unfinished business under the Anthony rule.

Mr. INGALLS. Then, in order that that may be settled, I will ask the opinion of the Senate whether there is any unfinished business under the Anthony rule in the morning hour.

Mr. ALLISON. How can you test the sense of the Senate?

Mr. INGALLS. I appeal from the decision of the Chair. I get the sense of the Senate in that way.

The PRESIDENT *pro tempore*. The Chair decided that a bill which was half considered yesterday was the first in order this morning under the Anthony rule.

Mr. INGALLS. It was not half considered; only about a third.

The PRESIDENT *pro tempore*. It was read. The Senator from Kansas appeals from that decision.

Mr. COCKRELL. I rise for information.

The PRESIDENT *pro tempore*. The bill (S. No. 230) granting a pension to Angus McAuley was read yesterday, and the hour of half past one then arrived.

Mr. COCKRELL. As I understand, the bill was reached in its regular call upon the Calendar under the Anthony rule?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. COCKRELL. That was the bill granting a pension to Angus McAuley; and while it was being considered and before any disposition had been made of it, the morning hour expired, and it now stands as the first uncalled case on the Calendar.

Mr. INGALLS. Is it not true that the bill of the Senator from Michigan and a number of other bills have been passed over by unanimous consent, retaining their place at the head of the Calendar?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. INGALLS. Then the statement of the Senator from Missouri is not, strictly speaking, correct.

The PRESIDENT *pro tempore*. The Chair will state the case. All bills that have been passed over without prejudice are not taken up unless they are asked to be taken up. The Chair commenced at the point last reached, and the Chair to-day called the Calendar at the point that was last reached. He then stated to the Senator from Michigan that he could call up his bill afterward; but the Chair calls the McAuley case as the first case.

Mr. COCKRELL. And that is the regular order.

Mr. HARRIS. I desire to know if the bill called up by the Senator from Michigan is a bill that stands upon the Calendar prior to the one designated by the Chair, and if it was passed over without prejudice, and he now, at the beginning of the call of the Calendar, wishes to call it up?

The PRESIDENT *pro tempore*. No, sir; the Chair announced that the McAuley case was first in order.

Mr. HARRIS. So I understand. I am satisfied myself that there is technically no unfinished business in the morning hour or under the Anthony rule, and I shall, if bound to vote on the appeal of the Senator from Kansas, vote that there is no unfinished business, and at this hour, notwithstanding that the Chair has announced that——

The PRESIDENT *pro tempore*. The Chair called this case first under the rule.

Mr. HARRIS. Very properly; but when the Senator from Michigan calls up a case that has been passed over without prejudice before the case called by the Chair had been taken up, my judgment is that the Senator from Michigan had a right to call up his case, and is entitled to priority of hearing. I do not think there is any unfinished business in the morning hour.

Mr. SHERMAN. This question is not a very important one except as a matter of precedent. It seems to me that it is the duty of the Chair when calling the Calendar, after the usual morning business is over, to take up first that which was pending at the close of the previous session under the Anthony rule. That is the logical, natural order of business, and every person who has sat in that chair administering the Anthony rule would naturally present first that business which was pending at the time of the last call.

I hope we shall not waste the morning hour in the discussion of this question; but I shall certainly vote to sustain the decision of the Chair. That is the natural, logical order of business, to complete that which we were partly considering, and then if the Senator from Michigan chooses afterward to call up a case that has been passed over without prejudice, it will be proper for him to do so.

The PRESIDENT *pro tempore*. The question is on the appeal taken by the Senator from Kansas from the decision of the Chair. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

The question was decided in the affirmative; and the decision of the Chair was sustained.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McDILL it was

Ordered, That the papers in the case of S. H. Maer be taken from the files and referred to the Committee on Military Affairs.

ANGUS M'AULEY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 230) granting a pension to Angus McAuley.

Mr. MITCHELL. There are certain amendments proposed to that bill in the report accompanying it.

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

The Acting Secretary read the following report, submitted by Mr. MITCHELL on the 24th of January:

The Committee on Pensions, to whom was referred the bill (S. No. 230) granting a pension to Angus McAuley, have examined the same and report:

That a similar bill was reported favorably in the last Congress, as appears by the report, a part of which is as follows:

"Angus McAuley was a soldier in the Seminole and Creek Indian war, and was pensioned at $2 per month from February 7, 1859. He was dropped from the rolls by reason of his residence within the limits of the insurrectionary States. He asks that he may be restored, and files evidence that he did not perform military service in the confederate army."

In addition to the facts found in said report, in which finding your committee concur, it appears that said Angus McAuley was opposed to secession, and was loyal to the Government of the United States during the war of the southern rebellion.

Your committee recommend the passage of the bill with the following amendments: In line 4 strike out the words "place on" and insert the words "restore to;" in line 7, before "war," insert the words "Creek Indian," and strike out the words "of 1812" in the same line. Amend the title to read as follows: "A bill to restore Angus McAuley to the pension roll."

The bill was reported from the Committee on Pensions with an amendment in line 4, after the word "to," to strike out "place on" and insert "restore to;" in line 7, before the word "war," to insert

"Creek Indian," and in the same line to strike out "of 1812;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Angus McAuley, of Suwanee County, Florida, a soldier of the Creek Indian war, and pay him his pension from the time when he was dropped from the rolls.

The amendment was agreed to.

Mr. INGALLS. Mr. President, this bill brings plainly before the Senate the question whether a resident of the confederate States during the rebellion, and who was dropped from the pension-rolls under the provisions of the statute upon that subject, shall be restored by act of Congress without any evidence that would satisfy the Pension Bureau as to his loyalty or as to his right to restoration to the rolls. If the beneficiary of this bill was, as he says, loyal to the Government during the rebellion, and was dropped by reason merely of his residence within the insurrectionary States, he had the opportunity to be restored by presenting those facts to the Pension Commissioner. I understand the facts to be in this case that Mr. McAuley was unwilling to make the oath and unwilling to set forth the facts required and swear to them, under which he would have been allowed to be restored by the Commissioner of Pensions, and that having failed to present this testimony before the Commissioner, he now comes to Congress and asks to be restored without this evidence being given by him.

The bill I think has twice heretofore been before the Senate without action. I was unwilling that the Senate should vote to-day without a full understanding of this case, because it was before the committee when I was chairman of it, and I am quite familiar with the facts affecting the relation of Mr. McAuley to the confederate government.

Mr. MITCHELL. If the Senator will allow me to make a statement I may refresh his recollection. I will state for the Senator's information that he made a report himself in this case favorable at the last Congress, and I make a quotation in this report from the report then made by him.

Mr. INGALLS. The Senator is entirely mistaken. I did not make that report. A report was made, but it was not made by me.

Mr. MITCHELL. I beg the Senator's pardon.

Mr. INGALLS. If it was so reported it was a mistake, for I had uniformly opposed the bill, as the Senator from Florida [Mr. CALL] well knows.

Mr. MITCHELL. I can verify my recollection by the RECORD. If my statement is incorrect, I beg the Senator's pardon. I have sent for a copy of the Senator's report. However, since the case was then considered, other evidence has been furnished, the affidavits of a number of citizens residing near Angus McAuley, who all testify that he not only did not enter into the rebellion but that his sympathies were with the Union throughout the whole war, and that he expressed himself on many occasions in that way. So that now the committee has no doubt at all as to the propriety of restoring him to the roll. The only question that was ever in doubt in the mind of the committee was whether they ought to allow the pension to relate back to the time when he was stricken from the rolls. I supposed when the Senator from Kansas rose that he was about to make an objection on that point, as in the report which he made he allowed the pension to begin only from the time when under the general law it would commence; that is, from the time of restoration to the pension-roll. But in this case the committee thought the evidence was so clear, the man was so old, the amount ($2 a month) was so small, that we would allow the pension to relate back to the time when we think he was unjustly stricken from the rolls.

Mr. CALL. Mr. President, I am well acquainted with this case and I am well acquainted with the subject of the bill, Mr. McAuley. It is notorious in the State of Florida in the community where he lived that this poor old man, disabled in the Creek and Seminole war in the service of the United States, was a Union man, earnestly opposing at every step the secession of the State, and continuing loyal to the Union after the war had actually occurred. He was never in the confederate service. He was a marked man in his community because of his devotion to the Government and the flag of the United States. He had been a pensioner for years. He was disabled, deaf, lame, and almost blind, and he is now an old man, I suppose nearly, if not more than, eighty years of age, and without adequate means of support. I do not know why he did not take this oath. I know that he could have taken it. The evidence is conclusive upon the subject, the evidence of all his acquaintances in the community in which he lived, and I myself say to the Senate here that I know it was a notorious fact that this man was loyal to the Government of the United States.

Now, Mr. President, he asks that his pension shall be paid to him from the time he was dropped from the roll, a poor, disabled, loyal citizen and pensioner of the United States. He may not have known until this notice was served upon him that he could be restored on taking the oath, or he may have felt that the oath was something more than merely swearing that he had always been in favor of the Union and the preservation of the integrity of the States. He may have believed as I have known men and officers of the Union Army who fought all through the war to feel. I have seen them in the courts refuse to take the iron-clad oath, upon the ground that, in their opinion, it required them to swear that they had no sympathy or kind feeling for any of the individuals who were concerned in the war on the confederate side. What scruples of conscience this old man had I do not know, but I say there is no reason in the proposition that a man who was true to the Government, who rendered no service to the confederate States, who opposed secession in his opinions, who gave his moral influence entirely to the cause of the Union, and was a marked man because of it, should be dropped from the pension-rolls and never restored again. Why, sir, there is no law to justify it. The law was simply that during the war people within the territorial limits of the confederacy should not draw money from the United States, and the resolution afterward passed was simply for the purpose of requiring evidence to ascertain the fact of their loyalty. Now this man comes here and presents the evidence. I am very glad to hear the Senator from Pennsylvania speak so kindly and so liberally of this bill. I hope it will be passed, and passed without objection.

Mr. INGALLS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kansas, unless by unanimous consent, cannot proceed.

Mr. INGALLS. I will not ask unanimous consent; I will move that the bill be indefinitely postponed, and on that motion I believe I have five minutes, and I shall not want more than two.

The PRESIDENT *pro tempore*. That is a new question.

Mr. INGALLS. The Chair rules that my motion is a new question, and I shall then be entitled to speak once upon it. That being the case, I will merely reply to the Senator from Florida by saying that if the facts that he sets forth are true, there never has been a moment since the close of the war in 1865 when Mr. Angus McAuley could not have been restored to the pension-roll by setting forth those matters in an affidavit and filing it with the Commissioner of Pensions.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. INGALLS. Yes, sir; if the Chair will not hold that by yielding I lose my right to the floor.

Mr. CALL. It was in evidence before the committee, as the Senator will well remember, that this man did apply after the war, some time afterward, before he came to Congress.

Mr. INGALLS. And was refused because he would not make oath to those facts. That is why he was refused.

Mr. CALL. No, sir; the Senator will allow me; he was refused because he would not take the iron-clad oath, the test oath; not because of the facts I have stated.

Mr. INGALLS. The test oath never contained anything more than the facts which the Senator from Florida has said this man could prove with regard to his own relation to the confederate States during the war; and when Mr. McAuley made his application to the Pension Office for restoration and was refused, it was because he was unwilling or unable to swear to those facts which the Senator from Florida says he can now substantiate.

Mr. CALL. Will the Senator allow me to ask him another question?

Mr. INGALLS. Yes, sir.

Mr. CALL. I ask the Senator if he is not aware of the fact that a Senator from a loyal State during the war and a man of high standing refused to take that oath and resigned his seat in the Senate because he thought it was unconstitutional? Now does the Senator say that because this man refused to take that oath he could not take it?

Mr. INGALLS. That is a question of casuistry. It is a question of fact that he did not, and therefore he could not hold his seat. Now, the question is whether Mr. McAuley, refusing to prove these facts before the Pension Office, because they were at that time to his belief not true, shall be allowed to come to Congress and get sixteen years' back pension?

I heard the Senator from Pennsylvania say that new evidence had been filed in this matter. He also alluded to the fact that I, on a previous occasion, had reported in favor of this bill. I did so because I was overruled by the Committee on Pensions, of which the Senator from Florida [Mr. CALL] was then a member. I entertained the same opinion then that I entertain now; but I was overruled by the committee in consequence of the importunities of the Senator from Florida, and only consented at last that the bill might be reported with an amendment restoring him to the pension-roll and entitling him to draw a pension from the time of his restoration. This bill goes much further than that. It says that he shall not only be restored, but for that period of time during which he was dropped from the rolls, because he refused to offer the necessary evidence before the Commissioner of Pensions, he shall be paid.

Now, if the Senate desire to establish that precedent, if they think it is wise or prudent, while that statute stands upon the statute-book, to allow a man who will not make the necessary evidence before an officer of this Government to come here and upon *ex parte* statements by his neighbors and by his friends relieve his own conscience from the necessity of making an oath—for he makes none in this matter himself—to be restored to the rolls and obtain the money which he might have obtained if he could have brought himself within the provisions of law, I have nothing further to say.

Mr. TELLER. Mr. President, this bill is not very important so far as the amount of money is concerned. It may be important as establishing a principle. It appears that this man was a loyal man opposed to secession, and that he remained loyal during the entire

war. Now, to say that the man might not have sympathized sometimes with his neighbors and friends who were engaged in a conflict of this kind would be going a great way; and yet he could have done that and still have been a loyal man. The committee was satisfied that this man did not participate in the rebellion; that he had not given it aid and comfort in the manner provided by the statute.

Mr. INGALLS. The report does not say so.

Mr. TELLER. That was the finding of the committee at all events, no matter what the report may state, because the matter was very thoroughly considered upon that point in committee; and I do not understand that there was any difference of opinion as to that in the committee.

Now, Mr. President, if this man was a loyal man, if he did not participate in the rebellion, he was dropped from the rolls simply by a construction which is given to the law which said that every man in the State of Florida was a disloyal person. That was a fiction of the law. It was not true, we know, in many respects. We know that in Florida there were many men who never did participate in the rebellion, and who had no part or lot in it; and yet when we come to treat of the naked question according to what the law says, every man within the boundaries of that State was a disloyal man, and that presumption remains although he may have gone into the United States Army. It can be rebutted of course, but this was a sweeping statute that swept off from the pension-rolls every man who was in the States that were in rebellion. It was an exceedingly harsh law, to begin with; it was a law that never could have been passed at any other time except when the people were excited in this country. It did great injustice to many men in this country, and here is an old man who comes here now and says "I desire to be put back." It is not much money, and it is very evident the man does not want to be put on the rolls simply for the $2 a month. It is quite apparent that he is hurt because his loyalty is brought into question, and he says: "I want to be put where I ought to have been left. I never was a disloyal citizen of the United States, and I do not want to be so charged."

Mr. INGALLS. May I ask the chairman of the committee a question?

Mr. TELLER. Certainly.

Mr. INGALLS. I ask him if there is any affidavit, or if there has been any affidavit among the papers on file in this case from Mr. McAuley, setting forth that he was loyal during the war?

Mr. TELLER. I was not a member of the sub-committee.

Mr. CALL. If the Senator will allow me, I can answer that.

Mr. MITCHELL. There are three brief affidavits now here, the additional evidence that make that point clear. I have not changed my recollection that the Senator from Kansas did, as he now admits, make a report in favor of this bill without that evidence.

Mr. TELLER. I was going to say that I did not myself examine personally these papers. It is an impossible thing for every member to examine all the papers that come before the Pension Committee. We submit these questions to sub-committees, and when a Senator comes to us and says that a certain fact is fairly proved, we believe it to be true and we report it. I am in favor of this bill, and I am in favor of every other case that is presented of a like character.

Mr. BLAIR. Mr. President, in regard to this bill, for which I voted in committee and in favor of the passage of which I am now, I wish to say that I think perhaps somewhat broader views actuated some members of the committee than the question whether this man could prove by his own affidavit that he was absolutely and most strictly loyal all the way through the war.

As has been observed during the debates that have already taken place in the Senate this session, there is a strong and growing disposition, which has been enunciated by many Senators, and by many upon this side of the Chamber, where old, disabled, and needy soldiers were pensioners of the United States and their names have been stricken from the roll by reason possibly of their participation in the rebellion, to restore them by reason of their necessity to the pension-roll. Here is a man who would come within the line of that declaration if any one whatever of all those whose names have been stricken from the roll who resided in the South during the rebellion would be embraced within that line.

For one, I believe that it is a proper case to which we may well extend the friendly feeling of the Government, its charity if you please, by his restoration to the roll. He was a soldier before the war of the rebellion; he was disabled; he was placed on the pension-roll. Being loyal, but residing within the insurrectionary districts, his name was dropped from the roll. His loyalty has been proved to the satisfaction of the committee, although he may have said nothing in regard to it himself; but however that may be, he comes now, old, poor, in needy circumstances, and I think he should be restored to the pension-roll.

The PRESIDENT *pro tempore*. The hour of half past one has been reached, and the bill goes over.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2127) granting a pension to James F. Rose was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburgh in July, 1882, was read twice by its title, and referred to the Committee on Military Affairs.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment proposed by Mr. INGALLS to the amendment of the Committee on Foreign Relations in section 1, line 4, after "of," to strike out "twenty" and insert "ten."

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. CALL. I had given notice that I would, in accordance with the custom of the Senate, move to take up the resolution that I submitted on the subject of Peru and Chili, for the purpose of making some remarks to-day; but I will, at the request of the Senator from California who has this bill in charge, not do so now, and I give notice that to-morrow morning I will ask the Senate to lay aside the pending business and take up that resolution, in order that I may be enabled to address the Senate on that subject.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is entitled to the floor on this bill.

Mr. DAWES. I yield to the Senator from California.

Mr. MILLER, of California. Mr. President, on Saturday last there were several mass-meetings held in the State of California to give expression by that people to their sentiments on this question. There was one meeting, which was most extraordinary, held in the city of San Francisco, said to have been the largest public meeting ever held in that city, numbering over thirty thousand people. I desire to have read by the Secretary certain dispatches containing resolutions adopted at that mass-meeting.

There were mass-meetings held at San Francisco, Stockton, Nevada City, Los Angeles, Vallejo, Placerville, Santa Cruz, Napa, Sonora, Grass Valley, Merced, Martinez, Fresno, and Oroville.

I ask that at least some of these dispatches be read and that they all be printed in the RECORD.

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

The Acting Secretary read as follows:

SAN FRANCISCO, CAL., *March* 4, 1882.

To Hon. JNO. F. MILLER or Hon. JAS. T. FARLEY,
United States Senators, Washington, D. C.:

The day has been observed all over the State as a holiday under governor's proclamation. Large and enthusiastic meetings held in Sacramento, San José, Stockton, Petaluma, San Andreas, Grass Valley, Martinez, Benicia, Napa, Gilroy, and other large cities, and also in Nevada. The meeting here the largest ever held in the State. Platt's Hall crowded. Mayor Blake presided. Thousands of people in the streets, addressed from three stands. Speeches and exercises earnest and enthusiastic; all parties a unit. The following resolutions unanimously adopted:

Whereas the continued and rapidly-increasing influx of Chinese immigration into the port of San Francisco calls for immediate and emphatic expression of public opinion, to the end that the Congress of the United States may be informed that this invading and destructive evil is actively increasing in magnitude and each succeeding day is casting a deeper shadow over the industry of this coast; and

Whereas it is not deemed necessary on this occasion to recite the ruinous consequences that have resulted from this unwelcome invasion or attempt to predict those that will surely follow if it is allowed to continue unrestrained; nevertheless, a duty we owe our brethren in the East requires that we should say that the banishment of capital from a country rich in all material resources to more inviting fields of enterprise and profit, and the driving of free white labor to maintain with almost despairing courage an unequal fight for existence are but storm-signals warning the whole country of imminent danger and disaster to all its industry if this Mongolian flood is not averted. The people of San Francisco, in general mass assembled, do therefore solemnly reiterate and reaffirm the unanswered and unanswerable arguments heretofore made in their previous petitions to Congress for relief, and they further respectfully urge that time and experience have but confirmed their apprehensions as to the grave dangers that would arise from unrestrained Chinese immigration: It is, therefore,

Resolved, That, laying aside all social and political distinctions, we unite as one man, as one people, as law-abiding citizens of the Republic and urge upon Congress legislation according to the terms of the recent treaty with China restricting and controlling Chinese immigration.

Be it further resolved, That our Senators and Representatives from this coast have our entire approval and hearty and united support in their efforts to present this great question to the country as of vital importance and deserving immediate and favorable action on the part of the Federal Government.

Be it further resolved, That a copy of these resolutions be telegraphed to our Senators and Representatives in Congress.

Please furnish copies of this to our members.

J. S. TABOR.
W. D. ENGLISH.
W. W. MORROW.

STOCKTON, CAL., *March* 4, 1882.

To our Representatives in Congress,
(Care F. S. MILLER, Senator, Washington:)

A large meeting held to-day. Sentiment unanimously in favor of Senate bill for restriction of Chinese immigration. Gratitude of entire community tendered to our Senators and Representatives for untiring efforts for passage of said bill.

E. E. THRIFT,
J. K. DOAK,
Committee.
H. O. SOUTHWORTH,
Chairman.

NEVADA, CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington, D. C.:*

Urge the adoption of bill restricting Chinese immigration by all honorable means in your power We are a unit in favor of such action.

Mass-meeting, Nevada City, Cal.

LOS ANGELES, *March* 4, 1882.

To Hon. JNO. T. MILLER, *Washington D. C.*:

Immense mass-meeting just closed. Three to five thousand persons present. Resolution adopted indorsing the action of our Senators and Representatives in Congress, and urging to renewed and continuous efforts on behalf of Chinese-restriction bill.

JNO. G. DOWNEY.
P. W. DOONEN.

VALLEJO, CAL., *March* 4, 1882.

To Senators JOHN F. MILLER and J. T. FARLEY,
Washington, D. C.:

A mass-meeting of the citizens of Vallejo, called by the chairmen of both political parties and presided over by the mayor, was held to-day, at which the following resolutions were unanimously adopted:

Whereas Chinese immigration is a positive injury to the best interests of California, as it has introduced among us a class of people who, unlike those of other nationalities, remain aliens, neither conforming to the institutions, habits, or customs of the country; and

Whereas this oriental race in the cheap mode of living to which it has been accustomed can work for less than pauper wages, and are rapidly absorbing the labor market, and also entering into a dangerous rivalry in manufacturing and other business enterprises, thus driving out a large number of our own people, a desirable population, who have sought here to make homes, but owing to this competition cannot find remunerative employment or be successful in business pursuits:

Be it therefore resolved, That as citizens of Vallejo interested in the prosperity of the State we earnestly ask of Congress protection from this Mongolian invasion, believing as we do that if not checked California will before long become but little better than a Chinese province. Asiatic and American civilization cannot exist together on the same soil, there being an irrepressible conflict between them which must eventually end in the giving way of one or the other.

Resolved, That while it has been the traditional policy of the Government to welcome all those that come from foreign lands to make this country their home, it was clearly never the intention of the founders of our institutions that an invasion should be permitted of immense armies of people who bring their nationality with them and will never become absorbed in our civilization.

Resolved, That as a matter of protection to our workingmen, our manufacturing enterprises, and all our industrial pursuits, we earnestly ask the passage of the bill now pending in Congress to restrict Chinese immigration to this country.

Resolved, That a copy of the proceedings of this meeting be forwarded to our Senators and Representatives in Congress as expressive of the unanimous wish of the citizens of Vallejo, including all our commercial, business, and laboring classes.

A. J. MCPIKE,
Chairman Democratic County Committee, Solano County.
S. G. HELBORN,
Chairman Republican Committee.

PLACERVILLE, CAL., *March* 4, 1882.

To Hon. J. T. FARLEY and JOHN MILLER,
Washington, D. C.:

Monster meeting in progress here. Speeches by Carpenter, Blanchard, Irwin, and others. Strong resolutions against Chinese immigration, and imploring Congress to pass pending bill.

W. A. SELKIRK.

SANTA CRUZ, CAL., *March* 4, 1882.

To Senator MILLER and colleagues,
Washington, D. C.:

Whereas the people of the State of California are to-day assembling at their respective homes to give expression to their sentiments on the serious danger threatening the industrial and social relations of our State and country by the reason of the great influx of Chinese laborers, and to urge Congress to immediate action on this subject: Therefore,

Be it resolved, That the people of the city and county of Santa Cruz in mass-meeting assembled, irrespective of party, sincerely and earnestly recommend and urge the immediate passage of the anti-Chinese bill of Senator MILLER.

J. D. CHASE, *Chairman.*
A. A. TAYLOR, *Secretary.*

NAPA, CAL., *March* 4, 1882.

To Senator J. F. MILLER, *Washington, D. C.*:

This entire community has assembled and unanimously expressed themselves, urging the passage of the bill restricting Chinese immigration. This coast would never recover should the bill fail to pass. Business is suspended.

DAVID L. HAAS,
Chairman Rep. Co. Com.
DENNIS SPENCER,
Chairman Dem. Co. Com.

SONORA, CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington, D. C.*:

Mass-meeting held; Tuolumne County is a unit in favor of the suppression of Chinese immigration, and we respectfully urge Congress to pass the pending Chinese bill for our relief.

MARK E. HUGHES,
Chairman Dem. Co. Com.
CHAS. B. CUTTING,
Chairman Rep. Co. Com.
W. A. DUCHON, *Secretary.*

GRASS VALLEY, CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington*:

Grand mass-meeting. People Grass Valley, California, unanimously resolved: We heartily indorse the Miller bill now before the United States Senate, and urgently demand that the Congress shall adopt the same or other suitable enactment of a like character, with the amendment offered by Senator FARLEY.

HENRY DAVIS, *Chairman.*

SAN FRANCISCO, CAL., *March* 2, 1882.

To Hon. J. F. MILLER,
United States Senate, Washington, D. C.:

Whereas the mayor has this day at our request sent to this board a special message in regard to the question of Chinese immigration; and

Whereas said message accords with our views: Therefore,

Resolved, That we fully approve and indorse the views and statements in said message contained as to the disastrous and blighting effect of unrestricted Chinese immigration to this State.

Resolved, That we respectfully and earnestly petition Congress to enact the most stringent laws which our treaties with China will permit for the prevention of Chinese immigration.

Resolved, That we heartily approve the action of our Senators and Representatives in Congress to procure proper and efficient Congressional action for the prevention of Chinese immigration, and tender them our warmest thanks for the same.

Resolved, That these resolutions are not prompted in the slightest degree by any unkind feeling toward the Chinese residents of this city and State, whose persons and property we believe should be fully protected, but by the deepest conviction that what we ask for is essential to the peace, prosperity, and material interests of our people.

Resolved, That his honor the mayor be, and he is hereby, requested to telegraph to Hon. J. F. MILLER a copy of these resolutions in board of supervisors, San Francisco, March 2, 1882.

Adopted unanimously by full board.

JNO. A. RUSSELL, *Clerk.*

The resolutions are sent as per request.

M. C. BLAKE, *Mayor.*

MERCEDE, CAL., *March* 4, 1882.

To Senators FARLEY and MILLER, *Washington, D. C.*:

A great mass-meeting is being held here to-day. The excitement on the delay of the Chinese bill is intense. Vigorous speakers of high social standing are addressing the people, and ringing resolutions, approving the course of our Representatives and calling national attention to the danger of delay in suppressing Chinese immigration to California, have been adopted.

CHAS. H. MARKS, *President.*

E. F. DIXON, *Secretary.*

MARTINEZ, CAL., *March* 4, 1882.

To Senators FARLEY and MILLER, *Washington, D. C.*:

Universal sentiment in favor of passage of the Chinese bill.

PAUL SHIRLEY,
Chairman Democratic County Committee.
P. LOUCKS,
Chairman Republican County Committee.

FRESNO., CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington, D. C.*:

A grand anti-Chinese demonstration held here to-night. Unbounded enthusiasm for your bill. We bid you God speed. All depends upon its passage.

SECRETARY OF MEETING.

OROVILLE, CAL., *March* 6, 1882.

To General JOHN F. MILLER, *United States Senator*,
Washington, D. C.:

The largest public meeting ever held in this place was held on Saturday evening in support of your Chinese bill.

WILLIAM SHARKEY,
Chairman Meeting.

Mr. FARLEY. Mr. President, I have a large number of dispatches in reference to the same subject-matter, which were sent to my colleague and myself jointly, all of which are embraced, except three, in the dispatches which he has sent up. The resolutions of Sacramento City, Ukiah, and Oakland are of a similar import to those dispatches which have just been read, and I ask that the dispatches from Ukiah and Oakland be put in the RECORD with those just read at the suggestion of my colleague, The resolutions are similar.

The Acting Secretary read as follows:

UKIAH, CAL., *March* 4, 1882.

To Senator FARLEY, *Senate Chamber, Washington*:

The people of Mendocino County met in mass-meeting at court-house in this place this afternoon and, after being addressed by a number of leading citizens, adopted a series of resolutions, demanded early Congressional relief from the influx of Chinese upon our shores, and requesting you to use best endeavors for passage by Congress of bill now before Senate. Also beseeching your associates in Congress from localities where the evil is not felt to vote for the passage of said bill.

J. H. SEWELL, *President.*

OAKLAND, CAL., *March* 4, 1882.

To Hon. J. T. FARLEY and Hon. J. F. MILLER, *Washington*:

The following resolutions were adopted at a large meeting in Oakland:

Whereas the civil institutions of the nation are the outgrowth of race, education, and religion, and the American governmental and social institutions are the product of freedom-loving, energetic people, deriving their religions from the writings of the Old and the New Testaments, constituting the Holy Bible; and

Whereas the Chinese character has been developed by centuries of despotism and under religious teachings monstrous in forms and ceremonies, and if not inculcating vice, at least allowing the most revolting practices without protest; and

Whereas in America the development of character depends upon the nobility of labor and its ability to open the way to the highest stations and honors, and under the Chinese systems labor is degraded and degrading, contented with bare subsistence and fuel to feed the flames of vice: Therefore,

Resolved, That after a careful observation of the results of Chinese immigration upon American soil, our deliberate and dispassionate judgment is that an irreconcilable and fundamental difference of character, habits, and religion exists between the two people which is slowly but surely undermining that which is noblest and best in our national character, rendering our youths idle and dissipated, and depriving years of the sustaining hope of the just rewards and the repose of an industrious, moral, and frugal life. That so far from being an idle sentiment it has become a conviction actuating all classes, high and low, rich and poor, and based upon positive demonstration.

Resolved, That the evil complained of is present and pressing, and that the people of the Pacific coast will be content with nothing less than the passage of the bill now before Congress restricting further Chinese immigration.

J. C. SULLIVAN, *Secretary.*

Mr. FAIR. Mr. President, I have a dispatch from the governor of Nevada, Hon. John H. Kinkead, expressing the wishes of the people of that State. I should like to have it read for the information of the body.

The PRESIDING OFFICER, (Mr. HAWLEY in the chair.) The dispatch will be read.

The Acting Secretary read as follows:

CARSON, NEVADA, *March* 4, 1882.

To Senators JONES and FAIR, *Washington, D. C.:*

Mass-meetings are being held to-night in our prominent towns, and are unanimous in urging the speedy passage of Senator MILLER's bill restricting Chinese immigration.

JNO. H. KINKEAD,
Governor of Nevada.

Mr. DAWES. Mr. President, I am aware that the friends of this measure are impatient for a vote, and that in their opinion the debate is exhausted. I cannot therefore expect, however courteous they may be, to receive a very attentive hearing from them; but, sir, believing that in nothing are the friends of this measure more mistaken than in the belief that they have exhausted and ended the debate upon the questions which they have raised by this measure, however little I may be able to contribute to that debate, I am compelled by a sense of duty to utter what I may, as briefly as under the circumstances it is possible for me, in protest against this measure.

There is some advantage as well as disadvantage in looking at the subject-matter of this debate at a distance. If one does not feel so keenly the evils out of which this legislation has sprung, and fails to be affected by the prejudice and passion and feeling that control those more closely in contact with it, nevertheless a clearer vision of the character of the proposed remedy and a calmer judgment upon its nature and its consequences are some compensation to those who look at it from a distance.

Mr. President, it is confessed upon the record here by supporters of this legislation that it "is invoked under the influence of overmastering passions. Whether justly or unjustly, public opinion upon the Pacific slope, by importunate and inflammatory appeals, has been wrought to that heat of passion that we are not at this time," in the opinion of such supporters, "capable of taking an entirely unbiased and unprejudiced view of what the social and economical requirements of the country in regard to this question are."

If this confession of supporters of the measure itself were not furnished us in debate here as the lesson, what we have witnessed this morning sent here over the wires from California and Nevada, and Oregon, I believe, furnishes ample proof of the statement. There can be no doubt that what the supporters of the bill call a white heat pervades that people; whether, as is said, rightly or wrongly, its existence cannot be ignored and its effect upon our deliberations cannot be disregarded. What should it teach us? Hasty, unquestioned acquiescence in demands made under the impulse of overmastering passion, or calm, considerate delay, not diminished, if not increased, as one sees that all reason or judgment upon existing facts in the locality that invokes this legislation at our hands is swallowed up in a blind and furious darkening passion. And yet what are we told by such supporters of this measure is the lesson, on the other hand, to be taught us as a duty here in this Senate Chamber from the voice that comes up from out of the heat of an overmastering passion? Such supporters tell us that they are not disposed at this time "to dwell upon what seem" to their minds to be "the economical and what may be called the sentimental objections to this legislation." They tell you, sir, when making the very confession to which I have called your attention, that their "instincts revolt at it," and that they would "as soon think of destroying all the mules or all the domestic animals in the country, or of destroying all the engines and labor-saving machinery in the country, as to either expel or repel a class of docile, patient, obedient, frugal, and industrious laborers, whether skilled or unskilled."

Mr. MILLER, of California. Will the Senator allow me to ask whom he is quoting from?

Mr. DAWES. Quoting from a Senator here in his seat, declaring that he would vote for this measure.

Mr. MILLER, of California. What Senator was it?

Mr. DAWES. The Senator from Kansas, [Mr. INGALLS.] The same Senator further instructs us as to our duty out of this measure and out of the circumstances under which it comes into existence here before this body.

"But," says he, "I pass that, because"—hear this!

Because conceding to other localities the same rights that I demand for my own, and resting upon the maxims and dogmas of local self-government and home rule, I am prepared to say that the communities upon the Pacific coast—

"Whom I have described as at this moment under an overmastering passion"—

have a right to judge for themselves as to the propriety in an economical sense of this immigration, and when they have spoken through their authorized representatives, with their declaration I shall be content.

The only condition upon which such supporters of this legislation have declared that their support shall be given to it, from which their very instincts revolt, is that they shall not be required to stand it over ten years.

Mr. TELLER. I would ask the Senator by what authority he says that no one supports the bill except upon that theory? Did he not hear me distinctly announce that I did not support it upon any such theory?

Mr. DAWES. I have not forgotten the ground the Senator from Colorado took, but I should like to inquire of the Senator what he put that question to me for?

Mr. TELLER. I put it because the Senator has made the assertion, to go to the country, that nobody supports this bill in this Senate except because the people of California want it. That I understand to be his position.

Mr. DAWES. I regret exceedingly that the Senator did so understand me, because I did not say so. I said the only condition that such supporters of this measure demanded was that they were not required to endure that at which their very instincts revolted longer than ten years. I am aware that the Senator from Colorado put his support of this bill upon an entirely different and it seems to me quite as indefensible a ground, which I hope that I may not forget before I get through.

Mr. TELLER. I hope not.

Mr. DAWES. So, sir, the voice of these States thus expressed is our command. The basis, the ground for this legislation is stated in the bill itself. Those who framed it have chosen in their frankness, for which I commend them, to tell the world what necessity there is for it; and it is in these brief words:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, &c.

"In the opinion of the Government of the United States." We are told by Senators that instead of taking their own instincts as their guide to their duty here as Senators of the United States they are to take an expression of it from a locality controlled by an overmastering passion. My friend on my right [Mr. JONES, of Nevada] inquires how I know it is a fact. The Senator did not hear me read the confession of supporters of this bill, to which I would add and did add the evidence which Senators have themselves produced here this morning of a legal holiday enacted on the Pacific coast for the purpose of gathering together whatever could be put into the form of a testimony here, and telegraphed to the Senate of the United States as instructions to them upon their duty.

Mr. President, the whole basis of this legislation is that the coming of Chinese laborers to this country endangers good order in certain localities. It is not that Chinese laborers are here; that Chinese laborers are working evil in the midst of any locality in these United States; it is not that any evil has grown out of their coming here in the past, for all who have come here, by express provision of this bill, up to the time it shall take effect are to remain here unmolested, to work out such effect upon our institutions, social and political, as they may, undisturbed; but it is the coming of Chinese laborers here that endangers good order. No one has told us how the coming of Chinese laborers here endangers good order; nor does any one tell us whether they endanger good order by being themselves the disturbers of order, or whether they endanger good order merely by being the temptation to some sand-lot irrepressible to cast a stone at inoffensive and docile human beings. That is not explained. I have never known produced here as evidence of the disturbance of good order in any of these communities that any of these docile laborers have ever assaulted any one or committed a breach of the peace against any individual; but I have heard everywhere that they have been the occasion of other people committing breaches of the peace and disturbing good order, and it is on that account that they must be removed, upon the principle that the justice fined Mr. Jones for getting Mr. Smith so mad in court that Mr. Smith insulted the court. [Laughter.] They have no business to be where any irrepressible community, disregarding the peace and good order, are tempted by their presence to disturb it.

Therefore, as the basis of this bill, the coming of Chinese laborers here gives somebody an opportunity to disturb the peace, and they must be stopped and the temptation removed—a liberal construction of the Lord's prayer, "Lead us not into temptation!"

But, sir, the authority to enter into this legislation in order that the community into which a Chinese laborer may come will not hereafter be tempted to commit a breach of the peace upon him is derived, if anywhere, from this clause of a treaty we have made with China:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein—

You will see that this bill is entirely based upon their coming—

affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of such immigration, and immigrants shall not be subject to personal maltreatment or abuse.

This legislation, if authorized under the treaty, must not conflict with any of several elements. It may limit as to numbers or time; it may regulate as to mode or manner or number; but it must not absolutely prohibit. If any one can tell us how to limit or regulate and not absolutely prohibit, except you limit as to number or as to time of coming of certain numbers without absolutely prohibiting, he has better skill in the definition of words than I have. We have promised that if we undertake to legislate we will legislate by some reasonable limitation of the manner of importing Chinamen, but we

will not absolutely prohibit it, and we say in the treaty that we will do it without contravening the spirit of the old treaty. The difficulty with the spirit of the old treaty was that it declared in so many words that they should come without limit, and not only should come without limit, but should be protected here in the enjoyment of every right that any citizen of the United States could claim of protection under the laws and the Constitution of the United States.

Mr. SLATER. I should like to call the Senator's attention, if he will permit me, to the fact that the limitation in the Burlingame treaty was that they were to enjoy in the United States all those rights, privileges, immunities, and exemptions in respect to travel and residence alone. Those are the restrictive words, and they are found in no other treaty.

Mr. DAWES. That, I think, includes about all that a man could desire, short of political privileges and rights. He shall be protected in his home, in his residence, which shall be his castle, and in going to and fro whenever he listeth throughout the United States. But the Senator will go along with me a little further. We have told them, we have solemnly covenanted, as I said, that while we may put reasonable limitations and regulations upon immigration, we will not absolutely prohibit it. In this bill we do not absolutely prohibit, for twenty years, any Chinese labor from coming; we only declare that if he does come he shall go to the penitentiary. That is all. We do not absolutely prohibit, from and after this bill takes effect, a Chinese laborer coming to the United States; we only declare that if he does come he shall go to the penitentiary. That is all. I knew a man once who told his son, "I do not absolutely prohibit you from going to the circus to-day, but I tell you that if you do I will horsewhip you." That is all. That is legislation in the spirit of the Burlingame treaty. No, we will not absolutely prohibit you, but if one of you puts his foot upon the soil of free America, though innocent of guile as a saint, with purpose as praiseworthy as ever actuated an immigrant to these shores, though you come with a sincere desire to identify yourself with our institutions and obey our laws and make a home for yourself and for your children, if you undertake to do it with the labor of your own hands, you shall find yourself in the penitentiary.

That is the spirit of the Burlingame treaty! And that, these gentleman say, is, whether it be of the Burlingame treaty or not, the spirit and the letter of the law we are called upon this day to record our votes in favor of. I do not wonder the Senator from Kansas said that his very instincts revolted from it. I only wonder that he could find it consistent with his duty afterward to say that he would be willing to take it if he were not required to endure it longer than ten years.

Sir, one thing more. It is "Chinese laborers" that disturb the good order of certain localities in the United States. It is not Chinese *per se*. If a Chinaman will come here and only pledge himself to be idle, if he come here clothed in "purple and fine linen," if he bring with him an army of adherents, he may travel throughout the length and breadth of the land; if he will agree to keep a gambling shop, though it be under the very shadow of the sanctuary, though he and his followers darken the sun with the rabble that come and occupy their dens where they smoke in idleness their opium and play cards and gamble and toss up upon the venture of the die; though they bring vile women with them, provided they do not work for a living, they may come. Yes, as is suggested by my colleague, they can even join the band of saints in California that throw stones at Chinese laborers, saying: None of this; *procul, O procul este, profani!* get behind me ye hordes of Satan; let the godly people of Massachusetts and Rhode Island and the other States of this Union enjoy the elevating influence and pious association of all other Chinese; but do not let them be contaminated by one who is vile enough to earn his living by labor!

That is this bill. Is there not as much danger to society, to social and political institutions in this land, from the arrival of an idle, worthless, dissipated Mongolian, as there is from the humble, docile laborer who earns his daily bread by the sweat of his brow and uses those earnings for what he consumes and what he wears?

Mr. SLATER. I should like to ask the Senator, if it would not be an interruption to him, if the condition he depicts is not the condition the treaty itself affixes upon the coming of the Chinaman? The law is only following the treaty.

Mr. DAWES. I know it. Our friends made the treaty and then they make the law, and there is no more virtue in the treaty they made in this respect than there is in the law they propose. They were satisfied; they sang hosannas when the treaty was made which enabled them to put their foot upon a laborer and exalt an idle dissipated Chinaman, if one could be found. They hold mass-meetings to-day, their Legislatures enact a legal holiday that all of them can come together and shout "Pass a law that will enable us to trample with the iron heel of power every man of Chinese birth who has the presumption in this land of liberty to earn his daily bread by the sweat of his brow!" And we are called upon to do this and we resolve to do this (so says the Senator from Kansas and the Senator from Delaware, and others) because these localities are of one mind demanding it. But suppose some other locality should demand the opposite; suppose some State engaged in great public works, desirous of carrying them through, should demand that public order among them required that no such bill as this should be enacted, are they not entitled to the same hearing and to the same consideration as these localities? Is not our duty something else than to yield an implicit and unquestioned obedience to the demand of any locality? While it is incumbent on us as Senators of the United States to listen to and weigh well the demands and the petitions to the enacting power of any locality, they should be weighed by the standard of the whole Union. We are not here to legislate for New England nor for California. We are here——

Mr. FARLEY. Will the Senator allow me to ask him one question only? Is not the Senator, and are not most of the Representatives from the portion of the country he hails from, asking continually for protection against European cheap labor? Does the Senator propose to bring Asiatic cheap labor here to compete with the laborers of this country?

Mr. DAWES. I propose, as well as I may know how, to govern my action here upon every bill by such a policy as will benefit the whole country, whether it be a bill for protection *eo nomine* or a bill like this, evoked from an overmastering passion kindled and led by European foreigners against Asiatic foreigners. The same communities who now implore deliverance from Asiatic foreigners have surrendered and put themselves under the lead of European foreigners, who have led them out onto the sand-lots and harangued them until the good and order-loving people of those communities were unable to be heard; until the fire-brand and the torch and the bloody weapon rules those communities in spite of the calm, order-loving people, such as their Representatives and Senators here are. And, sir, this is a vain attempt to bring peace there by a surrender of principle and good order to the behests of those who commanded those communities within the last three years who were themselves foreigners.

Mr. SLATER. Will the honorable Senator allow me a moment? I wish to enter my statement here that the condition of the opposition to Chinese labor in the States of California and Oregon and the Pacific States generally does not warrant the statement that this opposition is led or engendered by foreign elements. There is no division of sentiment there, and the opposition is essentially American in every particular.

Mr. DAWES. The Senator could not have forgotten that scarcely a dozen years have passed since that treaty was ratified which opened China to our trade and our shores to all Chinamen, under which every Chinaman that has come to this country has come with the pledge and welcome of a treaty-covenanting, not a treaty-keeping, Government, and that the author of that treaty was received upon the Pacific coast with open arms, with shouts and plaudits and welcomes.

Mr. JONES, of Nevada. I should like to correct the Senator in that. The universal sentiment on the Pacific coast when the Burlingame treaty was ratified was against it, and while the Republican party was in a majority of 20,000 in California when the election took place in 1867, the fact that the nominee for governor of that party had been in favor of Chinese immigration beat him by 10,000 votes at the next election. In 1867 Mr. Haight was elected, and from the very fact that he sat at dinner and in a speech welcomed the Chinese and welcomed this treaty that Mr. Burlingame had made, Mr. Burlingame being on a sort of junketing tour with the Chinese showing them around, when Mr. Haight was renominated in 1872 he was defeated by thousands of votes by one who was opposed to Chinese immigration. The California people have never ceased their opposition to Chinese immigration from the earliest times until now. And yet we hear here, sir, that it is an overmastering passion just engendered to-day! It is their calm judgment that it is against the interest of the people of the United States, and more especially against the interest of the people of that coast, that Chinese should come here, and there is no passion about it. It is a feeling that pervades all sections of the community and all classes of the community, the church member, the foreigner, the native, and all alike. The Senator does injustice to the Pacific States when he says it is an overmastering passion led by foreigners alone.

Mr. DAWES. Mr. President, I did not say it was an overmastering passion, though I believe it is.

Mr. JONES, of Nevada. It was so said, and the Senator indorsed it.

Mr. DAWES. No doubt about it; and I read it from the supporters of the bill as stating, in stronger language than I was capable of stating, what its purpose was. It may be that the Burlingame treaty was never popular in California, and that its author was unpopular there, but they had a strange way of showing it. They banqueted him in San Francisco, all their officials and all their dignitaries being there, at such a banquet as, equal to Belshazzar's, was never before seen in this country. Other Belshazzars will find before they get through with this method of legislation that their doom will be written on the wall. Those of them who undertake to maintain under the Constitution and the laws of the United States such a sort of doctrine as underlies this bill, will see *Mene, mene, tekel, upharsin* upon the wall. They bought for him a great estate in California, large enough for a duke or an earl, and they held it for him until he could come back from his tour of treaty-making around the world. We, here in Washington, invited him and his associate embassadors to an official reception in the Halls of Congress, and we marched to and fro, with our officers at our head, in their presence to pay our respects to men who had achieved so much in breaking down the barriers that had existed to commercial intercourse and trade and

emigration throughout the world. A strange way, sir, to manifest their hostility to what he had done!

I have called your attention, Mr. President, to the class of men that give such offense. I have shown you that it is not the character of the men, it is not the fact that they are Chinamen that gives offense; it is not the fact that they are barbarians, as my friend at the right, [Mr. JONES, of Nevada,] prompting me so well, helps me to say, because a barbarian in "purple and fine linen," with abundance of money, and no necessity to toil, with a retinue equal to that of the Sultan and his harem, can come and go hither and thither where he will, without offense to this law. So it is not that they are barbarians, it is because, as this bill says in so many words, and which I intend to repeat so that the American people shall know what it is—it is because the poor victim of it is compelled to earn his living by his daily toil, and this people will have none of that kind of barbarians among them!

But, sir, that is not all. If any merchant vessel of the British Government, or of any other, shall unluckily have on board a Chinese cook, and shall approach the coast of the United States anywhere from Eastport, Maine, to the Rio Grande, or from the Gulf of California to the furthermost cape of the Aleutian Islands, within a marine league of the shore, the master of the vessel and his poor, unlucky cook fall a sacrifice to good order and go to the penitentiary, and the vessel and all on board are covered into the Treasury. They are not to wait till he comes into a harbor even. If, in traversing the broad ocean in the lawful pursuit of commerce he approach the coast where not a solitary human being may live to be disturbed, within a marine league of it, he falls a victim and goes to the penitentiary, and his vessel is confiscated. Sir, I am quite sure there would never but one such case arise. The State Department of this Government would have business enough on its hands when that should come, and the balance of the Geneva award would be distributed without any further trouble. Let me put upon the record the evidence of what I say. The second section of the bill provides—

That any master of any vessel, of whatever nationality, who shall on such vessel bring within the jurisdiction of the United States any Chinese laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

And again:

SEC. 11. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

Sir, I should like to hear from the authors of this bill why they do not attempt to provide against the evils arising from those Chinese who are here; why they have not secured such provision in the treaty as would enable them to protect themselves, if protection be needed, against the Chinese who are here. They made their treaty; they prescribed its terms; the Chinese embassadors struggled against it, but struggled in vain. They were told that the limitation should be reasonable; that the prohibition should not be absolute; that no legislation should be indulged in that was not in the very spirit of the Burlingame treaty, and they trusted; and forthwith we tell them that what we meant by those honeyed words was that while we do not absolutely prohibit, we only tell them they shall go to the penitentiary if they come. My distinguished friend on my right [Mr. JONES, of Nevada] says that is right. Out of that spirit so graphically described by a supporter of this bill comes the announcement that it is right to tell a Chinaman that story and supplement it by this legislation. Sir, let it go on the record to be disposed of hereafter, when the storm shall have subsided, and when men shall judge our acts not in the white heat of passion, but by the calm, deliberate consideration of that moral law which requires us to do unto others as we would have them do unto us.

Not only that, while we say in this bill that we will not touch a Chinaman who is here, although he may commit the offense of doing manual labor, yet we tell him that if he departs from this country, in the opinion of any official of the United States, contrary to law, he shall go to the penitentiary. If he wishes to go out of the country contrary to law what has he got to do to conform to this bill, although it be in non-conformity to the treaty? He has got to do this: he shall "before such departure" cause himself "to be duly registered at a custom-house in the United States." That is all he has got to do. Another section says that when he goes to register, "if any consular officer, on examination of the claims and identity of any Chinese proposing to depart from the United States, shall be satisfied that such person seeks so to do in violation of this act," when he is registering, which is all the act calls on him to do, if he is satisfied that this man is registering contrary to this act he shall not let him go at all. So that, whether a man who has come here before this law takes effect can ever get out of the country depends not upon his innocence but upon the opinion of an official stationed where the people around him are laboring under an overmastering passion.

He is in a pretty bad fix, Mr. President. Nobody can come here without going to the penitentiary, and nobody can get out of here without going there. "We have got him anyhow," my distinguished friend on my right keeps helping me to say. They have got him anyhow! The free people of the United States, a government of constitution and of law, which till now boasted that the humblest of all under the flag that floats over this country was as safe in his home and in his pursuits as the most powerful in the land, are told here in the Senate, in the language of my distinguished friend voicing that locality now reeling in that overmastering passion, that "we have got him anyhow."

My distinguished friend from Colorado [Mr. TELLER] said that if the Chinaman would only come here to be a citizen and to work and to cast his lot among us, he would welcome him, but this bill says he shall not.

Mr. TELLER. I did not quite say that, as I recollect. I said that if he fled from oppression and tyranny and intended to better his condition by coming here with reference to his liberty, &c., I would not close the door against him, no matter what might be his color.

Mr. DAWES. This bill says that if my friend from Colorado should induce a Chinaman to come here even for that purpose, a laboring Chinaman, he would get into the penitentiary too.

Mr. TELLER. There is no danger of any such thing.

Mr. DAWES. No; I do not think there is the slightest danger of his doing it, notwithstanding what the Senator said yesterday. So when you come to probe it all, it is hatred of a Chinaman (not universally of Chinamen, but of a class of Chinamen) who so degrades himself in the eyes of those who apply this rule to him as to earn his bread by the sweat of his brow.

This bill fails to provide how you shall distinguish between a Chinese laborer and a Chinese aristocrat. When they appear here upon the shore of the United States they have got to prove themselves, I suppose.

Mr. TELLER. The Senator must certainly have overlooked one of the material parts of this bill. As was said yesterday, the whole subject is left to the Chinese Government to say what the man is. Nothing could be more fair. We had a right to claim that right ourselves; we had a right to say, "We will apply the test; we will say whether he is a laborer;" but we said on the contrary, "If your government certifies that you are not a laborer, then the case is yours and the burden is upon us to show that you are a laborer."

Mr. DAWES. Will the Senator call my attention to that wise provision of the bill?

Mr. TELLER. I will call the Senator's attention to the fact that under the bill a Chinaman who comes here brings a passport which is viséd by our officer and that is all we have to do with it.

Mr. DAWES. Will the Senator put it on record, so that we may look at it? Will the Senator read the clause upon which he relies for the protection of that class of Chinamen toward whom he has hatred?

Mr. TELLER. I cannot undertake to go through a long bill of this kind in a moment; but when the Senator attacks a bill on that ground he ought to know what is in the bill. I will call his attention to the provision, I think it is in section 5, but I am not certain. I will find it in a moment.

Mr. SLATER. If the Senator will allow me, it is the provision commencing on the last line of page 11 and proceeding on page 12.

Mr. MILLER, of California. Section 5.

Mr. TELLER. Beginning in line 6 of section 5, on page 11, I read:

Or who shall have come within the United States within sixty days next after the passage of this act, shall obtain the permission of the Chinese Government in each case, to be evidenced by a passport issued by said government, which passport shall be in the English language, &c.

The treaty gives us authority to keep them out; but when the Chinese Government says that a man does not come within the provisions of the treaty, the bill allows him to come.

Mr. DAWES. How delusive all this is!

Mr. TELLER. I should say so, Mr. President.

Mr. DAWES. A Chinaman who has been here and after returning to China comes back, can take care of himself, if he can get the passport required. A Chinaman who does not have to work for a living is the only other Chinaman who is allowed to come anyhow. So there is no such thing as a Chinese laborer coming over with a passport except the Chinese laborer who has been here before.

Mr. TELLER. Of course; I never stated that there was. The object of this bill is to see that the Chinese laborer does not come. There can be no misunderstanding about that.

Mr. DAWES. Exactly. When a man is found in the streets of San Francisco or Detroit, bearing evidence in his physiognomy that he is a Chinaman, I suppose he has got to prove himself, or else he cannot walk the streets of Detroit, or of San Francisco, or Boston, any longer.

Mr. TELLER. Oh! there is nothing in the bill of that kind.

Mr. DAWES. There is nothing in the bill that requires him to prove himself, but there is something in the spirit which made the bill that would require him—the spirit which haunts a Chinaman, which caused the peaceful and law-abiding citizens of San Francisco the other day (when 30,000 people were assembled to cry out, "Put down the Chinaman!") to tremble for the safety of those Chinamen in their quarters. That is the spirit which haunts a Chinaman; and all the rules of law are to be reversed or a Chinaman will go to the penitentiary. He has got to prove his right to remain here against the accusation of any European foreigner like Kearney who may spring up in San Francisco, in Detroit, or in any other place near the boundary lines of the United States.

Mr. TELLER. Will the Senator allow me to interrupt him for a moment?

Mr. DAWES. Yes, sir.

Mr. TELLER. When the Senator makes an attack, not upon the principle of the bill but upon the details of the bill, he ought to show wherein there is anything in the bill that justifies him in making such an assertion. There is nothing that requires a Chinaman to prove, when he walks the streets of San Francisco, that he has come in under the provisions of this bill. When he attempts to land is the time when he is asked for his passport. If he is a laborer it is supposed that he has not got it, if the Chinese Government has kept faith with us with respect to this treaty. If he has a passport it is declared in the bill that he shall be admitted without any further examination. The presumption is in his favor. When he has landed on our soil his right under the bill is equal to that of any other man to travel all over the country. He need not stay in the communities where he is not wanted; he can go to the communities where he is desired.

When the Senator says that this bill is drawn in a spirit of hatred, and when he intimates that it should be understood that the Senators who support this bill are actuated by the same sentiments that actuate the sand-lotters of San Francisco, he does us injustice. I am for the protection of every Chinaman by every means known to the law. I would give him the same trial by jury and the same protection at the expense of the Government that I would give the best citizen of Massachusetts or any other man who lives in this land. It is not quite fair for the Senator to attempt to make it appear that we, who believe that there is an impending evil and are anxious by the processes of law to restrict this immigration, are joining with a class of people, exceedingly few in numbers, who are disposed to do personal violence to the Chinese in this country.

Mr. DAWES. The champion of this bill from Colorado is uneasy at the position he took yesterday.

Mr. TELLER. Not a bit of it.

Mr. DAWES. It would do him credit if he was. Although the Senator yesterday was willing to admit that our civilization was superior to that of the Chinese, that the civilization of the nineteenth century was superior to that of the sixth, that the Caucasian was superior to anybody else on God's footstool, yet he turned around and said that unless we came with a statute and drove off one hundred and two thousand Chinamen from fifty million Caucasians it was all day with the latter. He was not afraid to avow here that there was a superior and an inferior race in this country, and that the superior must have control by legislative guards and protections or they would be sure to surrender to the inferior. I should be uneasy if I were in his place at the announcement of such a proposition.

Mr. TELLER. I can hardly allow the honorable Senator to make that statement without contradiction. I made no such statement, and the Senator ought to know it, because my speech is in the RECORD exactly as I delivered it, without any corrections whatever. I never said that we were in danger of these 102,000 people. I spoke of the vast hordes that might come, and I spoke not of their physical control over this country. I made no such statement as he mentions now.

Mr. DAWES. I will not have any controversy with the Senator. Of course he has a right to put upon the record what he intended to say.

Mr. TELLER. I will stand by what I said.

Mr. DAWES. I will put upon the record as an answer what I find in the RECORD. The Senator said this, or is reported to have said it——

Mr. TELLER. I said it, there is no doubt.

Mr. DAWES. I read his language from the RECORD. He said:

The Anglo-Saxon, the Caucasian race has a right, considering its superiority of intellectual force and mental vigor, to look down upon every other branch of the human family; a portion of the Anglo-Saxon race has claimed for itself the right to look down upon a portion of the Caucasian race because of their intellectual and moral superiority. All this may be nice in theory, but it is not true in fact, and when you come to make the application it does not work worth a cent. We are the superior race to-day. We are superior to the Chinese, though they go back with their three or four or five thousand years of civilization. As stated by some Senator the other day on the floor of the Senate, the civilization of the Chinese has not proceeded one whit, except as it has gathered some things from contact with us in the last few years, from what it was twenty-five hundred years ago. It has stood still or it has retrograded, and it has not gone on; and for that people there is not, as supposed by the Senator from Massachusetts, any future.

Mr. TELLER. Does the Senator think that will improve his speech? If so, I have no objection.

Mr. DAWES. I think it establishes my position.

Mr. TELLER. Not at all.

Mr. DAWES. I leave the statement of the Senator, because I would not do him any injustice. He says now that he is perfectly content with what he said yesterday.

Mr. TELLER. I am.

Mr. DAWES. And I am content with the argument I have made on it. If he is able to stand upon all the deductions which follow from this statement, then of course the Senator will maintain himself to his own satisfaction, at least in the position he takes.

Mr. President, this is not a new feature in legislation. It is an application of an old feature of legislation to a new case. The language of this bill to carry out the principle in its application to the Chinese is familiar to those who recollect the history of the country in the past. It is evoked from the dead past. It is evoked from a system of legislation in disregard of human rights, to which large portions of this people once adhered, and whose consequences have been deep and lasting upon the history of the country and the character of her institutions. I had hoped that it would have remained in the dead past. I for one, having some recollection of the commotions and disturbances bred of it in times now happily gone, hoped we might never hear of it again; but I do not choose that this revival of it shall go into history without there going along with it the source from whence it comes. There have been times in the history of this country when her people have attempted the same thing about other races, and in language so like this that the provisions of this bill could almost be seen by one familiar with laws that have been, but which have been swept away by an omnipotent public opinion and doomed to that oblivion in which sooner or later this is as sure to be consigned as that the eternal principles upon which this Government is founded will survive.

Let me put upon record by the side of this proposed legislation what others heretofore have vainly attempted to do, and see how like it is in principle and almost in language. A half century ago a State of this Union enacted "An act for the better regulation of free negroes and persons of color, and for other purposes," which provided:

That if any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes or persons of color, as cooks, stewards, or mariners, or in any other employment on board of said vessel, such free negroes or persons of color shall be liable to be seized and confined in jail until such vessels shall clear out and depart from this State; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or free persons of color, and to pay the expenses of his detention; and, in case of his neglect or refusal so to do, he shall be liable to be indicted, and, on conviction thereof, shall be fined in a sum not less than $1,000, and imprisoned not less than two months; and such free negroes or persons of color shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act, &c.

The impotence of this law having been demonstrated, the makers of it rallied again some twenty years afterward and enacted:

That from and after the passing of this act, it shall not be lawful for any free negro or person of color to migrate into this State, or be brought or introduced into its limits, under any pretext whatever, by land or by water. And in case any free negro or person of color (not being a seaman on board any vessel arriving in this State) shall migrate into, or be introduced into, this State, contrary to this act, it shall and may be lawful for any white person to seize and convey him or her before any magistrate of the district or parish where he or she may be taken; and it shall be the duty of the sheriff or any constable in the parish or district in which said entry shall be made, and of the city marshals in the city of Charleston, should entry be made in Charleston, upon information of the migration or introduction of any such free negro or person of color, to arrest and bring before some magistrate of the district or parish where the said free negro or person of color shall be taken; which magistrate is by this act empowered to commit to prison, or, at his discretion, to hold to bail, such free negro or person of color, and to summon three freeholders and form a court, as the law directs for the trial of persons of color, and examine such free negro or person of color, within six days after his or her arrest, and, on conviction, to order him or her to leave the State, and to commit such free negro or person of color so convicted, to close prison, until such time as he or she can leave the State; or to release him or her on sufficient bail, for any time not exceeding fifteen days, at the discretion of the magistrate. And every free negro or person of color so bailed, and ordered to leave the State, as aforesaid, who shall not have left the State within the time for which he or she shall have been released on bail, or who, having left the State after conviction as aforesaid, shall return into the same, shall be arrested and committed to close prison aforesaid; and upon proof before a court, to be constituted as this act directs, of his or her having failed to leave the State as aforesaid, or of his or her having returned into the State after having left the same as aforesaid, he or she shall be subjected to such corporal punishment as the said court in their discretion shall think fit to order. And if, after said sentence or punishment, such free negro or person of color shall still remain in the State longer than the time allowed, or having left the State, shall thereafter return to the same, upon proof and conviction thereof, before a court to be constituted as hereinbefore directed, he or she shall be sold at public sale as a slave; and the proceeds of such sale shall be appropriated and applied, one-half thereof to the use of the State, and the other half to the use of the informer.

Then further on in the same act is the source of the penalty upon a poor Chinaman who comes back here unwittingly after he has once got out of the country:

And be it further enacted by the authority aforesaid, That it shall not be lawful for any free negro or person of color who has left the State at any time previous to the passing of this act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this act as fully as if they had never resided therein.

Sir, within my own service here, a free State of this Union undertook the same impotent assault upon human rights and incorporated the provision which I shall read into a constitution, the adoption of which in Congress rent political parties asunder and contributed its full share to the accomplishment of those great events which planted in the fu damental law of this land the inalienable right of all men to life, lil erty, and the pursuit of happiness. The constitution of Oregon fired its volley at the free negro in these words:

No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein.

It proposed to punish with penal laws any man who should give the free negro found in the State of Oregon a crust of bread! Sir, I had hoped that these things had passed away. I had hoped that with the fire and conflict of war this people had been taught that there were human rights as broad as the human family, and that the glory of this nation was that it was an asylum for the oppressed of all lands. It is, however, for this day and this bill to evoke from the tomb of the past the spirit which animated those who looked

into the face of man rather than into his heart for the standard by which he was to be measured and respected by the laws of the land.

We are told that all this comes from what seems to me to be the most alarming of all doctrines, that the people of the United States are to surrender their convictions to the demand of locality, and that when any particular locality shall determine what is to be the character and the standard by which men in this country are to be measured and their rights guaranteed, all other parts of the country by a general law are to surrender to their view. The logic of all this was seen very clearly by the distinguished Senator from Mississippi [Mr. GEORGE] yesterday. He took care to take a pledge from the advocates of this bill as to the condition upon which he would support it. He saw clearly that if the people of California could determine for the Congress of the United States who should live among them and enjoy the rights guaranteed by the Constitution to them, the people of Mississippi could in their good time determine for the people of the United States what should be the political character and condition of those who live among them. There is no concealment in the Senator from Mississippi. He not only follows the logic of this bill to its conclusion, but he publicly avows it, so that they who support this bill do it with their eyes and their ears open, and know that they are supporting a principle which leads to the determination of the political rights of those who live in Mississippi, when Mississippi shall so decide.

I desire to put again upon the record what the Senator from Mississippi put there yesterday, and ask my friends here if they are prepared to accept his pledge and commit themselves by support of this bill to the doctrine the Senator from Mississippi announced yesterday.

Mr. GEORGE. Mr. President, I do not know that I clearly understand the doctrine imputed to me by the distinguished Senator from Massachusetts. If he desires to put on the record any position which I took yesterday upon this question, I will say that it would be fair to me and fair to those whom I represent, as my language was carefully guarded, to read what I said, and not to indulge in what the Senator is pleased to call logical deductions from my remarks.

If the gentleman means to impute to me the expression of an opinion or of a wish to assume for the people of Mississippi or for the people of any other State the power or right to determine for themselves the political status of any portion of the citizens of the United States, he imputes to me an opinion which I do not entertain and which I did not express.

I did not say yesterday that the people of the Pacific States had a right to determine this question for themselves. Dealing with foreigners, dealing with persons who had no rights in this country, except such as we, the people of this country, see proper to concede to them, I did say that upon that question, so far as it concerned the Chinese who were in their midst, their opinion as to the evils of Chinese immigration should have great weight in our deliberations; that I preferred the experience, the trial, which these people had had with the Chinese immigrants to the speculations of persons who knew nothing about it; and that is as far as I went on that subject. That is all I want to say.

Mr. DAWES. The Senator from Mississippi saw me about to read what he did say, and sprang to his feet to explain or expound his own language.

Mr. GEORGE. I did not see that you were about to read what I did say.

Mr. DAWES. Just before the Senator got on his feet I had told him that I desired to put him on record again. I do not intend to misrepresent the Senator.

Mr. GEORGE. I do not think you do. I did not impute such an intention on your part.

Mr. DAWES. I do not. I admire the Senator's boldness. I knew that he wrote out his remarks with care, and I knew that he was not a Senator to shrink from the consequences of what he said. I proposed to request those who were asking me to vote for this bill to listen to what the Senator from Mississippi said were its logical consequences, and I shall now read what he said. The Senator, if he chooses, may look over me.

Mr. GEORGE. I have no doubt you will read it correctly, sir.

Mr. DAWES. The Senator from Mississippi said yesterday:

And now, Mr. President, before I take my seat I wish to congratulate the Senators from the Pacific States on the skill—

That is the first thing—

and moderation—

Which is very commendable—

with which they have discussed the relations of the American people with this inferior race. For once, sir, this subject has been discussed in a calm and philosophical spirit without exciting sectional animosities or rekindling the passions engendered by past contests and dissensions. The time may come—it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit.

Just as these Senators have discussed the Chinese question:

In the mean time, while discharging our duty freely in educating that race into a proper discharge of their duties as American citizens, advancing them to their full capacity, it will also be our duty to observe with care and impartiality the experiment of African citizenship. No man shall strive harder than I will to make the experiment successful, and no man will be more rejoiced if in the end it shall be all that those who initiated it shall desire. All that I ask for the white people of the South on this subject is what I am willing to grant and I believe a majority of this body is willing to grant to the white people of the Pacific States—

What I ask for the white people of Mississippi is what we are granting to the white people of the Pacific States—

that their testimony, their experience, and their judgment shall not be discredited in a matter so deeply affecting their welfare.

The Constitution was ordained and established by white men, as they themselves declared in its preamble, "to secure the blessings of liberty to themselves (ourselves) and their (our) posterity," and I cannot doubt that this great pledge thus solemnly given will be as fully redeemed in favor of the white people of the South, should occasion for action arise, as I intend on my part and on their behalf to redeem it this day in favor of the white people of the Pacific States, by my vote to protect them against a degrading and destructive association with the inferior race now threatening to overrun them.

Sir, that is the logic of the bill. "The time may come." It is not safe to say it has come now, but "the time may come."

Mr. GEORGE. That is the wrong word, to say it is not safe. That seems to imply that I would say so if I had what the gentleman imputed to me a few moments ago—the courage to say it.

Mr. DAWES. If the Senator understood me as intimating that he used that word——

Mr. GEORGE. You said "it was not safe to say it had come now."

Mr. DAWES. Yes, sir; it is not safe.

Mr. GEORGE. I said the time had not come now, not from any considerations of safety or policy, but I simply announced an existing fact, that it had not come now.

Mr. DAWES. I quoted the Senator, not to intimate that the Senator would fail in his duty, as he indicates it there, to contribute all in his power to make African citizenship a success. I do not impute any such thing. I do not impute to the Senator any desire that African citizenship in his State shall fail. I do not intend to do the Senator any injustice, or to leave him dissatisfied with anything, save what he has himself said.

Mr. GEORGE. I am perfectly content to rest upon what I have said.

Mr. DAWES. Of what I know the Senator will not be dissatisfied. I mean to say that the Senator says "the time may come;" and I am willing to add, if the Senator desires it, that he hopes it never will come; but when, in the opinion of his people, it has come——

Mr. GEORGE. I think the gentleman imputes to me there an opinion not expressed. I did not say that the coming of the time was to be determined by the opinions of the people of Mississippi.

Mr. DAWES. I should like to know what the Senator did mean in what he said.

Mr. GEORGE. I meant exactly what I said.

Mr. DAWES. So I supposed.

Mr. GEORGE. I will read that part of my remarks:

The time may come—

Not "will"—

it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit.

There is nothing there to suggest that I make the people of Mississippi or of the South the arbiters of the time.

Mr. HOAR. Will the Senator from Mississippi allow me to ask him if he did not say when he uttered his speech "but it will come;" and whether that is not to that extent an erroneous report in the RECORD of what he actually uttered?

Mr. GEORGE. It is a verbatim report.

Mr. HOAR. I ask the question for my own satisfaction. Did not the Senator from Mississippi when he said the time has not arrived, utter the words, "but it will come?" I saw the manuscript, I will state to the Senator, which was in the possession of the Reporter. Perhaps I am stating from an entirely erroneous recollection, but I thought he said "but it will come."

Mr. GEORGE. I said "it may come."

Mr. HOAR. Very well, the Senator undoubtedly states it correctly.

Mr. DAWES. Mr. President, it is not worth while for the Senator from Mississippi and myself to undertake to argue between ourselves what is the true interpretation of the language which is put upon the record where the people of the United States can judge for themselves whether the interpretation which I put upon it is the correct one or not. According to my judgment, if that statement means anything, it means (and the people of these United States will put that interpretation upon it) that the Senator has announced here upon the floor that the doctrine of the pending bill, carried to its logical end, can be availed of by any community of people in the United States to invoke the general law of the land to eliminate from its social and political existence such element as it shall determine is unsafe. That is the interpretation I put upon the words; the words themselves I have put upon the record to justify it; and I leave this discussion here with that indorsement of it.

I call the attention of the American people to the fact that we have evoked from the dead past to apply to this people doctrines and provisions of law which the irresistible logic of events had trodden into oblivion amid the fire and smoke and conflict of war. We are indebted to this movement for an invitation to embark anew upon a vain and futile attempt to establish under the flag of the United States and the Constitution that shall govern us the right to distinguish between those who live here, who come here to obey our laws and abide by our destinies, and say to some, "You may remain," but to others, "You are outcasts, and shall choose between the penitentiary and banishment."

Sir, we have gone too far to take that retrograde step. However our friends may succeed for the moment, I tell them again that the debate is not exhausted. It will not die. It will live, an active, moving principle, stirring the liberty-loving and law-abiding people of this broad land to the very depths, till every human being who treads our soil and breathes our air can appeal to our laws and our Constitution for protection and for peace.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the substitute reported by the Committee on Foreign Relations.

Mr. TELLER. Let the amendment to the amendment be read.

The ACTING SECRETARY. In section 1, line 4, before the word "years," it is proposed to strike out "twenty" and insert "ten;" so as to read:

That from and after the expiration of sixty days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

Mr. TELLER. I intend to vote for the amendment, not because I think twenty years is too long, but because I understand some Senators think if we make it ten they could quiet their consciences and vote for the bill. I believe the practical effect would be the same as to fix the time at twenty years, and if it will remove any objection to the bill, I shall vote for the amendment.

Mr. EDMUNDS. Mr. President, I shall vote in favor of this amendment because I think it brings the bill within the spirit of the treaty. I do not think that a suspension for twenty years is within the fair spirit of the treaty, which the bill recognizes and is intended to exercise the rights granted by. Of course, the right of the United States, like that of every other country that has been recognized from the foundation of civilization, to decide what persons shall come into it, cannot be doubted fairly. The only difficulty hitherto as to the Chinese question concerning legislation has been the circumstance of the Burlingame treaty, which bound us to receive people from that country under the circumstances named. The recent treaty relieves us from that obligation and enables us, without violation of any understanding with the Empire of China, to exercise that political will concerning immigration which every civilized country, everywhere on the face of the globe, from the earliest of times, (including as a civilized country China herself,) has always exercised.

There is no book of public law, there is no writer upon natural law, that does not affirm and has not always affirmed the right of every people in their political character to determine the conditions upon which and the circumstances under which immigrants from other countries are to be received; and it goes upon the principle which is perhaps, in this modern and highly too-utterly-utter kind of an idea, out of fashion, that every nation is a family, that it has the rights of a family, and that for its own protection and its own well-being it is entitled to determine who shall become members of its own family. If you go off into the broad modern civilization that free-traders, and free-thinkers, and free-lovers, and free-everybodies maintain, of course you must say that all mankind are of one kin, that they are of one nature, that they are of one destiny, that they are of one sympathy, and that they can be poured into one common receptacle everywhere, with mutual advantage to every one of the human beings who is thus brought into contact and amalgamation with other societies and human beings; but the misfortune about it is that the common sense, the common information, and the common observation of everybody has demonstrated that that is not true.

We defend the right of the colored man to be a man born in our country, to have equal rights not as a slave but as a citizen. We do not defend it, I think—I do not—upon the ground that it is necessary to the right of the colored man or the colored woman that he or she should amalgamate with the white man or the white woman, either by intermarriage or by any social relations that do not grow out of things entirely beyond law and behind law, with which law has nothing to do.

I doubt whether the people of Massachusetts, whom you, Mr. President, [Mr. DAWES in the chair,] and your colleague so honorably represent, would desire that immigration of the people of Africa to that great and noble old commonwealth should be encouraged. The people of Massachusetts (I speak of them *ab extra*, although as a Senator of the United States I have a right to speak of them if not for them) I do not think would be hungry for an irruption of a million of the inhabitants of the continent of Africa to-day, or to-morrow, or next year, not because the people of Massachusetts have any hostility to the African, not because they do not desire his development, his growth, his education, every amelioration that may belong to him, but because they believe by instinct or by education that it is not good for the two races to be brought into that kind of contact in that place.

Perhaps I overstate it. Perhaps my honorable friends from Massachusetts, speaking for that great Commonwealth, will say that after providing for the war-premium men, the one thing which the people of Massachusetts are hungering for is a very large African immigration. I do not think that can be so. Speaking in part for the people of Vermont, I am sure that it is not so as to them. It is not based, I repeat, on any hostility to the African; it is not based upon any want of good-will to the African; it is based upon the belief that nations and races, as they have been constituted by the God of nature and by political and geographical divisions and arrangements, get on better as separate families with their separate independence and their separate institutions than they do amalgamated together; unless their origin, their race, their tendency, their nature, is such that being put together they assimilate and become one perfect, homogeneous, and prosperous mass.

I think that is the ground upon which this bill stands. It is the opinion of those who have promoted this bill, and I share in it, that it is not useful either to the people of the United States or to the people of the Chinese Empire, that an enlarged and growing and increasing immigration from that country to this should take place. The race, the religion, the habits, the modes of thought, the developments of the two nations are entirely different; and when I say they are entirely different, I do not mean to say that the Chinese race, the Chinese religion, the Chinese development is not better than the Anglo-Saxon, nor do I mean to say that it is; I merely mean to say that that does not touch the question at all. I do not say that it is better or is worse for the purpose of this argument. I say that their developments in all these respects are not and cannot be congenial. There is no common ground of assimilation. If that be so, is it not within the competence of the United States, as it has been within the competence of the Chinese Empire itself and is to this day largely, to say, in every spirit of friendship and good-will, it is not wise at present that this immigration should further proceed until we have time to test what now, at the best, seems so very doubtful, whether the immigrants already here are capable of assimilating in political form, in social development, and social communion with the people of the United States, or, to state it the other way, (which is the same proposition,) whether we are capable of entering into such an assimilation as to make a homogeneous republic in the State of California, in the State of Oregon, and in the State of Nevada, and wherever else over this great Republic of ours these people may come; for I do not need to call the attention of Senators to that fundamental principle of domestic government, that in order to success, that just success which produces happiness to its people, no republic can succeed that has not a homogeneous population. That was what was for so long a time the curse of our Southern sister States. It was the want of homogeneity that they thought was mitigated and helped out by the fact that the different races occupied different positions, one dominant, the other servile. It did not accomplish it then, as they will all tell you now, Mr. President; and the one great evil there now is, not that the white man is better than the black man, or the black man better than or equal to the white man, but it is that there has not yet been time enough, if ever there may be, that in the real and best sense of a homogeneous order in a republic, these two peoples can assimilate and coalesce so as to make such a democratic State as I am speaking of.

All this, Mr. President, is fundamental in the long reaches of historic observation everywhere. My learned friends from Massachusetts may begin with Aristotle and come down to Webster, and they will find everywhere over that long reach of human experience that the fundamental idea of a prosperous republic must be the homogeneity of its people. Now, we are not homogeneous with the Chinaman; it does not very presently appear that we can be; and reducing this bill within the spirit of the treaty to say ten years, it is only saying not that we deny the equality of the Chinaman, not that we deny his high civilization, if he has it, but simply that we will suspend this experiment of attempted assimilation, with the elements that we already have of one hundred thousand or more in this country, until we see how it works. How should that shock humanity? How should that touch up the moral sense of any man who loves this Republic or who loves the empire of China? It is the simple co-ordinated arrangement of these two nations that they will not further proceed in what must be considered an experiment, until with the elements we have we are able to see whether it will work or not. Where is the ground of criticism upon such a proposition? I am not able to see.

The right of expatriation is one thing; the duty of a people to receive those who have expatriated themselves or wish to do so from another people, is quite another thing. They are two entirely distinct and different propositions both in morals and, in my humble judgment, with great respect to those who differ with me, upon principles of public law that have often, not everywhere, been recognized, because many nations hold that the right of expatriation is a merely conventional right. The people of my little State have always held from the beginning that the right of expatriation was one that its own constitution should and must recognize, but always with the provision that is declared in our bill of rights for more than one hundred years, that that right of expatriation was dependent upon the willingness of the people to whom the persons expatriating themselves desired to go to receive them. That is the point.

This immigration has promoted discontent, it has promoted, according to the just, I have no doubt, statements of my friend from Massachusetts [Mr. HOAR] who addressed the Senate two or three days ago, extreme cruelty and injury to the Chinese themselves; it has promoted political discord and discontent among our own fellow-citizens upon that coast, and why should we not, under such circumstances, exercising the just power of the nation conceded, revoking the former treaty by the Emperor of China, to suspend it for a little while? And if within that little while it turns out that the people

of that country who are now with us are able to assimilate with our institutions and we with them, it will be easy then again to open the door and say "come in;" but if it should turn out that the nature of the two peoples, their ideas, their habits, their thoughts are incompatible to that firm concord and unity which must characterize a republic, I repeat then we have done no wrong either to them or to ourselves, but good to both.

That is the way it seems to me. And so, Mr. President, I shall vote to reduce this period, as I think it ought to be reduced within the spirit of this treaty, to ten years; but I wish to repeat that without this treaty and without the Burlingame treaty, if we were free from conventional obligations, I do affirm with all the emphasis of which I am capable that it belongs to every people to determine upon its own considerations of its own welfare what other people it will receive into its society.

Mr. PLATT. Mr. President——

Mr. HOAR. I understood a little while ago that the honorable Senator from Connecticut was not in very strong health this afternoon, and I desire to ask him if he wishes to conclude his remarks to-night or prefers to go on to-morrow.

Mr. PLATT. I will yield to any motion that the Senator desires to make. I understand that the Senator from Nevada [Mr. JONES] also desires to address the Senate on this subject, and whether we can conclude the bill this evening or not depends on how late we shall sit.

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

Mr. FARLEY. I hope the Senator will withdraw that motion a moment.

Mr. HOAR. Certainly.

Mr. FARLEY. It is very important that this bill be acted on to-day. We have been engaged in its discussion for four or five days; and I notice that it has frequently been the case in the Senate that Senators have urged the passage of a bill and determined to pass it in one day. Now we have run along here four or five days over this bill, and it seems to me that from now until six o'clock we can finish up the bill. I suppose that most Senators have spoken who intend to speak upon the question. It is important that action should be had at once, if we can possibly have it on this bill to-day.

Mr. HOAR. Mr. President, I concur with the honorable Senator from California that it is desirable to vote upon this question as soon as possible; and while there will be no Senator more opposed to the passage of the bill, the Senator may be assured that there will be no Senator who is more desirous than myself to have the question taken at an early day. I have no doubt we can finish the bill to-morrow; but I do not know whether the Senator heard what I said before—in the first place that several Senators desired to speak, and next that the Senator from Connecticut, [Mr. PLATT,] who has the floor, was not in a condition of health which made it agreeable to him to speak this afternoon, and for that reason I interposed the motion.

Mr. FARLEY. If the Senator from Connecticut puts it upon that ground, that he is not able to proceed with his remarks this evening, as a matter of course I would not oppose an adjournment; but we all know the importance of early action on this bill. Those people are coming to the Pacific coast by every steamer by the hundred, and unless we can have early action the chances are that the benefits we expect to derive from this bill will to a very great extent be lost.

Mr. PLATT. I will hardly say that I am unable to speak this afternoon. I should probably speak with much greater ease and comfort to myself to-morrow morning; but if the Senate desire that I should proceed at this time, I will endeavor to say what I propose to say, though it will be in somewhat a disconnected and desultory manner.

Mr. HOAR. If it is agreeable to the Senator from California, I will myself very cheerfully unite in a unanimous consent to take the vote at a time fixed to-morrow, which will enable the Senator from Connecticut to proceed in the morning as he prefers—say four o'clock to-morrow.

Mr. FARLEY. With that suggestion by the honorable Senator from Massachusetts, if that agreement can be made so that it will be binding on the Senate, I shall consent. I know that Senators cannot be bound by such agreements as a rule, but we have often made such arrangements that have been carried out; and if it will be understood that we will to-morrow, by four or five o'clock, come to a final vote on this bill. As a matter of course I suppose my colleague and myself, taking into consideration the condition of the Senator from Connecticut who desires to speak, will both agree to that arrangement.

Mr. MCMILLAN. I am not prepared to say that I will consent to that agreement. I do not think that these agreements are very profitable. I think that a question of this kind should be open to discussion as long as it may fairly and reasonably be discussed. I understand there are other Senators who desire to discuss this question, and I do not wish for one to cut off any Senator from expressing his views upon such a subject. I may not desire to address the Senate myself; I think I shall not; but there are others who do. I think this bill should take the usual course of ordinary questions, and when the discussion is fairly exhausted then have the vote taken.

Mr. FARLEY. While my colleague has the charge of this bill, having reported it from the committee, if he fails to give notice I will give the notice now after the suggestion made by some Senators on the other side of the Chamber who are opposed to the bill, we will to-morrow continue the session until final action is taken on the bill.

Mr. MILLER, of California. What was the notice?

Mr. FARLEY. Senators can take notice of it and govern themselves accordingly. It has been uniformly the rule that such arrangements have been made. I remember on a bill introduced by the Senator from Ohio [Mr. SHERMAN] it was finally agreed that we would sit it out and have action on that bill upon a certain day; so also of a bill of the Senator from Vermont, [Mr. EDMUNDS.] I found no Senators here opposing these arrangements. This bill has been thoroughly discussed. To-morrow those of us who favor the bill will endeavor to have final action. I give that notice.

Mr. MILLER, of California. I would prefer to sit it out to-night.

Mr. FARLEY. So would I.

The PRESIDENT *pro tempore*. If the majority of the Senate is in favor of sitting out the bill, of course it can be done. It is not likely to be done otherwise.

Mr. HOAR. I renew my motion for an executive session.

The PRESIDENT *pro tempore*. It is moved 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 twelve minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 7, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

Mr. UPDEGRAFF, of Ohio. I ask that by unanimous consent the Clerk in reading the Journal of yesterday omit so much of it as relates to the introduction of bills and joint resolutions for reference.

There was no objection.

The Journal of yesterday was then read and approved.

INSPECTION OF HULLS AND BOILERS OF STEAM-VESSELS.

Mr. NEAL. I ask unanimous consent that the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers for steam-vessels be taken from the House Calendar, and that it be put upon its passage. Let the bill be read for information. It is the unanimous report of the Committee on Commerce.

Mr. RANDALL. Let the bill be read, the right of objection being reserved.

The bill was read, as follows:

Be it enacted, &c., That for the inspection of hulls and boilers of steam-vessels, there is hereby created a local board of inspectors to be located at Gallipolis, Ohio, in which there shall be one inspector of hulls and one inspector of boilers, one of whom shall be transferred from the office of the local board of inspectors at Cincinnati, Ohio, and one from the office of the local board of inspectors at Wheeling, West Virginia, each of whom shall receive per annum the same compensation he may be receiving at the time of the passage of this act; and thereafter in case of a vacancy in the office of inspector of hulls or in the office of inspector of boilers such vacancy shall be filled in the manner provided in section 4415 of the Revised Statutes.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WARD. I desire to ask if it has been reported from any committee?

Mr. NEAL. It is the unanimous report of the Committee on Commerce.

Mr. WARD. Of the House committee?

Mr. NEAL. Yes, sir; of the House committee. It will cost nothing. It simply proposes that two of the steamboat inspectors on the Ohio River shall be stationed at the mouth of the Kanawha, one coming from the Wheeling district and one from the Cincinnati district. It is approved by all the boatmen of that district.

Mr. HOLMAN. Is it recommended by the Department?

Mr. NEAL. It is recommended by General Dumont, supervising inspector-general of steamboats.

Mr. HOLMAN. I ask that any official communication on the subject be read before the objection is waived.

Mr. NEAL. The report which shows the recommendation of the Department may be read.

Mr. KENNA. There is no doubt about the very urgent demand for this measure.

The SPEAKER. Is the reading of the report requested?

Mr. HAWK. I request the reading of the report.

Mr. ALDRICH. The right to object being reserved after the report shall have been read.

The report was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels, having had the same under consideration, beg leave to submit the following report:

The committee find, on examination of the bill, and from an answer to a letter addressed by Hon. HENRY S. NEAL to James A. Dumont, supervising inspector-general of steamboats, that it is not necessary in the new district to employ additional inspectors, as one can be detailed from the Cincinnati district, and one from the Wheeling district. They therefore recommend that the bill be amended in the

following particulars, and as amended it does not create any new offices nor incur any additional expense to the Government:

Amend by striking out, in line 4, all after the word "created" to the word "in," after the word "Gallipolis," in line 8, and inserting the following:

"A local board of inspectors, to be located at Gallipolis, Ohio."

Amend further by striking out all after the word "boilers," in line 10, and inserting the following:

"One of whom shall be transferred from the office of the local board of inspectors at Cincinnati, Ohio, and one from the office of the local board of inspectors at Wheeling, West Virginia, each of whom shall receive per annum the same compensation he may receive at the passage of this act, and thereafter, in case of a vacancy in the office of inspector of hulls, or in the office of inspector of boilers, such vacancy shall be filled in the manner provided in section 4415, Revised Statutes."

As thus amended, your committee are of the opinion that the enactment of this law will be for the benefit of the service, and from petitions received, numerously signed by steamboat men and others engaged in the river trade, they are satisfied that the creation of this new district is necessary for the convenience of the steamboat men.

They therefore recommend that the bill as amended be passed.

Mr. ALDRICH. I would like to inquire if the bill has been amended as suggested in the report?

Mr. NEAL. I will state to the gentleman from Illinois [Mr. ALDRICH] that the bill as read by the Clerk is exactly in the form recommended by the committee, and is the unanimous report of the committee.

Mr. HAWK. Does the bill as read embrace the amendments as recommended in the report of the committee?

Mr. NEAL. It does.

There being no objection, the bill was taken from the House Calendar, ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

DEPARTMENT OF AGRICULTURE.

Mr. KENNA. I desire to give notice to the House that I shall offer a substitute for the bill in relation to the Agricultural Department, which is a special order for a future day; and for the information of the House I ask that the proposed substitute may be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The proposed substitute is as follows:

Substitute for the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture.

Strike out all after the enacting clause and insert the following:

That there shall be at the seat of Government an Executive Department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

SEC. 2. That there shall be in the department of industries a division of agriculture and, to superintend said division, a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President by and with the advice and consent of the Senate, and shall be entitled to receive a salary of $5,000 per annum.

SEC. 3. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry, and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall tend to increase the profits of the farmer respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, and fruits; fertilizers; implements; buildings; and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and uses; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employés, and agents, and all instruments, records, books, papers, &c., are hereby transferred to the department of industries, and the secretary may, through said bureau, in connection with the Bureau of Statistics, institute such investigations and collect such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operation, as may be deemed of value and importance.

SEC. 4. In addition to the duties imposed by chapter 10, title 7 of the Revised Statutes the Bureau of Statistics shall collect and report the agricultural statistics of the United States; and, in addition, all important information or statistics relating to industrial education and agricultural colleges; to labor and demands and prices therefor in this and other countries; to markets and prices; to modes and cost of transporting agricultural products and live stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau, and to make such monthly or other reports, as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

SEC. 5. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $5,000 per annum.

SEC. 6. That all divisions and subdivisions, bureaus, or parts thereof heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of title 7 of the Revised Statutes, relating to the Bureau of Statistics; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the Coast Survey, or by virtue of any law amendatory of said several provisions or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries.

SEC. 7. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall from and after the passage of this act be performed by the secretary of industries; the authority conferred and the duties imposed by said several provisions upon the Register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

SEC. 8. That section 158, title 4 of the Revised Statutes is hereby amended so as to add at the end thereof the words, "eighth, the department of industries."

SEC. 9. That this act shall not be construed to interfere with the present organization of the various departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

SEC. 10. That all acts and parts of acts inconsistent with this act are hereby repealed.

BATTLE OF GETTYSBURGH.

Mr. BINGHAM. I ask unanimous consent that the Committee on Military Affairs may be discharged from the further consideration of the joint resolution H. R. No. 132, and that it be passed at this time.

The joint resolution was read, as follows:

A joint resolution granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburgh in July, 1882.

Resolved, &c., That the Secretary of War be, and is hereby, authorized to send from some convenient fort or arsenal, to be used at the encampment of the Grand Army of the Republic of the Department of Pennsylvania upon the battle-field of Gettysburgh in the month of July, 1882, such cannon, tents, muskets, &c., as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after the holding of said encampment in as like good condition as when received: *Provided*, That all transportation of said articles to and from the place of encampment to the fort or arsenal shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Pennsylvania or other proper accounting officer shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

There being no objection, the Committee on Military Affairs was discharged from the further consideration of the joint resolution, and the same was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM 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.

STATUE OF CHIEF-JUSTICE JOHN MARSHALL.

Mr. GEDDES. I ask unanimous consent that Senate bill No. 578, to authorize the erection of a statue to the memory of Chief-Justice John Marshall, be taken from the Speaker's table for consideration at this time. I believe the bill received the unanimous approval of the Senate, and I think all who are acquainted with the history of Chief-Justice Marshall will have no objection to the passage of the bill at this time.

The bill was read, as follows:

Be it enacted, &c., That the President of the Senate and the Speaker of the House of Representatives do appoint a joint committee of three Senators and three Representatives, with authority to contract for and erect a statue to the memory of Chief-Justice John Marshall, formerly of the Supreme Court of the United States; that said statue shall be placed in a suitable public reservation, to be designated by said joint committee, in the city of Washington; and for said purpose the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. ROBESON. I desire to say with regard to that bill that while everybody will assent to the purpose contemplated by it I have knowledge of certain facts which may have some influence upon the action of members.

Thirty years ago the bar of the city of Philadelphia started a subscription to raise money to erect a statue to John Marshall at some place in the city of Washington. That subscription was entered into, at the suggestion of the bar of the city of Philadelphia, by members of the bar of almost all the States. The money so obtained, in the hands of careful and zealous trustees, although not much at first, now amounts to $20,000.

Within the last month the representatives of that fund, appointed by the court at Philadelphia on the application of the Bar Association, have written to the Attorney-General of the United States asking him to bring before Congress a proposition from them, stating that they had the money ready and were prepared to erect a statue to the memory of the great judge whenever Congress would assign a place in Washington for it. Those papers are now in the hands of the Attorney-General, and he has communicated with certain members of Congress upon the subject, informing them that the money is ready and waiting only for such order as Congress may take on the application of the highest law officer of the Government.

Now, I think it would be well that we act in this matter in such manner as would not only testify the appreciation of our country and of our people of the glorious memory of that greatest of our judges, but at the same time would show that we appreciate the liberality of those gentlemen who, thirty years ago, started the

subscription for this great object and with great care and solicitude have nursed it until it is now large enough to carry it out as originally contemplated.

I would have preferred to have had the opportunity to make this statement to the gentleman from Ohio [Mr. GEDDES] and to his committee before he submitted his proposition. I make it now in order, if possible, to induce him to let this bill lie over until we can come to a full understanding and perfect a bill to accomplish both objects, to which there certainly will be no objection from any one.

Mr. GEDDES. I feel greatly indebted to the gentleman from New Jersey [Mr. ROBESON] for placing before the House the facts stated by him. I was myself personally informed of them, and they were submitted to our committee. But I did not feel at liberty, nor did I think it advisable, to make a statement of them here in connection with this application for an appropriation to erect a statue to the memory of Chief-Justice Marshall.

The proposition to which the gentleman refers has not been put in definite form. The money may and doubtless will be turned over for this purpose, but if in consequence of some accident or other intervening cause we should not be able to obtain it, then in that event I do not want this action to be dependent entirely upon the liberality of the citizens who gave that fund. I am satisfied, however, that the fund has been carefully kept for this purpose and that it will be honestly applied. No injustice can be done to the Government and no wrong to any one by passing the bill in the form in which it comes to us from the Senate, because it allows a discretion to the committee that is to be appointed to take charge of this matter. I hope, therefore, there will be no delay in the passage of this bill, while I desire all credit may be given to the parties who raised and have so carefully preserved the fund for this commendable purpose. Their liberality is recognized, and full credit will be awarded them for what they have done in this work of commemorating the victories of peace. For no more striking illustration can be found in our history of what has been done for constitutional government than is presented in the life of John Marshall, Chief-Justice of the United States. From his exalted position at the head of the judiciary department of the Government he inspired universal admiration for his great qualities of head and heart, his giant intellect, and incorruptible integrity.

Mr. SPRINGER. If the sum of $20,000 has been raised by private individuals, I see no reason why Congress should not avail itself of their liberality and accept this fund, providing the machinery for carrying the object into execution. With the view to this, and desiring the accomplishment of the purpose contemplated, I move that the bill be referred to the Committee on the Library, with leave to report at any time.

Mr. GEDDES. I hope the bill will not be committed. If the gentleman will look carefully at the measure as it comes from the Senate, he will see that a reference is not necessary to accomplish the object. The bill provides only for the appropriation of so much money as may be necessary to accomplish this object. The Joint Committee on the Library, as well as the Senate, had in view, and we may take into consideration, the fact that this money referred to by the gentleman from New Jersey, carefully husbanded for this purpose, will be applied to this end. The committee to be appointed by the President of the Senate and the Speaker of the House will be vested with a discretion in the matter, and will undoubtedly carefully see to the application of the fund, and will only apply so much of the appropriation as may be necessary for the accomplishment of the object.

It does seem to me that it is due to the memory of this Chief-Justice, who served the country for a third of a century and who has left on record constitutional opinions which will be valued as safeguards of the Government for generations, that there should be no delay, no hesitancy, no commitment of the bill, but that it should be passed at once by the House unanimously.

Mr. SPRINGER. That would undoubtedly be done were it not for the fact that a fund sufficient for this purpose has already been subscribed by private individuals, and is tendered to Congress. Let us accept that fund. Let us recognize the munificence of these private individuals; and let us not unnecessarily put our hands into the public Treasury for the accomplishment of this object.

The question being taken on the motion of Mr. SPRINGER to refer the bill to the Committee on the Library with leave to report at any time, there were—ayes 44, noes 64.

The SPEAKER. The motion is not agreed to. The question is now on ordering the bill to a third reading.

Mr. SPRINGER. I call for tellers. [Cries of "Too late!"]

The SPEAKER. The Chair is of opinion that the call for tellers comes rather late.

Mr. SPRINGER. I called for tellers as soon as I heard the announcement of the result.

The SPEAKER. Does the gentleman insist upon the call for tellers?

Mr. SPRINGER. I only want the House to understand the question.

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

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

The latter motion was agreed to.

RAILWAY BRIDGE ACROSS THE MISSISSIPPI.

Mr. WASHBURN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River, extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin, and that the same be recommitted to the Committee on Commerce. The recommitment is desired in order that the bill may be amended.

There being no objection, the bill was recommitted to the Committee on Commerce.

SUFFERERS BY MISSISSIPPI FLOODS.

Mr. KING, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be instructed to consider and report what, if any, are the measures of relief that should be extended to the sufferers by the present floods of the Mississippi River and tributaries, and to report by bill or otherwise as speedily as possible.

ORDER OF BUSINESS.

Mr. VAN AERNAM. I ask unanimous consent to take from the Speaker's desk for present consideration Senate bill No. 1004.

The SPEAKER. The Chair has not the bill at hand.

JAMES F. ROSE.

Mr. McCOOK. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of House bill No. 2127, and that it be put on its passage. It is a bill granting a pension to a man who served as a soldier and is now totally blind.

The bill was read, as follows:

A bill (H. R. No. 2127) granting a pension to James F. Rose.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James F. Rose, late a private in Company E, One hundred and seventy-sixth Regiment New York Volunteers.

Mr. SPRINGER. Where does this bill come from?

Mr. McCOOK. From the Committee on Invalid Pensions. I am sure the gentleman will not object when I state that a bill of similar purport was reported favorably in the Forty-sixth Congress; that this bill has been reported favorably, and is now upon the Calendar; that this soldier, who is a resident of New York City, is totally blind and has a wife and two or three children.

Mr. SPRINGER. I will not object in this case, but will "go it blind." I give notice, however, that I will keep my eyes open hereafter, and that no private bills shall pass unless they are taken up in regular order. If we have a Calendar, we might as well adhere to it.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

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

The latter motion was agreed to.

CELEBRATION OF DISCOVERY OF MISSISSIPPI VALLEY.

Mr. KASSON. I call for the regular order.

Mr. ROBESON. I rise to make a report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom were referred the following preamble and resolution, having had the same under consideration, respectfully report the same to the House, with amendments, and recommend their adoption, as amended, namely:

Whereas the chambers of commerce, cotton and produce exchanges, and other commercial associations, the historical and literary and scientific societies and municipal governments in the Valley of the Mississippi have invited the Congress of the United States to be represented at the celebration to be held by them in the city of New Orleans on April 9, 1882, of the two hundredth anniversary of the first voyage down the Mississippi River to the sea and the discovery of its mouth by Robert Cavelier de la Salle:

Now, therefore, in order to commemorate an event so memorable alike in the history of our country and of civilization, and to testify on behalf of the people of the whole Union their appreciation of the services of Robert Cavelier de la Salle, and their respect for his memory,

Be it resolved by the House of Representatives, (the Senate concurring,) That a committee of fourteen members, five from the Senate and nine from the House of Representatives, shall be appointed by the Senate and the Speaker of the House of Representatives, respectively, to attend the said celebration on April 9, 1882, in the city of New Orleans.

Mr. ROBESON. The Committee on Rules were not fully satisfied of their jurisdiction over this matter, but as it was referred to them by the House they have agreed to report it favorably, because they think it their duty to submit for the action of the Congress anything which may tend to remind us that we have a common country, with common interests, associations, progress, and destiny.

I yield for fifteen minutes to the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. Mr. Speaker, I would not intrude upon the attention of the House but for the request of the gentlemen in charge of this subject. I hope we have not yet been so far immersed in appropriations and such mercenary matters that we cannot respond to this invitation. It is not necessary that the committee should visit New Orleans if our legislative convenience should forbid. It is enough to respond courteously to the invitation.

Mr. Speaker, happy is that country which has no annals. This has been said of lands like our own. We have few annals. But such as we have should be cherished. There is no history so wonderful in all our annals of marvels as the discovery, exploration, and settlement of Louisiana. Its area was an empire. It was worthy of the Grand Monarch who gave it name and prestige. It is worthy of our imperial Republic. On the east it had the Rio Perdito; on the west, the Rio del Norte; and in its extent it had no boundary but the Pacific Ocean. It covered Oregon, not alone because contiguous, for its very title was that of contiguity as well as of discovery. While our mother country was in the throes of contests about prerogative and privilege, as early as 1663, the good Father Marquette and his companion had discovered our Father of Waters—the great river Colbert, as it was then called. He explored it as far as where its child, the Arkansas, paid it filial tribute. But the discovery seemed to end by his peaceful death amid the Algonquins on the banks of a stream which now bears his name and sings his requiem.

It was reserved for La Salle to complete this wondrous discovery. While our States in the North and in the East were being settled by the sturdy emigrants from England, this hero was in the depths of our Lake wilderness, forming plans of continental proportions. Under the patronage of the great Louis he had discovered the magnitude of our inland seas. Returning to France he enlisted men of influence, like Monseigneur Colbert, in his plans—among these plans a chain of forts to connect Canada with our new teeming West.

Ten years before the abdication of James II in England the great Louis issued a patent to the Cavelier de La Salle. It authorized him to find the western boundary of New France and a road to the riches of Mexico.

It was in the winter of 1682 that La Salle set out to find the mouths of the Mississippi. He began on the 7th of April, and in two months he had traversed from the land of snows to the land where the orange blooms in the air of midwinter—from the pine forests of the North to the magnolia and live-oak of the South; in two brief months he had given to France what his companion, Father Hennepin, called the delight and terrestrial paradise of America, an empire which now feeds the world—an empire powerful and fruitful. In that winter of 1682 he was at the extremity of Lake Michigan. He entered the Chicago River. He followed the old line of Father Marquette, and, reaching the Mississippi, began its descent. He gave up the idea of sailing down in a ship. On the 6th of February he began his expedition in three canoes. He had companions; invariably a Catholic father as chaplain. He had Indians as guides and hunters. Passing the muddy Missouri, which held future empire in solution; passing deserted villages of the red men; then the Ohio; moving amid warries of Indian enemies, he reached the limit of Joliet's voyage! Here he planted the cross of our religion. Along with it fluttered in the breeze the lilies of France. On the 17th he passed other Arkansas towns. Next came the Natchez. Again the cross of Christ was lifted! Sixty-two days from the Illinois to the Gulf! Then amid hymns, *Te Deums*, and salvos, he took possession of this vast domain!

After many vicissitudes he discovers three of the channels of the great river. Nine miles from its mouth, upon "a dry place," a column and a cross were erected. On it was an inscription of honor to the Great King. *Te Deum*, the *Exaudiat*, and *Dominire salvum fac Regum* were chanted. Arms were fired in salutation. In the name of the mighty and invincible prince, Louis the Great, the land was taken. Shouts of "*Vive le Roi!*" echoed the salutation.

It should not be forgotten that there was something more than empire intended by this exploration. The Catholic faith was first, safe ports for French vessels on the Gulf were next, and peace and trade with the Indians and a way to the rich mines of Mexico were last. This triple motive made this enterprise grand and successful.

After La Salle's return to France he had full powers accorded to him; and with a ship and two hundred and eighty emigrants he sailed again for the Mississippi. After much difficulty he returned to Louisiana, and at the point now known as Matagorda, Texas, he built a fort. He was aloof from all Spanish settlements. No French settlement was nearer than Illinois. In 1667 he set out for Canada, leaving a colony at Fort Saint Louis. On the 20th of March he was assassinated. His accompanying priest describes him as a wise conductor, constant in adversity, intrepid, generous, skillful, and capable of every endeavor. Equal commendation is bestowed upon him by Sparks, our own historian, who places him in a prominent niche "among those who adorn the history of civilization in the New World."

He is the pioneer of our great valley, which he traced from source to mouth.

We cannot be insensible to the appeal made to us from the city of New Orleans and this valley of the Mississippi, of which it is the *entrepôt*. A discoverer and colonist in the ancient days received apotheosis. Hercules is fabled to have made the historic realm of the Mediterranean instinct with the brawn and brain of colonization.

Do we appreciate the glory of this grand enterprise which we inherit from the courage of La Salle? If we do not our ancestors did, in the acquisition of this domain from France. Compare this valley as it was two hundred years ago with what it is to-day! Its sources almost shake hands with Lake Superior in the North, and at the South our sugar and cotton help to swell the product of the corn and wheat of the North.

Arkansas, with her eight hundred thousand; Illinois, with her three million; Iowa, over a million and a half, and Kentucky more than her equal; Louisiana, with nearly a million; Minnesota so increasing as to have reached near a million since our census; Mississippi, with a million and a third, and cotton lands enough to clothe the world; Missouri, an empire in embryo, having over two million, where two hundred years ago a little fort left by La Salle was the only sign of white civilization; Tennessee, with a million and a half, and Wisconsin, rivaling Tennessee in numbers—nearly fourteen millions of people living in States washed by this superb river. And what could be said for the States whose streams swell the same great current! There are thirty-five millions who live upon this stream and its confluents. Spenser has sung of the rivers of Britain in their union with the sea. The classics are musical with Scamander and Cephissus—little brooklets which genius has enlarged and which time has dried up. What muse can ever fitly sing the grandeur of our Mississippi?

Mr. Speaker, its material grandeur we know. It is a part of our daily discussions here. But we forget what the historic muse says in a very pronounced voice, that its early colonial polity intended this grand valley as the home of a confederation of free cantons, upon the Swiss models. Our fathers were not ready to recognize this immense land as a dependency of Havana, with Moro castle as their doom. They were ready to seize it from Spain, when France reacquired it. During the discussion of secession in this House I remarked upon the Mississippi as an irrefragable bond of union, and that every drop of its waters was instinct with the idea of indestructible patriotism. When General Cass read my remarks he called to see me, and presented me with a paper, not published, describing the efforts of our people upon the Monongahela, Allegheny, and Ohio, who, believing the value of their domain involved the holding of the mouth of the Mississippi, were ready and equipped to move down the river to Fort Deposit and seize this point from Spain. When many of the boats were ready at Marietta, news came that Spain had transferred it to France; and then the hopes of annexation arose, and then we began to negotiate. We succeeded.

It was intended to be the home of liberty and independence. It has none of the glamour of the Puritans of New England, the Dutch of New York, or Cavaliers of Virginia; but if it be rich as it is in the glitter and glory of martial expedition, it is also opulent in the more enduring riches of popular aspiration. What Virgil said of ancient Latium is still more apposite applied to the valley of the Mississippi: *Potens armis atque uberæ glebæ.*

Now, in this year 1882, with our millions of people and wealth upon this splendid realm, and a limitless resource for a nation of a hundred millions before three more decades shall expire, we, as the representatives of this proud nation, are invited to celebrate the glory and deeds of these discoveries. So long as this river rolls to the Gulf, and the Gulf with its warmth even tempers the boreal realms of Europe, so long will the example of these States in this river of rivers be potential, and the name of its discoverer, Robert Cavelier de la Salle, be held aloft among the heroes of our kind. [Applause.]

Mr. ROBESON. I yield now three minutes to the gentleman from Minnesota.

Mr. WASHBURN. Representing as I do a district in which the Mississippi finds its source, it is appropriate that I should say a word in favor of the resolution, and especially as I hold in my hand a memorial from the Historical Society of my State, asking that Congress shall identify itself with this anniversary, which is to occur in New Orleans on the 9th of April, in commemoration of one of the greatest events which ever happened on this continent—that is, the discovery of the mouth of the Mississippi by La Salle. We have celebrated in the last two or three years the two hundredth anniversary of the discovery of the Falls of Saint Anthony by Father Hennepin. We have celebrated, too, recently the discovery of the Straits of Mackinaw by the great explorer Marquette, and we are now called upon to celebrate the discovery of the mouth of the Mississippi by one of the greatest of all explorers and one of the greatest men who is entitled to the consideration of this age, La Salle. It seems to me, sir, eminently fit and proper that we as a Congress of the nation, and representing the people of this country, shall identify ourselves with an event of this magnitude and importance.

My attention is called in this memorial to the fact that fifteen States of this Union are washed by the waters of the Mississippi and its tributaries. I think twenty three millions of our people reside in States the borders of which are washed by its waters. Taking all of this into consideration, I repeat that it seems eminently proper and eminently appropriate that the Government of the country shall identify itself with this great event.

Mr. ROBESON. I now yield two minutes to the gentleman from Michigan, [Mr. LORD.]

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I wish to ask if this is a privileged report from the Committee on Rules?

The SPEAKER. It is now too late to make objection to its consideration, the Chair thinks, even if it were not a privileged report.

Mr. BLOUNT. My object in asking the question is not to obstruct the consideration of this report, because I apprehend from what has already taken place that there is a manifest desire to dispose of it now by the House; but I make the inquiry simply in order that we may understand whether this committee is privileged to report upon

any subject at any time; and whether its powers have been enlarged so as to enable it to bring in any subject-matter that it may choose to bring before the House for its consideration at any time.

The SPEAKER. The committee have been instructed by a resolution of the House to report at any time.

Mr. BLOUNT. Upon any matters?

The SPEAKER. The Chair will say in response to the gentleman from Georgia that he has not been called upon to investigate in detail the matter to which he refers, and feels like declining to answer what seems to be in the nature of a mere abstract question. We are now in the consideration of this report, and no matter how the Chair might hold the Chair thinks it is too late to prevent the House from proceeding with its consideration.

Mr. BLOUNT. I only want to get at the extent of the right conferred upon this committee.

The SPEAKER. The gentleman from Michigan [Mr. LORD] has the floor.

Mr. LORD. Mr. Speaker, representing in part, as I do, a State on the shore of whose inland seas Pére Marquette lies buried, recognizing his revered name as one among the most enterprising of the early discoverers of the great lakes and rivers of the continent, I call to mind the circumstances of his death in the midst of one of his wonderful voyages, and the long line of his devoted Indians in five hundred bark canoes, that with pine boughs for sails bore his body to its final rest, just where Lakes Huron and Michigan meet for everlasting requiem over his grave; and calling to mind his labors, as they stand recorded in history, forever associated with the discovery of the Mississippi, I yield to the propriety of this proposed celebration at New Orleans. It is proposed two centuries after the impressive burial to which I have referred, and two thousand miles away, the intervening country meantime becoming thickly populated and marvelously fruitful. This long intervening way was traversed with weary labor in the midst of great perils by those early explorers of the great lakes and the Mississippi, and with prophetic eye they beheld in the future the immense civilization that now proposes to do them honor and recall their names and services with pious and patriotic observance.

Mr. ROBESON. I yield now for five minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. TAYLOR. I rise to a parliamentary inquiry. I wish to know whether at any time it will be proper for any member opposed to this measure to say one single word, or to offer an amendment to the resolution.

The SPEAKER. The Chair will state it does not control the time of the consideration of this resolution, and therefore it is not a parliamentary inquiry. But the Chair will state for the information of the gentleman that if there is an opportunity for him to be recognized an amendment may be in order.

Mr. TAYLOR. I have an amendment which I wish to offer some time when in order, and I will offer it now if it be in order.

Mr. ROBESON. The gentleman will have an opportunity to offer it. I have now yielded for five minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. Mr. Speaker, I hope I may be pardoned if I say a single word that will grate harshly on any ear, but I submit it to the sober second judgment of this House if the proceedings this morning and the subject-matter of this resolution are not a travesty on our system of legislation? Here we stand with our Calendars clogged with the public business, declaring in the presence of the country it is impossible for us to listen to the demands of our constituents for lack of time, with a bill from the Ways and Means Committee pending this morning, and a subject of special order; and I suggest, Mr. Speaker, that this injection, however beautiful it may be, of a mere mass of poetry into such a volume of plain prose as the House of Representatives ought to be, is out of place and out of order. I submit there are people enough in the United States to celebrate all the grand events which have passed into our history without delegating men from this House to attend upon junketing expeditions anywhere and under any circumstances. I submit it is wiser and cheaper and better for this House to gather up those magnificent tributes that have been uttered by the honorable gentleman from New York [Mr. COX] and other members on this floor and carefully and elaborately engross them and keep our membership here at our work.

I do not say this to antagonize the kindly spirit of the members from Louisiana who present this proposition, but I submit that the Senate of the United States has already acted adversely upon this proposition, and acted most wisely, and the thing for us to do now is to follow in their footsteps, vote down the proposition, and attend to the legitimate business we are sent here to do.

Mr. ROBESON. How long does the gentleman from Ohio want?

Mr. TAYLOR. Just long enough to have this amendment passed to the Clerk's desk.

The SPEAKER. The gentleman from Ohio submits the following amendment.

Mr. TAYLOR. And while it is going up I wish to say I am opposed to taking away from this Congress any members for the purpose indicated in the resolution during the time it is necessary to transact the public business.

Mr. ROBESON. The gentleman gives notice of that amendment to be voted on.

Mr. TAYLOR. Let the amendment be read.

The Clerk read as follows:

After "April 9, 1882," insert the following: "*Provided*, That Congress has by that time finally adjourned for this session."

Mr. ROBESON. I now yield for fifteen minutes to the gentleman from Louisiana, [Mr. GIBSON.]

Mr. GIBSON. Mr. Speaker, the Spaniards discovered the Mississippi River. In 1528, a century before the French reached its upper tributaries, or the English landed at Jamestown, Cabega de Vaca passed near the mouth of the great river, but his vessel was tossed away by the strong current aided by a wind from the east, yet he and his companions first tasted and remembered "its sweet waters." Another gallant Spaniard, Fernando de Soto, who had been the companion of Pizarro in the conquest of Peru, with a band of faithful followers, courtiers and artisans, priests and soldiers, like Cortez, bidding adieu to his ships, penetrated the southern forests, and, after three years of adventurous wanderings, full of hard struggles and bitter disappointments, in the spring of the year 1541 first planted the banners of Spain and of the Christian church upon the banks of the Mississippi River, beneath whose turbid waves he found a grave for himself, his ambitions, and his hopes.

More than a century after this—a century and a half—in 1673, the meek and illustrious Father Marquette, the brave chief Joliet, and Father Hennepin entered the Valley of the Mississippi. The latter explored it northward nearly to its headwaters and the former navigated it with fearless intrepidity as far south as the Arkansas.

But brilliant as these exploits were they have not obscured the luster that surrounds the name of La Salle, for it was his happy fortune to excel all his predecessors in the boldness and the extent of his wonderful and successful discoveries. Baffled by no disappointments, surmounting all obstacles by his own indomitable will, and supplying all deficiencies from the resources of his own matchless genius, the equal of Cæsar in fixedness of purpose, and not inferior to Columbus in self-reliance, without supplies or equipments, attended by a band of compatriots few in numbers but equally ardent in the bold and hazardous enterprise, these heroic Frenchmen, coming into the valley by way of the northern lakes, embarked upon the great river, not knowing whither they might be borne by its majestic and ceaseless current, until at length, having mastered the perils of hostile tribes and the still greater perils of the treacherous and relentless floods, on the 6th day of April, 1682, they were greeted by the sight of the dancing white caps, and they heard the soft murmurs of the southern sea.

With loyal and pious hearts at the head of the passes near the mouth of the river, in acknowledgment of their successful discovery on the 9th April, 1682, they erected a cross and a column, on which were affixed the arms of France, around which they chanted a hymn that from the seventh century was heard in lonely cloisters, in stately cathedrals, and in every land and on every sea from the lips of the zealous and holy missionaries of the Christain church sent forth to the remotest ends of the earth, inspiring the children of the Christian faith with kindling fervor and the sacrifice of self in the work of the Divine Master.

Vexilla Regis prodeunt,
Fulgit crucis mysterium.
The banners of Heaven's King advance,
The mystery of the Cross shine forth.

La Salle afterward returned to France to fit out an expedition to enter the Mississippi River by way of the Gulf of Mexico, but by mistake entered Matagorda Bay in Texas and took possession of the country in the name of his king, and thus Texas became properly a part of that vast empire that under the name of Louisiana in a later age was added to the dominions of the Republic. Born in Rouen, France, it was his destiny to have his life terminated, stricken down by conspirators among his own followers, in the prime of manhood, at the age of forty-three, in the midst of his greatest achievements on the banks of the Trinity, while on his way from Texas to Canada, still in search of "the fatal river."

It is proposed on the 9th of April to commemorate the two hundredth anniversary of his achievements, to celebrate the memory of La Salle, the discoverer of the Ohio and the Mississippi, whose genius consecrated to king and church, and opened the way for settlement and civilization, a territory that to-day embraces two-thirds of our Republic and over twenty-five millions of our population. What spot more appropriate for such a celebration than the head of the passes near the mouth of the river where he and his compatriots first raised the emblems of their faith and country, and left the memorials of their successful achievements? There the celebration will be held. There will be re-enacted the scene performed by the great Frenchman and his followers. But how changed the conditions, the circumstances and the times! It will be a celebration by the millions who inhabit the great valley, heirs of his labors, citizens of free and enlightened commonwealths, coequal parts of a mighty confederacy, born one hundred years after his discoveries, but already one of the foremost nations of the earth in the magnitude of her dominions, in wealth, power, and population; in the arts and sciences and letters; in manners and morals; in all the

resources of civilization; in the stability and freedom of her institutions, and in the intelligence, the genius and the affections of her citizens.

Orators fitly chosen will recite the virtues of the great Pioneer—how he was fashioned on the model of Homer's heroes, of Achillean temper.

Impiger, iracundus, inexorabilis, acer.

How he breasted famine, disease, and disappointment, the fury of man and of the elements, the southern heat and the rigors of the frozen north; how with an enthusiasm surpassing that which beat beneath the impenetrable mail of Richard the Lion-hearted, he ever pressed onward over ocean, lake, and river, among cruel and savage foes in the trackless wilderness to discover the great west, and to endow America with the richest jewels in her diadem. [Applause.]

Mr. ROBESON. I yield one minute to the gentleman from Wisconsin, [Mr. HUMPHREY.]

Mr. HUMPHREY. I simply desire to say that in view of the sufferings of the people of the South at this time, and of the industries that are languishing in consequence of the recent floods, it would be far better for us in my judgment to attend to the alleviation of the sufferings and wants of those people than to send fifteen or twenty members of this House down there to celebrate the discovery of the Mississippi River. I think it would be more becoming to us as a House to attend to our legitimate business and to provide for the wants of these people, and let this matter rest, or postpone it until after Congress shall have adjourned. [Applause.]

Mr. ROBESON. I yield one minute to the gentleman from Alabama, [Mr. HERBERT.]

Mr. HERBERT. There are a great many interesting historic associations connected with the memory of La Salle; but if we strip this question of the illusion thrown around it by the oratory of our friends who have spoken this morning, it is simply a bald proposition to send a junketing committee down to New Orleans to take part in this festive celebration.

La Salle has been dead nearly two hundred years. We have got living questions here which we were sent by the people to discuss and decide. And, Mr. Speaker, when we go home nearly every member now on this floor will give as an excuse to his constituents for not passing this bill or that bill that we did not have time. I think we had better devote ourselves to the business we were sent here to do, and let celebrations of this kind be attended to by other people.

Mr. ROBESON. I now move the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The question is first on the amendment of the gentleman from Ohio, [Mr. TAYLOR.]

The amendment was read, as follows:

After the words "April 9, 1882," insert the following:
"*Provided*, That Congress has by that time finally adjourned for this session."

Mr. ATKINS. I desire to have the original resolution reported again.

The resolution was again read.

Mr. HASKELL. I move to lay the resolution and pending amendment on the table.

The question being taken on Mr. HASKELL'S motion, there were—ayes 76, noes 30.

So (further count not being called for) the resolution and amendment were laid on the table.

Mr. HASKELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINING DÉBRIS IN CALIFORNIA RIVERS.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting, in further compliance with the provisions of the river and harbor act of June 14, 1880, a copy of the final report of Lieutenant-Colonel G. H. Mendenhall, of the Corps of Engineers, upon examinations and surveys to devise a system of works to prevent further injury to the navigable waters of California from the débris of mines arising from hydraulic mining; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. KASSON. In consequence of the time that has been consumed this morning, I feel disposed to ask the House if it is ready to dispense with the morning hour for the calling of committees for reports. I move that the morning hour be dispensed with.

The question was taken; and upon a division there were—ayes 80, noes 31.

So (two-thirds voting in favor thereof) the morning hour was dispensed with.

Mr. KASSON. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, the object being to proceed with the consideration of the tariff-commission bill.

Mr. HOUSE. Before the motion is put I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. To-day was set apart by the House for the consideration of a special order, being bills having relation to the transfer of private claims to the Court of Claims. I would like to inquire of the Chair whether that is a continuing order from day to day, and if it can be called up at any future day?

The SPEAKER. If the Chair understands the import of the order, it is a continuing order from day to day.

Mr. KASSON. I will state that the gentleman upon whose motion the order was made is not ready to proceed this morning, and it will accommodate him to postpone it. I agree with the Chair that the order was made from day to day.

Mr. HOUSE. I do not propose to antagonize the motion of the gentleman from Iowa, [Mr. KASSON,] but I desire to understand the effect his motion, if adopted, will have upon the special order.

The SPEAKER. The Clerk will read the order of the House to which reference is made by the gentleman from Tennessee.

The Clerk read as follows:

A bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government. Special order for Tuesday, March 7, after the morning hour, and from day to day thereafter until disposed of, not to antagonize general appropriation and revenue bills.

Mr. VALENTINE. I appealed to the gentleman from Iowa [Mr. KASSON] in charge of the measure which he has indicated a desire to go into Committee of the Whole to consider to give way to the agricultural appropriation bill, but he has declined to do so. I therefore feel it my duty to antagonize his motion, and I make the point of order that the bill he has indicated is not a privileged question. I refer to clause 4 of Rule XXIII, which says:

In Committees of the Whole House business on their calendars shall be taken up in regular order, except in bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, &c.

Now I hold that the bill indicated by the gentleman from Iowa is not a bill for raising revenue. It is a bill "to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws." The report from the Committee on Ways and Means recommends the striking out the words "internal revenue," so as to leave it as a bill to provide for the appointment of a commission to investigate the question of the tariff, and providing what that commission shall do and when it shall report to Congress. I hold that under the rules it is not a bill for the raising of revenue and is therefore subject to the point of order which I have made.

Mr. CALKINS. My friend from Nebraska [Mr. VALENTINE] has evidently mistaken the course which he should pursue. If he wants to antagonize the bill indicated by the gentleman from Iowa, [Mr. KASSON,] the only point he can raise against it at this time is the question of consideration, for the motion the gentleman has made is a motion to go into Committee of the Whole House on the state of the Union.

Mr. SPRINGER. That was the point I was going to make.

Mr. VALENTINE. He has included more than that in his motion. If he had moved to go into Committee of the Whole only, I could not have made my point of order. He has added to his motion, for the consideration of a particular bill.

The SPEAKER. The Chair understood the motion of the gentleman from Iowa to be a motion for the House to resolve itself into Committee of the Whole House on the state of the Union, accompanied with the statement that the object was to proceed with the consideration of the tariff-commission bill.

Mr. VALENTINE. That is so.

Mr. CARLISLE. If the gentleman from Iowa [Mr. KASSON] intends, by the motion he has submitted, to have the House indicate the particular bill which shall be taken up for consideration in Committee of the Whole House on the state of the Union, then I would make a point of order against him.

The SPEAKER. The Chair does not understand that the gentleman from Iowa made a motion to designate the bill to be considered; but when he submitted his motion to go into Committee of the Whole he stated, which was fair to the House, the object of his motion. In the opinion of the Chair the motion of the gentleman from Iowa is clearly in order.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The special order for to-day was made not to antagonize appropriation bills or revenue bills.

Mr. CARLISLE. That is not any special order.

Mr. SPRINGER. I am speaking of the special order in regard to sending private claims to the Court of Claims.

The SPEAKER. The inquiry upon that matter has been disposed of.

Mr. SPRINGER. Not the one I am going to make. The first order of business to-day is the special order, unless this motion takes precedence of it; and it cannot take precedence of it unless the bill referred to is a revenue bill. If the Clerk will read the order making the assignment of a special order for to-day it will be found that it was not to interfere with appropriation bills or revenue bills.

I raise the point that the business of the House now is the special order, which is not to be antagonized by anything except revenue bills or bills making appropriations for the expenses of the Government.

Mr. VALENTINE. I desire to say that I antagonized the proposition of the gentleman from Iowa for the purpose of making the

motion that we go into Committee of the Whole to consider the agricultural appropriation bill.

Mr. KASSON. In proper time, when I have heard the real objection, I shall be glad, whether in the House or in Committee of the Whole, to answer the point under the rules.

Mr. CARLISLE. Will the gentleman allow me to make a statement?

Mr. KASSON. I yield to the gentleman.

Mr. CARLISLE. As I understand the situation of the question, it is simply this: according to the construction the Chair has put upon the motion made by the gentleman from Iowa, that motion is entirely in order. The question whether or not this is a revenue bill under the rules of the House and the Constitution of the country, and therefore entitled to preference in Committee of the Whole, will arise when the House has gone into the Committee of the Whole on the state of the Union, because we have a rule providing that bills on the Calendar in Committee of the Whole shall be taken up in their regular order, but that when a motion is made to pass over a bill if objection is made the committee shall rise and the House must, without debate, determine whether the bill shall be passed over or not. But we have also a rule which gives to all bills raising revenue and general appropriation bills preference in Committee of the Whole. Therefore, when the House has determined to go into Committee of the Whole for the purpose of considering bills on the Calendar of that committee, the question will at once present itself, if an attempt should be made to take up this bill out of its regular order on the Calendar, whether or not it is a revenue bill, and that we will all concede is a very important question, because very important consequences may result from its decision one way or the other. That is a question which I give notice to gentlemen on the other side we on this side shall insist on having decided before or at the time this bill is taken up.

Mr. KASSON. I understand the gentleman does not consider that question as presented at this time.

Mr. CARLISLE. No, sir.

Mr. KASSON. Then, sir, I will insist on my motion to go into Committee of the Whole.

As to the point raised by my friend from Nebraska, [Mr. VALENTINE,] who desires to antagonize this bill with an appropriation bill, it is proper for me to say that for nearly two weeks the Ways and Means Committee have deferred asking the House to take up this bill for consideration in order that certain general appropriation bills might be considered. We have exercised every courtesy, as the general Appropriations Committee is well aware, that could be expected of us under a distinct understanding that so far as they were concerned no further antagonism would be made. They make none now. In the matter of time the consideration of the appropriation bill is not so important as the consideration of this bill. I hope, therefore, the House will sustain the action proposed by the Ways and Means Committee.

Mr. PAGE. I rise to a parliamentary inquiry. If the House should decide to go into Committee of the Whole to consider this bill, and should it run from day to day, would it antagonize special orders which have been fixed by the House under a suspension of the rules?

Mr. KASSON. That question does not arise now.

Mr. PAGE. It arises with me.

The SPEAKER. It does not displace special orders. Any matter before the House may be antagonized, whether a special order——

Mr. PAGE. I cannot hear the Speaker.

The SPEAKER. It does not displace special orders that continue from day to day. This is all the Chair can state now.

Mr. BERRY. I rise to a parliamentary inquiry. If the motion of the gentleman from Iowa [Mr. KASSON] should prevail and the House should go into Committee of the Whole, shall we be bound by that to take up for consideration the bill with reference to a tariff commission?

The SPEAKER. Not by the terms of the motion now submitted, as the Chair understands it. It is a question to be decided when in committee as to what business will be in order. The gentleman from Iowa moves that the House now resolve itself into Committee of the Whole on the state of the Union, and states that the object is to take up the tariff-commission bill.

Mr. VALENTINE. Just a word.

Mr. KASSON. I hope the question may be put.

Mr. VALENTINE. The gentleman from Iowa having gone into the merits of the two bills, I think it but fair that I should say a few words.

The SPEAKER. The Chair supposed the gentleman from Nebraska rose to a parliamentary inquiry.

The question being put on the motion of Mr. KASSON, it was decided in the affirmative.

The SPEAKER. The House decides to go into Committee of the Whole on the state of the Union. The gentleman from Massachusetts [Mr. ROBINSON] will take the chair.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, (Mr. ROBINSON, of Massachusetts, in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union.

Mr. KASSON. Mr. Chairman, I move the committee proceed to the consideration of House bill No. 2315, reported from the Committee on Ways and Means.

Mr. VALENTINE. I rise to a question of order.

The CHAIRMAN. The Chair will first state the question. The gentleman from Iowa [Mr. KASSON] calls up House bill No. 2315, to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue law.

Mr. VALENTINE. I desire now to make the point of order that that is not a privileged question under the rules of the House. It is not a revenue bill, nor a general appropriation bill, nor a bill for the improvement of rivers and harbors, and they are the only ones that can be taken up out of regular order when in Committee of the Whole.

Mr. KASSON. If the gentleman will let me know when he finishes I will speak to the point of order. If he has not finished I do not wish to interrupt him.

Mr. VALENTINE. I have concluded stating my point of order.

Mr. KASSON. The question is really a very simple one, and I think, sir, that gentlemen upon the other side, considering it irrespective of their personal wishes touching the priority of business, will not fail to agree with the Committee on Ways and Means, that this is within the meaning of the rule "a revenue bill."

In the first place, Rule XI provides that "all proposed legislation shall be referred to the committees named in the preceding rules as follows."

I may be pardoned for asking the attention of the Chair to my statement. Rule XI provides that "all proposed legislation shall be referred to the committees named in the preceding rule, as follows," and then, in the second clause, "to the revenue and the bonded debt of the United States: to the Committee on Ways and Means."

All legislation relating to the revenue. There is no such distinction as is sought to be established here between a bill imposing taxation and a bill to provide the means for imposing taxation. This is a bill to provide a manner of reporting a bill for taxation, gathering all the facts for that purpose. It is legislation relating to the revenue, and you cannot classify it under any other heading of the rules of this House than as a revenue bill. And as such it has taken its place in the Committee of the Whole House on its Calendar, and as such is entitled to precedence indicated in section 4 of Rule XXIII, which gives it precedence even over general appropriation bills and bills for the improvement of rivers and harbors.

That is as brief and distinct a statement of my answer to the point of order as I can make, and unless other considerations are presented I content myself with that reply.

Mr. VALENTINE. Mr. Chairman, I think if the Chair will take the bill and examine it he will ascertain without doubt that it is not a bill for the purpose of raising revenue. The bill provides the President of the United States shall appoint a commission. It makes provision for the salary of that commission. It further provides, they shall have power thoroughly to investigate any questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States so far as may be necessary to the establishment of a judicious tariff. It then provides they shall report to Congress their findings on that question, that is after they have examined fully into the matter. Suppose, Mr. Chairman, this commission, if it should become a commission, by the passage of the law, after four or five months investigation should report back to Congress that the system now established for the purpose of raising revenue was the best one and should recommend the continuance of that system, how would it leave the gentlemen touching their claim? This is not a bill for the purpose of raising revenue, and I believe it is clearly obnoxious to the rule for the reasons I have stated.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills and joint resolution; in which concurrence was requested:

Joint resolution (H. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River;

An act (S. No. 254) for the relief of Major William M. Maynadier, a paymaster United States Army;

An act (S. No. 472) for the relief of H. A. Myers;

An act (S. No. 722) granting a pension to Mrs. Emma Schell;

An act (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough; and

An act (S. No. 801) authorizing the claimants of the Rancho de Napa, in Napa County, California, to prove up their title.

TARIFF COMMISSION.

The committee resumed its session.

Mr. CARLISLE. Mr. Chairman, if I understood the position taken by the gentleman from Iowa, [Mr. KASSON,] it is that this is a revenue bill under the rules of the House, and entitled to its place on the Calendar in the Committee of the Whole House as such. But the gentleman undertakes to make a very nice distinction. He says it is true this is not a bill to impose taxation, but a bill relating to the revenues, because it looks to the means of revising the tariff system of the country.

The distinction taken by the gentleman seems to be at first glance a very ingenuous one, but yet it is fatal to his position, for whenever the gentleman admits this is not a bill to raise revenue, he admits, in substance if not in terms, that it does not come within the fourth section of Rule XXIII, which I will read:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, &c.

Now, I submit, therefore, to the gentleman that when he concedes that this is not a bill to raise revenue, but only a bill looking to the creation of a commission to devise means to raise revenue hereafter by the revision of the tariff, he concedes that it is not a bill entitled to preference in the Committee of the Whole House on the state of the Union.

Mr. KASSON. Will the gentleman pardon me, I said it was not a bill to impose taxation.

Mr. CARLISLE. Well, I submit that there can be under the Constitution and rules no revenue bill, in the sense in which that term is ordinarily used in this country and in England, except a bill which either imposes taxation upon the people or repeals taxation already imposed upon the people.

A bill which does not directly and by its immediate effect change in some way the existing revenue laws cannot be, as I have said, a bill imposing taxation upon the people or relieving taxation already imposed.

Now, as I said awhile ago in the House, and I desire to be entirely frank with gentlemen upon the other side, very important consequences may result from this decision, not only now in the consideration of the present measure, but hereafter, if the bill now pending at the other end of the Capitol shall come here. If this be a revenue bill every gentleman will concede that, under the Constitution, it cannot originate in the Senate. If it be a revenue bill within the meaning of the Constitution and the rule of the House, then we on this side of the House, at least those gentlemen who agree with me, will insist at the proper time upon our right to offer amendments revising this tariff system. If it be not a revenue bill, then perhaps we may think it our duty to pursue a different course.

Therefore, I submit that this is a question which should not be hastily or inconsiderately decided. It should have careful consideration at the hands of the chairman, as I know it will have, and be decided correctly, because of the importance of the question involved.

Mr. HASKELL. Mr. Chairman, it seems to me that at all times the correct construction of a rule of this House is best attained by a proper and comprehensive view of the rule, and the reasons therefor, rather than by any motion to proceed in the House with the consideration of any special bill or measure.

Now, the Committee on Ways and Means of this House is charged with the whole subject of raising revenue for the support of the Government. It is given immediate jurisdiction over all manner of questions relating to the subject of revenue, or by which the people of this country are to be taxed directly or indirectly for the support of the Government. It is given full power to act as they see fit, as to the manner of imposing this burden of taxation upon the people, under the law and the Constitution of the country.

So far as the committee goes it has in this respect all the power that the rules of the House confer upon it. The House may refuse any particular scheme devised by the committee, but it will scarcely be denied by any one present that the committee has the right, under the law, to present that scheme for the consideration of the House.

I commend to the consideration of the honorable gentleman from Kentucky, as on a parity of reasoning with this proposition, the decisions of that distinguished judge whose name has been mentioned in the House this morning, which go to the effect that where the Constitution grants to Congress the power to do a specific thing it must be allowed the ways and means of doing it. The implied powers of the Constitution, by his decisions, when they were fairly established became a part and parcel of the fundamental law.

Now this is precisely the position here. This committee, the Committee on Ways and Means, charged with the duty of raising revenue for the support of the Government, comes before the House with a scheme or plan for the raising of the taxes, which scheme or plan is part and parcel of the system of taxation which they propose. Does the gentleman from Kentucky desire to assume a position here which shall deny to the Committee on Ways and Means the power of adopting a proposition or of presenting to this House any scheme they may see fit concerning the revenue? Certainly not.

It may be possible under the rules of the House that we might reach a condition of things in this country, or a condition of things in the business of this House, wherein and whereby it would become a physical impossibility to prepare in a single session of Congress a tariff bill. It might come that the only possible way of providing the means of taxation, or of devising a plan for taxing the people under the Constitution, would be to put that power in the hands of a commission, to act under due process of law. Will the gentleman from Kentucky deny that this House has the power by the law to devise that means of taxation? And if it has the power under the law to set to work in any manner that it sees fit, and the committee adopts that mode, the committee of course having the power to consider the bill, such a measure then becomes a part and parcel of the scheme and plan of taxation, and as much so and as thoroughly part of the business of that committee as if in specific terms it had put its finger upon different articles, and said, We will tax this one so much and that one so much.

Now let me suggest, so thoroughly is this idea of the correlation of subjects in parliamentary law adhered to, that even when a proposition is before the House and an amendment is pending, or some motion is made with reference to it, a motion to lay on the table reaches backward through the amendment, backward through the procedure, and attaches itself to the bill, carrying the whole thing to the table. This is only part and parcel of the scheme of taxation. It may be secondary in its effects. The commission raised will have to do something, but out of it and by it is the machinery which this committee desires to recommend to this House as the proper mode of raising revenue.

Again I want to suggest to the honorable gentleman from Kentucky [Mr. CARLISLE] that when he comes into the committee as he suggested, and proposes to offer amendments to this bill as he has suggested, defining the specific taxation, he will find that there is a vast deal of difference between those propositions under the one question of its germaneness. But of that, Mr. Chairman, enough can be said when the time is reached for the consideration of it.

Mr. REAGAN rose.

Mr. BURROWS, of Michigan. I would like to ask my friend from Kansas, [Mr. HASKELL,] before he takes his seat, whether he holds to the position that a revenue bill is not amendable?

Mr. HASKELL. I hold to the position that a revenue bill is amendable, of course. But I want now in reply to ask the gentleman from Michigan to tell me if a revenue bill, being amendable, must not be amendable by subject-matter that is germane?

Mr. BURROWS, of Michigan. The gentleman admits that a revenue bill is amendable. Does he hold this is a revenue bill? I think from his argument that he does.

Mr. HASKELL. I would apply the reason why it is not germane to the method of procedure on a proposition.

Mr. TUCKER. Will the gentleman from Kansas allow me to ask him a question?

The CHAIRMAN. The Chair has recognized the gentleman from Texas, [Mr. REAGAN.]

Mr. HASKELL. I have not yet yielded the floor. I desire to say a word further. We are at this moment discussing the question of the subject-matter. The question the gentleman from Michigan alluded to is as to procedure.

Mr. TUCKER. Will the gentleman now allow me to ask him a question?

Mr. HASKELL. Yes, sir.

Mr. TUCKER. The point I desire to ask the gentleman from Kansas about is this: the gentleman from Michigan [Mr. BURROWS] asked him if this is a revenue bill; I ask him if under the Constitution, and rule of this House in accordance with the Constitution, is this a bill for raising revenue?

Mr. HASKELL. It is a bill for raising revenue.

Mr. TUCKER. If it be a bill for raising revenue or for providing the means by which revenue is to be raised, how does the gentleman get out of the dilemma that we may suggest another way of raising revenue and propose amendments?

Mr. HASKELL. It is very possible that when we come to face the proposition the gentleman may introduce we may find it entirely in order. But I simply intended to deny the fact that all possible amendments to a revenue bill, or some of them, at least, might be barred out on the ground of procedure. The gentleman from Michigan was making an argument that they would all go if they related to revenue at all. I drew the line between propositions germane as to subject-matter, and germane as to procedure. And if the gentleman will examine his law very carefully he will observe that there are two branches of the subject there.

Mr. KASSON. With the permission of the gentleman from Texas, [Mr. REAGAN,] I desire to call the attention of the Chair, just for a moment, to a decision. I refer, sir, to a decision by the late Speaker of the House on a bill, as reported in the index to the little work in my hand of proceedings in Committee of the Whole: "A bill providing a new method of paying customs duties must first be considered in Committee of the Whole." And also in another case, where the question was raised of the right of the Senate to originate a certain measure as coming within the constitutional powers of the House, it was determined on the point that it related to measures of revenue.

I want, therefore, this discussion not to be mingled with other discussions. This is not a question as to whether this is in all senses a revenue bill, but whether, in the sense of the rule, the Ways and Means Committee having reported a bill relating to revenue affecting legislation in respect to revenue, it is entitled to be taken up in the order indicated by the rule. The question of how it may be amendable will arise afterward when new amendments are offered.

Mr. REAGAN. In considering whether this is a privileged bill, for that is the object in asking the Committee of the Whole to consider a revenue bill, it is best first to look at the forty-seventh subdivision of Rule XI:

The following named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Ways and Means, on bills raising revenue.

That is as much of the rule as I care to read. It shows that bills to raise revenue are among the privileged classes.

That relates simply to what are privileged bills. Then the fourth subdivision of Rule 23 provides that—

In Committees of the Whole House business on their Calendars shall be taken up in regular order, except bills raising revenue, general appropriations bills, &c.

Now, then, if this is a bill for raising revenue it is entitled to be so considered. If it is not a bill for raising revenue it takes its place on the Calendar and will be disposed of in its order on the Calendar.

Now, when you take up this bill No. 2315, you find that it provides in its third section—

That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, and the existing system of internal-revenue laws, upon a scale of justice to all interests.

This is a bill providing for the collection of information by a commission provided for in the bill, upon which to predicate a bill for raising revenue. It is not itself a bill for raising revenue, but, as it seems to me from reading it, it is a bill to empower a commission to collect information upon which we may predicate a bill to raise revenue.

Now, if that be the character of this bill, it might originate properly in the Senate. If it be a bill for raising revenue, then under the Constitution and the practice of the two Houses it could not originate in the Senate. If it is a bill simply to collect information to enable the House to proceed to frame a bill to raise revenue, then I submit it is not a privileged bill and must take its place upon the Calendar subject to the rules affecting bills not privileged for consideration.

Mr. PAGE. I do not rise for the purpose of discussing the point of order at all, but I desire to ask the Chair a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAGE. If this is a revenue bill and shall be so held by the Chair, will it be in order to offer as a substitute for this bill a bill which will revise the revenue laws of the United States?

The CHAIRMAN. The Chair will decide that question when it shall arise.

Mr. PAGE. I would like to have the Chair decide it now.

The CHAIRMAN. The Chair will not anticipate problems. [Laughter.]

Mr. CALKINS. A word upon the question before the committee. It occurs to me that the matter may be solved by the Chair without any difficulty. To the Committee on Ways and Means are committed various subjects, some of which have precedence under the rules over other subjects and other bills reported not only by that committee, but by the Committee on Appropriations and all other committees of the House, save perhaps the Committee on Elections.

When the Committee on Ways and Means report a bill which falls within the provisions of clause 4 of Rule XXIII, for the raising of revenue, the proper mode of procedure in the Committee of the Whole is to object to the consideration of that bill, and the question then is raised, first, whether it is within the provisions of the rule a bill raising revenue. If it is, then it falls within clause 4 of Rule XXIII, as taking precedence of other bills. If on objection the Chair holds that it is not a bill raising revenue, then the committee must rise and the House without debate will decide the order of procedure.

In regard to the question presented by the gentleman from Nebraska [Mr. VALENTINE] in the nature of an objection to the consideration of the bill in charge of the gentleman from Iowa, [Mr. KASSON,] the first question in order is, does this bill fall within the provisions of clause 4 of Rule XXIII as a bill raising revenue? If the Chair so holds, then the question is before the committee, and it may be antagonized by raising the question of consideration, and not otherwise. If the Chair holds that it is not a bill raising revenue, as contended for by my friend from Kentucky, [Mr. CARLISLE,] the only manner to reach it is to object to its consideration——

Mr. CARLISLE. Not at all.

Mr. CALKINS. And let the committee rise and the House determine the question.

Mr. CARLISLE. If it is not a bill raising revenue, then it is in its place upon the Calendar, and the motion is to bring it up out of its order.

Mr. CALKINS. The motion of the gentleman from Iowa is under the clause of the rule which says that bills raising revenue shall have precedence.

Mr. CARLISLE. Certainly.

Mr. CALKINS. And under that idea he asks the committee now to consider the bill.

Mr. CARLISLE. But suppose the Chair decides that it is not a bill raising revenue, and therefore has not precedence over other bills. The effect of that decision will be that the committee will at once proceed to take up the first bill on the Calendar, and then some gentleman will move to pass it over, and if objection is offered the committee will rise and the House will decide the question; and so on *seriatim* until all the bills on the Calendar preceding this have been disposed of.

Mr. CALKINS. There is no difference between the gentleman and myself, as he will see if he will listen to the other branch of the statement I rose to make.

I desire further to state that if the Chair holds that this bill does not fall within the provisions of the rule, then the gentleman from Nebraska [Mr. VALENTINE] can call up the bill he is insisting upon. That is what I rose to say, and the gentleman will see that there is no difference between him and myself.

One word further as to whether this is a revenue bill. The ruling upon that subject is very liberal, and the Chair has been referred to a former decision of the Speaker of the House. All questions which involve the scheme of taxation have been held to fall within the rule. This is a great scheme of taxation, a bill to take into consideration the question of the taxation of the people—a system of taxation to be considered. Now, if it does not fall within that clause of the rule, then I ask under what clause can it fall?

Mr. REAGAN. Will the gentleman from Indiana [Mr. CALKINS] allow me to ask him a question?

Mr. CALKINS. Certainly.

Mr. REAGAN. If the gentleman succeeds in sustaining the proposition that this is a revenue bill, would he regard it as amendable in committee as a revenue bill or a tax bill?

Mr. CALKINS. When that question especially arises I will try to study it out and act with such judgment as I may have.

Mr. REAGAN. I would ask an additional question if the gentleman will allow me.

Mr. CALKINS. Certainly.

Mr. REAGAN. Admitting that this is a revenue bill—a bill to raise revenue—then is not the bill open to amendments for the purpose of raising revenue?

Mr. CALKINS. I do not want to go into a discussion of a question not now properly before the Committee of the Whole or before the Chair. I respectfully decline to enter into that discussion.

Mr. REAGAN. I ask the question, Mr. Chairman, because it is desirable to know whether this is a revenue bill or not. I have heard of a gentleman who, when hunting, shot at random, aiming to hit if it was a deer and to miss if it was a calf. Now we do not want to be put in that attitude. We want to know whether the gentleman means that this is a revenue bill, subject to amendment as such, or whether it is not a revenue bill.

Mr. CALKINS. Those questions will arise in the progress of the bill when it comes up. It will be sufficient at that time to meet the questions suggested by the gentleman from Texas. But when interrupted I was about to say that in rulings of the recent Speaker of the House he has grouped together (as I think properly) all subjects connected with the raising of revenue, although it may be remotely, and has given them precedence under this rule because they referred to the subject of taxation. If this rule were construed as I think my friend from Kentucky would have it construed, you could not under this rule give precedence to a bill reducing taxation but only to bills raising revenue in a general way.

Mr. CARLISLE. I expressly said they were included.

Mr. CALKINS. If the bill which it is proposed to bring before this committee affects taxation in any way, however remotely, it is within the terms and meaning of the rule. You cannot exclude one class of legislation from the provisions of this rule, although it may be remote, and include another. So the Speaker held in the last Congress in the case of a bill reported from the Committee on Banking and Currency, that the mode of changing the collection of customs fell within the rule, was within the provision now under discussion.

Mr. CARLISLE. The gentleman is mistaken on that point, if he will allow me to say so. The Speaker did not decide that such bills were entitled to any preference in Committee of the Whole, but simply decided under another rule of the House that such bills must go to the Committee of the Whole House on the state of the Union and be there considered. Those were the decisions read by the gentleman from Iowa a few moments ago. They were under a different rule altogether, and their effect was simply that the bills must go to the Committee of the Whole and be considered there; not that they were entitled to any preference when there.

Mr. HASKELL. The rule which carries them to the Committee of the Whole carries them there as revenue bills.

Mr. CARLISLE. Of course I cannot interrupt the gentleman from Indiana [Mr. CALKINS] without his consent to answer that point now.

Mr. CALKINS. I was about to state that if the bills go to the Committee of the Whole they go there under the provision of the rule as bills raising revenue.

Mr. CARLISLE. Not at all; but under a rule providing that all motions or propositions involving a tax or charge upon the people, and all motions or propositions appropriating money or property, must go to the Committee of the Whole.

Mr. CALKINS. Exactly; but does the gentleman claim that the whole question of the revision of the tariff does not involve a tax upon the people? Might it not involve a change of taxation? What I claim is that a bill proposing to change or which may change the taxation of the people is within the provisions of the rule.

Mr. VALENTINE. I desire to call the attention of the gentleman from Indiana [Mr. CALKINS] to the fact that the bill now proposed for consideration does not propose to change the mode of collecting taxes. It simply provides for the raising of a commission to make sugges-

tions to Congress whereby we may propose a measure to change the mode of collecting taxes.

Mr. CALKINS. I do not care to get into a discussion of that kind. We must treat these subjects not as mere boys' play, but as matters of fact; and when a commission reports to this House facts which have been gathered and recommendations agreed upon, it is reasonable to presume that Congress will act intelligently upon the question and make changes in the law. That is all the answer necessary upon that point.

Mr. VALENTINE. But what sent this bill to the Committee of the Whole House under the rules of the House was not the fact of its being a revenue bill, but was a provision for the pay of this commission. The bill provides for an expenditure of money, and that is the provision which sent it to the Committee of the Whole. It did not go to the Committee of the Whole because it is a revenue bill.

Mr. BAYNE. Mr. Chairman, this whole question, it seems to me, is resolved into one of construction of a very simple rule. Many of the gentlemen who have addressed the Chair have used the phrase, "a bill raising revenue." The language of the rule is, "a bill for raising revenue." That is what clause 4 of Rule XXIII says. I think it perfectly obvious that it means any bill for raising revenue. Now, what is the meaning of the phrase "for raising revenue?" It means "for the purpose of raising revenue"—adapted to that purpose—having that object in view, whether proximately or remotely. There is an ellipsis in the language; and that ellipsis is supplied by the well-known parliamentary term used in connection with bill after bill, referring to what is contained in the bill and not fully set forth in the title; namely the word "purpose." Is the object of this bill, the purpose of this bill, to raise revenue? It seems to me the gentlemen who will dispute that proposition will take a very large liberty with the English language. It seems to me to be perfectly plain the object of this whole bill is to ascertain such means, such a plan as may be necessary for the purpose of raising revenue. It has no other object. It can have no other intention. And if that be true, I do not see how it can be possible to exclude it from its position of privilege or right of precedence over the other bills on this Calendar. If it were a bill which contemplated something not connected with revenue at all, if it were a bill simply coming from the Committee on Ways and Means and not intended to affect the revenue, then of course it would not be entitled to precedence. But being a bill for the purpose of raising revenue, for the purpose of ascertaining what revenue can be raised, what tax imposed, what amount shall be collected, from what sources the greatest revenue can be obtained by the Government, and that being the only object of it, I cannot see how it can be doubted that it is entitled to precedence under the rule.

Mr. CARLISLE. Mr. Chairman, I have no disposition to trouble the committee again, but I desire to say one word only. My objection to the argument made by the gentleman from Pennsylvania [Mr. BAYNE] is that in construing a rule he interpolates a word into the rule and then attempts to construe that word. He says this rule provides for bills for raising revenue.

Mr. BAYNE. Oh, no.

Mr. CARLISLE. For bills raising revenue.

Mr. BAYNE. Oh, no.

Mr. CARLISLE. He says it is for the purpose of raising revenue. The words "for the purpose" are not there.

Mr. BAYNE. But "for" is there.

Mr. CARLISLE. Yes; but the words "for the purpose" are not there; and the gentleman proceeds to make an argument on those words to show the ultimate object of this bill is to revise the tariff system of the country, and thereby raise revenue.

But I will not multiply words on this subject. Judge Story, in his commentaries on the Constitution, discusses this very question. It has been already said correctly that the language of the Constitution is precisely the language of our rule. In reference to that clause which provides that bills for raising revenue shall originate in the House of Representatives, Judge Story says, in section 880:

> What bills are properly "bills for raising revenue," in the sense of the Constitution, has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the Post-Office and the Mint and regulating the value of foreign coin belong to this class, and ought not to have orginated (as in fact they did) in the Senate.

But—

As Judge Story proceeds to say—

> the practical construction of the Constitution has been against his opinion. And, indeed, the history of the origin of the power, already suggested, abundantly proves that it has been confined to bills to levy taxes in the strict sense of the word, and has not been understood to extend to bills for other purposes which may incidentally create revenue.

And he proceeds from that on to give other illustrations of bills which may incidentally affect the revenues of the country and which do not come within the constitutional definition of bills to raise revenue. That is the case here.

Mr. McLANE. I am not surprised the gentleman finds some difficulty in deciding whether this is or is not a bill for raising revenue. But I have no anxiety on the second question, and I have no fear the chairman of this committee, having ruled this is a bill for raising revenue, would then follow the line of argument presented by the gentleman from Kansas [Mr. HASKELL] and rule that an amendment for revision of the tariff is not germane. I have no anxiety on that point. I cannot conceive any honorable judgment on that point, having decided it to be a bill for raising revenue, would rule out amendments for revising the tariff. It is a bill to appoint a commission to inquire into the subjects that are judicious matters of investigation to enable us to revise the tariff.

Whether it be actually a bill to revise the tariff or a bill to get information to enable us to revise the tariff is a question about which there is some doubt.

The second section of the bill says explicitly that this commission shall inquire into the matters proper to guide Congress in revision of the tariff. Now, the gentleman from Iowa [Mr. KASSON] who moved to go into the Committee of the Whole House and avowed his purpose to take up this bill, in treating this point of order did not say this was a revenue bill, in the proper sense of that term. I do not suppose the gentleman had in his mind to take the distinction that the bill was a revenue bill because it had some reference to revenue and therefore take precedence, and yet not be amendable as a revenue bill. I have no idea when he got his bill to raise revenue in the Committee of the Whole House he would then make the point it was not a bill to raise the revenue but only a bill to secure information. I beg to ask his attention to that, although I understand I am speaking with the indulgence of the Chair and for the Chair's information.

The CHAIRMAN. The Chair is glad to hear the gentleman from Maryland.

Mr. McLANE. Now, I submit to the Chair that if this is a bill for raising revenue, in the true sense of the term, as it is set out in the Constitution and in our rules, then it would be amendable as a tariff bill. In that connection I desire to refer the Chair to the other clause of the Constitution defining the first power of Congress to be as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, &c.

Now, when Congress undertakes to exercise that power, of course it does it through a bill to raise revenue. Here is the power of Congress to levy and collect taxes, duties, imposts; and then there is the other provision of the Constitution that when Congress is about to lay taxes, imposts, and excises, that when it is doing that, it is enacting a bill to raise revenue. Any bill which raises taxes, imposts, and excises is an act of Congress or bill for raising revenue, and under our rules has preference of all other bills, and under the Constitution of the United States can originate only in this House.

Now, is this such a bill? And that question, I submit to the Chair, is open to doubt; and that is the only question open to doubt, whether or not it is a bill to lay taxes, imposts, or excises. Is it, or not? If it is such a bill, then it is a revenue bill, and no man would have the face afterward to object to an amendment to the bill proposing a revision of the tariff. No man could expect to have any respect shown to himself, or to his opinions, who, while admitting that this is a bill to raise revenue under the Constitution, would undertake to say that an amendment to such a bill, which proposed a revision of the tariff laws, or any portion of them, was not germane. I have no fear of that. I am only desirous of pressing upon the Chair the first point, as to whether or not it is a bill to raise revenue; is it a bill which provides for the imposition of taxes? Now, I am constrained to say upon that point, that I not only can understand that there may be great doubt, but manifestly at the other end of this Capitol they were of the opinion (as I infer from the action recently taken there) adverse to the idea that this was a bill to raise revenue.

It is not to be supposed that these honorable gentlemen at the other end of the Capitol, first through the deliberations of their Committee on Finance, and then after elaborate discussion and consideration of the bill before that body, would have spent weeks and weeks in the discussion of a bill which in their judgment was or might be construed as being a bill for raising revenue. What right have they to discuss a bill to raise revenue? Is it supposed that those honorable gentlemen would present themselves to the country in an attitude so undignified, so unbecoming to themselves, as to spend weeks and weeks in the discussion of a measure which alone is in the power of this House? I do not believe it; and, Mr. Chairman, we must pay some deference to each other here as members of this House, and also to honorable gentlemen who sit in the other end of this Capitol; and if they can entertain this question week after week we must suppose they do not consider it as a bill for raising revenue, and that very fact ought at least to induce us to treat with forbearance the difference of opinions upon this floor upon this point.

Now I do not mean to intrude upon the committee any further as to whether this is or is not a bill to raise revenue. I wish only to make the point, and I make it because the honorable gentleman from Kansas made it clear to the committee that though he should consider this as a bill for raising revenue he might conceive himself at liberty to construe amendments to the revenue and tariff laws as not germane. And the honorable gentleman from Iowa, if he will permit me to call his attention to the conclusion that necessarily follows from his remarks, left me in very great doubt as to whether he did not mean to hold the same position. I do not say that he used such express terms, but the conclusion might be drawn from what he did say; but I have already said I do not believe he intended it or would act on that line. The honorable gentleman made the point

that any bill which was referred to the Committee on Ways and Means, as pertaining to the revenue, was therefore a bill for raising revenue.

Now, no man can doubt that many bills may go to the Committee on Ways and Means which may relate to the revenue but which are not revenue bills in the sense of the Constitution. But they are not necessarily bills to lay taxes, imposts, or excises. Such bills for raising revenues by taxes, imposts, or excises are revenue bills. Now, the gentleman from Iowa in reading the rule took the term "relating to revenue" and gave that term its significance by referring to "any bills relating to revenue;" any bills which had any reference to the revenue was in the sense of the rule and the Constitution a revenue bill. Well, if that were so, Mr. Chairman, of course this bill would be in order. It certainly is a bill, as one gentleman described it, as to the mode of procedure; it is certainly the first step, a preparatory step it is true, but still a step toward the revision of the tariff.

Mr. HASKELL. May I interrupt the gentleman for a moment?

Mr. McLANE. Yes, sir.

Mr. HASKELL. I do not desire to make an affirmative proposition. I simply want to ask the gentleman a question that he may think of it, since he holds my position was untenable. He says this is a bill providing a procedure.

Mr. McLANE. I said it had been referred to as a bill providing a procedure.

Mr. HASKELL. To make amendments germane, it may possibly occur to the gentleman from Maryland in considering the subject that those amendments will have to be concerning procedure in order to be germane. That is the point I made.

Mr. McLANE. On that view of the case—and I beg the attention of the Chair to the inquiry the gentleman from Kansas has addressed to me—on that view of the case this is not a revenue bill. That is the answer. If this be simply a preliminary method of procedure, then it is not a bill for raising revenue; and that is exactly the point we are going to submit to the Chair. I am not in any embarrassment about it, for I can very well understand that is the opinion of the Chair, as I can very well understand that is the opinion of this committee, that this is simply a bill providing for a procedure through which we will come later to the measure of laying taxes and imposts; and if it be that simple measure then it is not a bill for raising revenue.

Mr. BAYNE. Will the gentleman permit me to ask him a question? Is not this a bill in respect to raising revenue; having respect to raising revenue?

Mr. McLANE. The remarks I addressed to the Chair treated the bill as one that might be a bill for raising revenue, or one only preliminary thereto.

Mr. BAYNE. Then may I call the attention of my friend to the definition of the word "for."

Mr. McLANE. I will say to the gentleman from Pennsylvania he can express the idea very well without the use of the word "for." We might say "bills raising revenue." It is a matter of style whether we should say "bills raising revenue" or "bills for raising revenue." I would not take the liberty with the Chair to address him on any such point, for the two modes of expression are synonymous.

Mr. KASSON. Has the gentleman from Maryland finished? If so, I want to say a few words.

Mr. McLANE. Very well.

Mr. KASSON. I think the debate has gone so far as is necessary to enlighten the Chair, and I wish only to answer one point. I wish to say that this is not a question of Greek particles or accents over Hebrew letters. It is a question of what, under our rule, was meant in giving certain precedence of business. I offer this bill simply as relating to the revenue, as a bill for raising revenue within the meaning of the rule, being in that direction entitling it to precedence in the order of business. What may be a proper amendment I submit can only be determined when the amendment is offered, under the well-known rules governing the action of the House. I only ask now for the decision of the Chair whether it is not in order to proceed with the consideration of this bill under the rules of the House and under the precedents which have been established.

Mr. BURROWS, of Michigan. I do not care to prolong the discussion, but for one I cannot believe that under the rules of the House this can be regarded as in any sense a bill for raising revenue. It is a mere question of procedure we are now discussing. We are in the Committee of the Whole, and under the rules of the House when in committee we are restricted to the consideration of the first bill on the Calendar, unless by some other rule of the House we are permitted to proceed to the consideration of some other measure on that Calendar. The rule provides that when in committee bills for raising revenue shall have precedence, and the whole question is whether this is a bill for raising revenue.

If this bill should pass and receive the sanction of the Executive and become a law, how is the revenue affected? Will some gentleman explain to us? If this bill should pass and become a law, in what particular would the revenue be affected? In what item?

Mr. CALKINS. Will the gentleman allow me to suggest that if it stopped there the revenue is not affected at all.

Mr. BURROWS, of Michigan. That is where it does stop.

Mr. CALKINS. It cannot stop there. It is to be presumed it is but one step in the direction of affecting the revenue of the Government.

Mr. BURROWS, of Michigan. Of course the bill provides this commission to be organized shall make a report to Congress. But suppose Congress should take its usual course and pay no attention to the report, have we affected the revenue? Has the revenue been interferred with in any manner whatever? Not in the slightest. Whether this bill passes or not it in no way affects the revenue. It does not touch it in any particular.

What are the facts? The Committee on Ways and Means has had referred to it certain bills touching the revenue; there is no question about that. And instead of reporting back any of those bills proposing a modification of the revenue in any way, they report to this House a proposition to create a commission to furnish that committee with information upon the subject; or in the bill they provide that this commission shall report to Congress. Now, either the committee are unprepared to pass upon these bills, or else in the judgment of the committee they think the House is not sufficiently informed to appreciate their report on these measures. Therefore it is a proposition to instruct the House on this question. Certainly that cannot be a bill raising the revenue. Suppose instead of reporting this bill the committee had reported this: instead of authorizing a commission of nine persons it had reported a bill to authorize the purchase of a library of all authors upon the question of tariff that Congress may have access to such library; in other words, the Committee on Ways and Means are in need of a library upon the question of tariff, and they therefore ask an appropriation of $5,000 to purchase a library to put into the room of the committee, as a preliminary step toward passing on the question of the tariff. Would it be argued that such a bill was a bill for raising revenue? I think not. What is this but a bill, instead of asking for a library, asking for information from gentlemen outside of Congress?

Mr. MORRISON. We will vote for the books.

Mr. BURROWS, of Michigan. It is a bill to bring in information from gentlemen outside of this Congress to the Committee of Ways and Means, and to say that such a bill is a bill for raising revenue is utterly preposterous.

Mr. BAYNE. I would like to ask the gentleman a question.

Mr. BURROWS, of Michigan. That I may not be misunderstood, I desire to say that I do not wish what I have said to be regarded as indicating whether I am for or against this commission. I have spoken simply upon the point of order.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE PRESIDENT.

A message from the President, communicated to the House by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and a joint resolution of the House of the following titles:

An act (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado;

An act (H. R. No. 3844) to establish post-routes;

An act (H. R. No. 4221) to provide for some of the most urgent deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service; and

A joint resolution (H. R. No. 104) authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia.

TARIFF COMMISSION.

The Committee of the Whole resumed its session.

Mr. SPEER. It is a very familiar rule of construction which is embodied in the maxim that he who sticks in the letter sticks in the bark. I think that in discussions of questions of order in which the present occupant of the chair has taken part upon the floor I have heard that maxim of almost universal application frequently quoted. Now, I do not think it likely that a gentleman from the State of Webster is inclined to put a narrow and hide-bound construction upon the question now before the committee.

The question before the committee is this: Is the bill which the gentleman from Iowa [Mr. KASSON] has called up for consideration a bill for raising revenue? I contend that it is, and I have listened with the utmost attention to the very able and lawyer-like arguments made on both sides of the question.

What is this bill? It is a bill for a commission to report a tariff to this House. What is a tariff? It is a system of laws by which customs duties are imposed and collected, and the customs duties so collected constitute revenue.

I call the attention of the Chair to the name of the committee from which this bill is reported, the Committee on Ways and Means. Now this is a bill providing for a certain way or means of raising revenue. It is therefore a bill for raising revenue.

The citation of the distinguished gentleman from Kentucky [Mr. CARLISLE] from the commentaries of Mr. Justice Story is not applicable to this question. Mr. Story said, or cited, that a bill to create a post-office system, or a bill to sell the lands of certain insolvent debtors and pay the proceeds into the Treasury, was not a bill for raising revenue. But it was not held by Mr. Justice Story, nor was

there any authority furnished, that a bill to provide for a great system of customs duties was not a bill for raising revenue.

I think that the argument of the gentleman from Maryland [Mr. McLANE] upon this subject is conclusive. It is not for me to say at this time whether the bills can be amended or not; it is enough to consider that question when it shall arise. I hold for myself the privilege of voting as I consider proper when that question comes up; but this is clearly a bill for raising revenue.

Mr. ROBESON. We have two general classes or kinds of bills in relation to revenue recognized by our rules. The one is bills "raising" revenue, which committees have a right to report in a certain order to the House. I read from paragraph 47 of Rule XI:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: * * * The Committee on Ways and Means, on bills raising revenue.

That is one character of bills with reference to the revenue. We have another character of bills with regard to revenue which is a larger class, and made so by the injection of another and more comprehensive word. What are these bills? I refer to clause 4 of Rule XXIII, which determines what bills shall have precedence in the Committee of the Whole. There other language is used than merely the words "bills raising revenue."

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, &c.

It does not say "raising revenue," but bills "for raising revenue." This is the direct distinction and classification of the two kinds of bills in the very language of our rules. Now what is a bill "for raising revenue?" I hold in my hand Webster's Dictionary, and upon this point I will read from it. The word "for" means "with respect to," "in the direction of."

Now, all bills directly raising revenue may be reported from committees under certain rules. But when you go into Committee of the Whole a larger designation, a larger classification comes into operation; that is, a classification which includes not only "bills raising" but "bills for raising" revenue; that is, bills "in the direction of" raising revenue.

And the reason of the rule bears out that construction. Why is precedence given to these bills? In order that the Government may go on, no matter what intervenes. In order that, if there is a question of war or any great necessity for raising revenue, all measures looking toward, for the purpose of, or in the direction of raising revenue shall come up in the order of their precedence which is given in these rules.

Mr. McLANE. Will the gentleman from New Jersey do me the favor to give his attention to the fifth paragraph of Rule XXI? which is in these terms:

All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, &c.

Now, does the gentleman from New Jersey intend to say that because the word "for" is used in this paragraph in connection with river and harbor bills and post-route bills the meaning is all bills in relation to rivers and harbors, all bills in relation to post-routes, all bills "in the direction" of river and harbor improvements, all bills "in the direction" of the establishment or change of post-routes?

Mr. ROBESON. Undoubtedly, Mr. Chairman; undoubtedly. But that is not the question here. The question here is, what is meant when it is declared in one rule that the committee shall have certain privileges for bills raising revenue without the word "for," confining it to those bills directly, and when in another rule in the same code there is interjected another and enlarging word, making a more including class, by using the word "for," I say that the words "for raising revenue" are enlarging words which give precedence not only to bills raising revenue, but also to bills looking in the direction of, or for the purpose of, raising revenue.

Mr. STEPHENS. Mr. Chairman, it seems to me quite immaterial what view gentlemen may take of this question, whether this is a revenue bill or not. Some may think it is. My own opinion is that any bill providing a scheme or plan for taxation might come within the term revenue bill without any strained construction. But it is wholly immaterial practically whether you take that view of the question or not. This whole contest, all this debate, is upon the question of precedence. Now, by our rules a majority of this House can control as they please any question as to the priority of business; a majority of this House can take this bill up if they want to, whether it is a revenue bill or not.

Mr. SPRINGER. But unless this bill is entitled to preference as a revenue bill, we must take up each bill as we come to it on the Calendar.

Mr. STEPHENS. Very well; that is so; we could almost have gone through the Calendar while we have been discussing this question. Practically there is nothing in it. If the majority of the House wanted to take up this bill they could have done so without raising this question. They could have laid aside the first bill in the committee and on coming back into the House could have laid it aside, and so on with another and another in the same way until they reached the bill they wished to consider. Thus we might have gone through at least twenty-five in the time that has been consumed by this discussion, for we have been nearly two hours at it. Practically, I repeat, there is nothing in the question. I do not care whether this is considered technically a revenue bill or not. I want it taken up and the principles involved in it discussed. This is what the country wants, too. It relates to the great interests of the people. There will not come before this Congress any question more important than those involved in the provisions of this bill. Some gentlemen perhaps want this question considered with a view to increasing tariffs or protection. I want the subject considered and discussed that we may get an opportunity to show how the laboring masses of the people of this country can be and should be relieved from some of the heavy burdens of taxation under which they are now suffering. It is for the majority to say whether they are in favor of devising these means of relief or not.

With these remarks I close. My object was mainly to say that practically there seemed to me to be nothing in this question which has given rise to this protracted discussion.

Mr. TILLMAN. Mr. Speaker, instead of this being a bill to raise revenue I think it is a bill to spend revenue, yet not being a "general appropriation" bill it is not a privileged bill. Instead of proposing to raise funds for the Government it proposes, as I understand, to pay nine gentlemen about ten dollars a day and their expenses, which will probably amount to a daily expenditure of at least $100.

Another view is that instead of being a bill to raise revenue it is simply a bill to raise a commission to make suggestions to this body. It seems to me analogous to a resolution calling on one of the Departments for its opinion upon certain subjects. Why, sir, at nearly every session of Congress we appoint a commission for some purpose or other. This bill proposes to do nothing else, and is therefore entitled to no precedence of other bills.

The CHAIRMAN. Before stating his decision the Chair will direct that the bill be read.

The Clerk read as follows:

Be it enacted, &c., That a commission is hereby created to be called the "tariff commission," to consist of nine members.

SEC. 2. That the President of the United States shall, by and with the advice and consent of the Senate, appoint nine commissioners from civil life, one of whom, the first named, shall be the president of the commission. The commissioners shall receive as compensation for their services each at the rate of ten dollars per day when engaged in active duty, and actual traveling and other necessary expenses. The commission shall have power to employ a stenographer and a messenger; and the foregoing compensation and expenses to be audited and paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, and the existing system of internal-revenue laws, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable.

SEC. 4. That the commission shall report to Congress the results of their investigation, and the testimony taken in the course of the same, from time to time, and make their final report not later than the first Monday in January, 1883.

Mr. RANDALL. The Clerk has read the original bill without the amendments proposed by the Committee on Ways and Means.

The CHAIRMAN. The amendments recommended by the committee will now be read.

The Clerk read as follows:

In line 7 of section 3 strike out the words "and the existing system of internal-revenue laws."

Strike out section 4 and insert in lieu thereof the following:

"SEC. 4. That the commission shall make to Congress final report of the results of its investigation, and the testimony taken in the course of the same, not later than the first Monday of December, 1882, and it shall cause the testimony taken to be printed from time to time and distributed to members of Congress by the Public Printer, and shall also cause to be printed for the use of Congress 2,000 copies of its final report, together with the testimony."

Amend the title of the bill so as to read: "A bill to provide for the appointment of a commission to investigate the question of the tariff."

The CHAIRMAN. The motion is made in Committee of the Whole that the bill which has just been read be taken up for consideration. The point of order is made by the gentleman from Nebraska [Mr. VALENTINE] that this motion cannot be entertained because the bill named has not precedence under the rules to the other measures upon the Calendar of the Committee of the Whole House on the state of the Union. The Chair is under great obligations to the gentlemen who have spoken upon this point, and would have been very glad to have heard further in explanation of what is deemed to be the proper procedure under this clause of the rule. So far as the Chair has been able to find there has been no ruling on this clause heretofore, and while it may be deemed to be one of great importance in the character of the subject, the Chair is only bound to rule upon the language before the committee in clause 4 of Rule XXIII, which the Clerk will read.

The Clerk read as follows:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. The Chair finds on inspection of the bill, in the first instance, that it provides for a commission called the "tariff commission;" that in the second section it gives the number of such

commissioners, provides for their salaries, and the payment of such officers and assistants as may be provided. In the third section the duty of such commission is prescribed. It is to take into consideration and thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff; and for the purpose of fully examining the matters which may come before it such commission in the prosecution of its inquiries is empowered to visit such different portions and sections of the country as it may deem advisable. The fourth section provides that the commission shall make to Congress final report of the result of its investigation at certain times prescribed in the bill.

The Chair finds in the memoranda of the bill it was introduced and referred to the Committee on Ways and Means January 9, 1882, and on February 8, 1882, was reported back with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Reference has been made in the course of the debate to a certain clause of the rules in order to assist a proper decision. Rule XI provides:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: subjects relating to the revenue and the bonded debt of the United States, to the Committee on Ways and Means.

Under clause 4 of the same rule committees are given leave to report at any time on matters therein stated. The Committee on Ways and Means is authorized to report on bills raising revenue.

In clause 6 of Rule XXI there is a provision for the call of the yeas and nays on the passage of revenue bills. Then clause 4, which has been read, has been submitted to the committee.

The single question the Chair is called on to decide is this: Is the present bill one entitled to precedence under clause 4 of Rule XXIII in its consideration before the Committee of the Whole? If it is entitled to such precedence it is entitled because of the language of the rule, and that language is "bills for raising revenue."

The Chair would suggest no light is thrown on the subject, in his judgment, by the citation of Rule XI regulating the submission of certain matters to the committee. Nor, again, is any help derived by the rule which relates to the report of the committee. Plainly the consideration of those is quite immaterial at the present moment.

Is this a bill for raising revenue? It is a bill to instruct a commission to investigate the various great interests of the country and to report the result of these investigations to Congress.

It will be noticed the language of the fourth clause is not bills relating to revenue; it will be noticed it is not subjects relating to revenue; nor is it revenue bills, but bills for raising revenue. In other words, to carry out the provisions and power expressed in the Constitution authorizing Congress to lay and collect taxes, duties, and imposts. The Chair understands the words "bills raising revenue" to mean bills laying taxes, authorizing duties and imposts within the provisions of the Constitution; and the Chair believes that that is the proper construction of this rule.

The question is one simply of the precedence of business. The other questions which have been alluded to as of great importance, the problem whether or not in certain stages of consideration amendments might be offered, are not material to this discussion of consideration. It is sufficient to decide those when they are reached.

But the Chair believes that the purpose of the House in adopting the rule in the clause named was to specify certain bills which should have consideration before others.

Now, it is not to be understood of this class of bills that they are bills relating to these subjects. As an instance it may be recalled: In the Forty-fifth Congress a bill was under consideration which afterward became a law for the appointment of the Mississippi River commission, providing for their duties, salaries, and report. True the ultimate object was something that should result in the improvement of the Mississippi River; but the Chair is of the opinion it could not be claimed that bill in itself was a bill for the improvement of the Mississippi River, and therefore entitled under the same clause to have consideration in precedence.

It is of no assistance that we find this bill in the Committee of the Whole, because it is sufficient to say it has gone to the Committee of the Whole plainly for the reason it provides for a charge on the public Treasury.

The Chair therefore sustains the point of order, and rules this bill has not precedence under the rule for consideration at the present time.

Mr. KASSON. I desire to say, Mr. Chairman, that in view of the ruling of the Chair with reference to this bill, unless otherwise instructed by the Committee on Ways and Means, I shall attempt to reach it in another manner, and give notice that I shall hereafter move that the House resolve itself into Committee of the Whole House on the state of the Union, and proceed in the regular way, laying aside previous bills on the Calendar until we reach this bill and shall then ask the House to take it up for consideration. I hope that will be satisfactory to both sides of the House in view of the importance of the measure.

AGRICULTURAL APPROPRIATION BILL.

Mr. VALENTINE. I now move, Mr. Chairman, to proceed to the consideration of House bill No. 4466, making appropriations for the Agricultural Department, it being a general appropriation bill.

The CHAIRMAN. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. VALENTINE. It now being somewhat late, and so much of the day having been spent in the consideration of the point of order——

The CHAIRMAN. The Chair will state that the bill has been read by its title, and the first business in order would be the reading of the bill, unless by consent the first formal reading be dispensed with.

There was no objection.

Mr. VALENTINE. I should like, Mr. Chairman, to pass this bill as soon as possible; and I do not believe it necessary that any general debate should be entered into upon the bill, it being simply an appropriation bill for the Agricultural Department. I am advised, however, by some gentlemen present that they would like to be heard upon this or a similar bill, and I desire to say to them that there is a special order of the House for the 25th instant, when we will proceed to the consideration of the bill for the elevation of the Agricultural Department, and if my friends will reserve their speeches upon the question until that day, I think we can go along with this bill without any discussion and pass it at once. If there is any disposition on the part of members present to discuss the bill, or if any gentleman present should choose to debate it, I shall feel it my duty to ask the committee to rise for the purpose of determining that question. If, however, there are none who desire to speak upon it, then I hope we will proceed by consent, under the five-minute rule, to consider the bill, and I hold myself in readiness to answer any questions that may be asked by members as we reach the different sections.

Mr. AIKEN. If in order I move to amend the proposition of the chairman of the Committee on Agriculture, and move that four hours' general debate be allowed upon this bill.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that the motion to limit debate could not be entertained in Committee of the Whole.

Mr. VALENTINE. If there is a disposition to debate the bill I shall move that the committee now rise for the purpose of going into the House.

Mr. AIKEN. Mr. Chairman, have I an opportunity to address some remarks directly to the bill?

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. VALENTINE. I have not yielded the floor.

Mr. AIKEN. I am recognized. The gentleman yielded the floor and I am not disposed to yield until I have finished my remarks. I will not detain the House but a few moments. I think a half hour will be sufficient.

Mr. VALENTINE. I have moved that the committee rise for the purpose of limiting debate.

Mr. RANDALL. The motion to limit debate could not be entertained in Committee of the Whole.

Mr. VALENTINE. But my motion is that the committee rise and go into the House, for that purpose.

Mr. AIKEN. I hope the Chair will give me an opportunity of being heard on this bill.

Mr. VALENTINE. If the gentleman desires to debate the bill he will have an opportunity.

Mr. AIKEN. I intend to discuss the bill if I have to offer an amendment to every clause of it.

The CHAIRMAN. The Chair will endeavor to preserve the rights of the gentleman from South Carolina.

Mr. AIKEN. The gentleman from Nebraska is depriving both the Chair and myself of the opportunity of proceeding.

The CHAIRMAN. The Chair will recognize the rights of both gentlemen. The Chair understood the gentleman from Nebraska as stating that he did not wish to discuss the matter himself. The gentleman from South Carolina then rose and claimed the floor. The Chair recognized the gentleman from South Carolina under the impression that the gentleman from Nebraska did not desire to proceed.

Mr. VALENTINE. I desired, as I stated, if any gentleman present wished to enter upon the general debate, that we should go into the House and determine that question, and therefore I move that the committee now rise.

Mr. AIKEN. I believe that I have the floor. The gentleman from Nebraska has attempted to throttle me and others, and I do not propose that it shall be done. The Chair has recognized me, and I respectfully ask to be heard. I hope the chairman of the Committee on Agriculture will not deprive me of the privilege.

The CHAIRMAN. The Chair begs leave to protect the gentleman from South Carolina by saying that he now has the floor.

Mr. AIKEN. Mr. Chairman, it is neither my purpose nor desire to criticise this bill, for though I do not approve some of its provisions, it has received my indorsement, and will receive my support in its passage through the House. But I do desire to call the attention of the House to two or three of its clauses. Under the caption "purchase and distribution of seeds," (line 91,) $80,000 are appropriated for this purpose, an amount too small to enable the Commissioner to execute the law correctly, because, of necessity, at least

one-half this amount must be expended in the distribution. In another portion of this same paragraph it is ordered that "an equal proportion of one-half of all these seeds, roots, cuttings," &c., "shall be supplied to Senators, Representatives, and Delegates in Congress;" so that one-half of every variety of seeds, plants, shrubs, bulbous roots, or other articles purchased must be divided into at least 377 separate parcels. Section 520 of the Revised Statutes, organizing this Department, declares that it shall be the duty of the Agricultural Department "to procure, propagate, and distribute among the people new and valuable seeds and plants." Now, Mr. Chairman, if any new variety of seeds or plants should be purchased by the Commissioner in this or any foreign land for distribution, one-half the amount purchased must be divided into 377 equal parts to enable each Congressman to have some one of his constituency assist in testing its value. In my judgment it would be wiser to allow the Commissioner to distribute all these seeds to practical farmers, recommended to him, if you please, by members of Congress, so that tests could be made upon a larger scale and experiments conducted in a manner worthy of reports as to results. True, if seeds are scattered in a sort of broadcast, hap-hazard way over the country, though the larger portion may fall upon stony ground, some few may be sown in good soil and bring forth an hundredfold. But I feel assured, if their distribution were delegated to a fewer number of persons and the experiments made upon a larger scale, far better results would be obtained, and the agricultural public would be much more materially benefited.

Moreover, Mr. Chairman, I cannot understand why it should be the duty, the privilege, or the pleasure of a member of Congress to distribute seeds of any sort to any person. I do not doubt but that every Congressman is sufficiently circumspect to be familiarly acquainted with the most successful farmers in his district, even though said district be situated in the midst of one of our large cities; for who knows every man he meets, or even those he never met before, better than a member of Congress, particularly when grave results are anticipated on the first Tuesday in the following November? Why, sir, these diminutive little seed-bags, containing perhaps the one-three-hundred-and-seventy-seventh pint of some rare and valuable seed, botanically known by some unpronounceable name, doubtless familiar, however, to the member of Congress, are potent to effect results in the future. They are as effective as the famous tissue-ballots, which after having served the term of a patented existence (seventeen years) in Yankee-land, is reputed to have sought an extension away down in Dixie.

I make the assertion, Mr. Chairman, without the fear of contradiction, that not a member on this floor has ever purposely distributed his proportion of these seeds to those who were the most deserving, and further, that no member has ever refused them to parties applying, even though he knew they were not sowers of seed. Hence my belief, Mr. Chairman, is that the intent of the law has not been fulfilled by the mode adopted of purchasing and distributing seeds through the Department.

Under this same caption there is a paragraph which reads thus:

For experiments in connection with the culture and manufacture of tea, in the discretion of the Commissioner of Agriculture, $5,000.

An appropriation of $5,000 was made for a similar purpose for the year ending 30th June, 1881, and another of $10,000 for the year ending 30th June, 1882. What portion of this $15,000 has been expended I am unable to say. I find, however, in the report of the Commissioner of Agriculture of 25th November, 1881, the following itemized account of expenses incurred by his predecessor in attempting to prepare, at least to grow, if not to manufacture tea in this country, to wit:

Surveying, $225; furniture, $116; iron safe, $365; wagon and harness, $252; salaries, labor, expense account, &c., $3,377.11; total,, $4,335.11.

It seems that the former commissioner located the site of his future tea manufactory in the State from which I come, and down there these expenses were incurred. The present commissioner reports to the President that—

In order to ascertain the precise condition of the experiment being carried on in South Carolina, I directed on July 9 Mr. William Saunders, the horticulturist of the Department, to proceed to Summerville, and to examine the premises and to report upon the work.

Mr. Saunders executed his mission and made his report, which I, as his friend, regret he ever submitted, for it is full of living prejudice, vented spleen, and distorted facts. For instance, Mr. Saunders says, "the land leased by the Department consists of two hundred acres, most of which is covered with a heavy forest growth," and almost in the next breath says, "the soil is a poor, hungry sand," and "of a character to support only the scantiest kind of vegetation." He further reports that—

In a general way it may be stated that since 1st July, 1880, $15,000 have been appropriated by Congress for the encouragement of tea culture. So far as is visible to the ordinary observer the only practical palpable result of expenditures from this fund is what is to be found and what has been done on this farm.

Thus creating the impression that the Government had expended $15,000 there. Whereas, Mr. Chairman, if the items reported by the present Commissioner are the only expenditures made upon this farm (and he reports none other) the $5,000 appropriation made by the Forty-fifth Congress has not yet been exhausted, and the $10,000 appropriation made by the Forty-sixth Congress lies untouched in the Treasury. The climax of this report, however, is contained in the following paragraph:

The position may be fairly represented as follows: Having every reason to conclude that the locality near McIntosh, Georgia, is too far north for the production of teas which possess sufficient of strength and pungency to command the best prices, or even profitable prices, it is therefore considered proper to try the experiment at Summerville, South Carolina, which is one and a half degrees further north.

McIntosh, Georgia, is alluded to because the agent employed by the former Commissioner discovered an old tea plantation there which he cleaned up and cultivated for one year, when, Mr. Saunders tells us in his report, he plucked five crops of leaves, manufactured tea from them, and delivered the manufactured article in the market at a cost of twenty-five cents per pound. There is nothing in this that looks like failure.

Influenced, however, by this unfortunate and inconsistent report, the present Commissioner further reports that—

Acting on this advice, I have disposed of all the animals except one horse; have removed a large portion of the outfit to Washington, and have employed one person, whose duty it is to look after the growing plants.

It will be remembered that Mr. Saunders visited South Carolina in July, when every section of the State was suffering from an unprecedented drought, and when the most fertile sandy loam appeared as mere dry dust, so that it was impossible for him from a mere casual inspection of the soil to accurately assert whether or not the soil or climate was adapted to the remunerative cultivation of the tea plant. But in December last a representative of a tea house in Baltimore visited this same farm, and reported as follows:

SUMMERVILLE, SOUTH CAROLINA, *December* 16.

"Where there is smoke there is fire." General Le Duc and his tea farm have been the subject of many jokes by the Northern press, and it was to ferret out the true inwardness of the matter that I made a visit to the Government tea farm, three miles from here and twenty from Charleston. The "farm" is under the charge of Mr. Charles Vardell, a gentleman to whom much credit is due for his labors under the most adverse circumstances. He afforded me every opportunity of finding out just what was there and what was not.

The general—and when I say general I refer to the late Commissioner of Agriculture, General W. G. Le Duc—selected this particular place not so much because it was a good one for tea culture, for there are better, but because it was easy of access, and above all a fashionable resort for the people of Charleston during the summer. Then he made what appeared on the face a most advantageous bargain, for a large landowner leased him for twenty years two hundred acres for the nominal sum of one dollar, which dollar the general had specially coined for the purpose, to be handed down, no doubt, as an heir-loom. At the end of the lease all the improvements, &c., are to become the property of the landlord.

The place itself is historic, and was the country seat of the first colonial governor. It has about thirty acres of cleared land; the rest is forest, which the general was to clear up and plant in tea. In the center of the cleared land are the ruins of the old mansion, destroyed by fire during the Revolutionary war, and near by a "lake" about one hundred by forty feet, having no outlet, and really a stagnant pool, inhabited by a solitary yet historic alligator.

The preparations for the "tea farm" commenced with the clearing out of the rubbish that covered the old foundation of the mansion, with a view of reconstructing it "just as it was," also historic, while the oldest inhabitants were hunted up and consulted as to what they thought the mansion was like. Whether these accounts were so at variance as to cast doubts over the legend and the mansion itself, or whether the discovery that were the mansion reconstructed no white man could sleep there during summer and escape the fever, is a mooted question; but certain it is that the general gave up the idea and left the ruins to their fate, while as a substitute a novel plan to escape the dreaded malaria was devised. A platform was to be erected sixty feet from the ground, upon which was to be built the "bungalo," after the idea of the India tea gardens, and quite historically correct, from whose dizzy heights the commissioned officers of the "farm" could complacently look down on the malarial ghosts vainly striving to climb to the "bungalo." Unfortunately this experiment was never carried out, and no one now knows whether a malarial goblin can climb a sixty-foot pole or not. But the "grand boulevard" was commenced, it was to come from the depot, three miles away, in a straight line, very wide and imposing, to cross the "lake" by an ornamental iron bridge and go under the bungalo. Great live-oak trees were removed out of the way, no chopping down with an ugly stump left standing, but Government contract style, grubbing them up roots and all, and when a sufficient quantity of this very valuable timber was collected, a big fire was an easy way of removing it. So the "improvements" went on, and the landlord's heart was joyful.

Last March, when the tea seeds arrived from India, they were planted in the "nursery," part of which was in good soil and part in bricks and mortar. Those that fell in pleasant places have grown marvelously, and are to-day two feet high. Even those in the brick and mortar grew, and are in witness of the hardihood of the plant and what it will stand.

But alas! the general was not to be made a Cabinet officer, nor was he even to retain the place of Commissioner, and when he was replaced by Dr. Loring, that very clear-headed man of business naturally looked at the sum total of cost, and then at the tea plants. It was an easy calculation to find out how much they cost apiece, and the sum was hardly reconcilable to their value. The truth was, the doctor could not see the "improvements," could not realize the advantage to tea culture that a reconstructed colonial mansion, historically correct, with an avenue three miles long, would bestow. So he sets his foot on the whole business. He stopped the "improvements," and, as it were, put the garrison on bread and water. Now the Government tea farm lies dormant. The people here are all anxious to have the experiment tried, while the landlord is most indignant, and threatens dire vengeance on the authorities for putting an end to the general's improvements.

What will be the result of the experiment under Government patronage is hard to say; but one thing is very certain, that the tea plants are thriving in a way that we never see surpassed in China or Japan, and that the leaves will make tea equal in every respect to any grown in the world I have had the best of evidence. But will it pay? Perhaps not with the general's "improvements."

Now, Mr. Chairman, are we to be thwarted in our efforts to develop an industry because of the extravagant folly of an official? The former Commissioner doubtless had magnificent ideas upon the subject of Government improvements, but this was perhaps because of his political rearing, for he was a member of that party that claims to be progressive in all things and which stigmatizes economy as parsimony. But, Mr. Chairman, he has gone, and let his follies be forgotten if not forgiven. We have now, perhaps, a better man at the helm, and history is repeating itself.

More than one thousand years ago the tea plant was cultivated in China and Japan, and less than a century ago it was unknown in British India. In 1840 the East India Tea Company commenced the culture of tea in Assam, and in a very few years they had expended lavishly and recklessly in the enterprise more than $1,000,000, and when upon the verge of bankruptcy they were unable to induce the London merchants to buy their teas. A lack of pungency, not properly manipulated, inferior to the Chinese teas, were the objections urged to the East India importations in the home market. But English pluck and British perseverance were not to be deterred by such flimsy arguments; their manipulation was improved, their process of manufacture was perfected, and to-day Assam teas are higher-priced in the markets of the world than the teas of China or Japan, and nearly 40,000,000 pounds of them were imported into Great Britain last year from Assam, while scarcely a pound of it came to this country. And yet, sir, we paid to foreign merchants, chiefly English, over $21,000,000 in gold for teas brought principally in English bottoms from China and Japan to the United States.

No, Mr. Chairman, we should not hesitate to appropriate liberally annually for the development of this new industry, for its prospects are favorable, far more so than was the development of cotton culture a century ago, and yet we export annually over $200,000,000 worth of raw cotton and consume one-third as much in our home manufactures. It was once contended that cotton could not be successfully grown north of a degree of latitude which to-day is not far from the center-line of this great industry. Sir, within my own recollection it was an accepted conclusion that cotton could not be remuneratively cultivated in the upper portion of my own State. In 1850 the four counties of Oconee, Pickens, Greenville, and Spartanburgh scarcely produced a thousand bales of cotton each. In 1881 they exported over 50,000 bales, and have within their confines as many cotton factories as are in the remainder of the State, having erected a half dozen since the war.

Mr. Chairman, tea is a foreign product for which we pay annually more than $21,000,000, and it passes our custom-houses without let or hinderance. I would not have it dutiable, for my confidence in southern soil, southern labor, and American ingenuity and enterprise induces the belief that we can grow tea, free tea, in successful and remunerative competition with China, Japan, or British India. But, sir, if protection were asked for it would not be granted, for the policy of the American Government is not to protect the farm laborers, who in the aggregate more than quadruple all the other American laborers engaged in any and all other American productive industries combined. All productive labor is either agricultural, commercial, or manufactural. Of these three, considered in a national point of view, agricultural labor has never received a bonus from the Government. The other two have from infancy lived, moved, and had their being in the public crib. Too much fostering care, too much nursing by a paternal Government, too much national pap have stifled, surfeited, or otherwise crippled our commercial enterprises. But we are not left without hope, for (I was about to say) a wet-nurse (the Committee on the Post-Office and Post-Roads) is on hand with an appropriation of $2,500,000 to subsidize some commercial firm to carry our mails to foreign countries. Why not open the door, Mr. Chairman, to competition on the high seas as well as on land, and let the contract to the lowest bidder? This would be the agricultural, but perhaps it is not the commercial method of in augurating a new industry, or reviving a lost one.

However, another adjuvant (the Committee on Naval Affairs) comes with a proposition to appropriate $10,000,000 to begin with, confident that in a few years we will possess a navy of ironclads, gunboats, and torpedo boats with which we could, if occasion required, batter down the heights of Gibraltar, blow England into the German Ocean, and command the peace of the world.

But what has all this to do, Mr. Chairman, with an appropriation of $5,000 to experiment with in establishing a tea farm? Much every way. It displays the contrast between the monetary protection given by the Government to agriculture and commerce. That is all; nothing more. But why speak here of our commerce or our Navy? Virtually we have neither, and if money will restore either or both, let them have it. As a farmer, however, I feel it incumbent upon me to expose this favoritism. We speak of agriculture, commerce, and manufactures as handmaids of each other, the three constituting a symbolic trinity of the first nation in the world to-day. Heretofore our Government has not fostered agriculture. We have protected commerce to death; and we have thrown riches in the lap of manufactures until this third handmaid has become the mistress of the land. Why, sir, manufactures no longer ask aid at the hands of the Government; they simply lay hold upon protection and retain it until they exact in one shape or another hundreds of millions of dollars annually from the pockets of the people for the benefit of a mere brigade of men. Would that I had the time now and here to review the history of our varied manufactures. It would be pleasant for me and profitable for this House. It must suffice, however, that for a few moments I trace the origin and progress of but a single one of them. To be concise I shall confine my remarks to the iron industries of the single State of Pennsylvania and state simply facts, incontrovertible facts, taken chiefly from the statistical reports from the Census Bureau, of the iron and steel protection of the United States.

Just two hundred years ago William Penn wrote of the existence of iron in "divers places" in the province of Pennsylvania. Within fifty years from that date the iron industry was firmly established, and tons of pig-iron were exported to the mother country. At once the ever-vigilant iron manufacturer of England snuffed competition in the western winds, and apprehending danger appealed to Parliament for protection. (What imitative creatures we are, Mr. Chairman!) The appeal was heeded, and that august body decreed that "the plantations should not even manufacture iron wares of any kind out of any sows, pigs, or bars whatsoever;" and that any person venturing to erect any furnace or forge in these colonies should forfeit the sum of £200 of lawful money of Great Britain.

But, Mr. Chairman, a day of reckoning for such oppressive legislation came, and in the course of time these colonies rebelled—(is that the word?)—yes, rebelled, and during their rebellion furnaces were erected, and forges were lighted thickly along the valleys of the grand old Keystone State. As investments they became handsomely remunerative, because the demand for shot and shell and manufactured iron far exceeded the supply. Men were needed for the Army, and laborers were wanted for the "iron-works," and neither demand could be adequately supplied. But that immaterial individual known as the "genius of our institutions" was abroad in the land, and hesitated not to invent a method of keeping the furnaces in full blast, even though every citizen should be drafted to replenish the decimated ranks of the Army. Shot and shell, too, must be had at all cost. Prisoners of war were abundant and to spare. The aforesaid "genius" was competent to the task of supplying the demand on the one hand and reducing the redundancy on the other. "While others shouted for liberty he voted for slavery." Barter and exchange was his idea, and our great Government, then in its swaddling clothes, accepted the proposition, set a monetary value of £30 upon the head of every German soldier captured in the English army, and at that valuation exchanged them as laborers with the iron manufacturers for an equivalent in shot and shell. Shades of departed statesmen! is this not enough to make the great apostle of human liberty and civil rights (Thad. Stevens) lie restlessly in his grave, because this Government in his State, and almost at his very home, resorted to the cruelty of selling human beings, or of exchanging them as chattels for munitions of war?

But, Mr. Chairman, times have changed since then. Civilization has advanced apace, old things have passed away, and many things have become new. The echo and re-echo, however, of the iron manufacturer's howl for protection has not been lost in the din of his own superior and unsurpassed rolling-mills. The cry is still heard, "Save me, Cassius, or I sink."

No sooner had our independence been secured than the appeal for protection by the mother country from the colonies was transferred to an appeal for the same boon by the States to Congress against the mother country. The first plea was infant industry; next, protection against foreign manufacturers; and, finally, the slogan of elevation of labor was sounded, and is a continual din in our ears to-day.

Mr. Chairman, most of our industries have grown to manhood, powerful, athletic manhood, and cannot pretend to dread foreign competition. But, sir, they are as timid as a maiden lest their intelligent, thrifty, courteous laborers may be degraded by the competition of the vulgarly called pauper labor of Europe, and especially of England. The iron manufacturer of the United States proudly boasts of the condition of his labor, and of the wages paid each laborer. Why should he not, Mr. Chairman, when the people, and not he, pay all, and more than all, of these wages? Let us apply to statistics on this point:

During 1880 there were 3,781,021 tons of pig-iron produced in the United States, of which Pennsylvania produced 1,930,311 tons, or 57 per cent. of the total. The duty on pig-iron is $7 per ton, and hence upon this single product protection enriched Pennsylvania to the amount of $13,512,177.

During the same year the United States produced 2,353,248 tons of rolled-iron of all kinds, 46 per cent., or 1,071,098 tons of which were produced by Pennsylvania. The duty on rolled-iron is 1¼ cents per pound, or $25 per ton. Consequently protection on rolled-iron favored Pennsylvania that year, and as much annually, to the amount of $26,777,450.

In 1880 there were produced in the United States 985,208 tons of Bessemer steel ingots. Of these Pennsylvania produced 56 per cent., or 556,314 tons. The duty on Bessemer steel ingots varies from 2¼ cents per pound to 3½ cents per pound with 10 per cent. ad valorem added. Giving this great State the benefit of any doubt as to the quality of her production, and estimating her protection upon the lowest rate of duty, (which every one very well knows she is not entitled to;) but for argument's sake, granting that protection favored her only to the amount of 2¼ cents per pound, or $45 per ton, and she is chargeable under this head with $25,034,130.

In 1880 there were produced in the United States 84,302 tons of open-hearth steel ingots, of which Pennsylvania produced 44 per cent., or 37,092 tons. Rating the duty here as in the above case of steel ingots at $45 per ton, when perhaps much of it received a duty of $50, $60, $75, or even $80 per ton, and Pennsylvania's share of protection was $1,669,140.

Of crucible steel there were produced in 1880 in the United States

76,201 tons, of which Pennsylvania produced 79 per cent., or 60,303 tons. At the same rate of duty, $45 per ton, Pennsylvania is protected to the amount of $2,713,635.

In 1880 there were produced in the United States of blooms from pig and scrap iron 34,924 tons, of which Pennsylvania produced 24,446 tons, or 70 per cent. of the total. The duty upon this product is 1 cent. per pound, or $20 per ton. Here, too, then, Pennsylvania was protected to the amount of $488,920.

In 1880 there were produced in the United States of all kinds of rails 1,217,497 tons, and of these Pennsylvania produced 569,912 tons, or 47 per cent. Of iron rails Pennsylvania produced 157,213 tons, upon which there is a duty of 70 cents per 100 pounds, or $14 per ton. Hence, from this source Pennsylvania received protection to the amount of $2,200,982.

In 1880 there were produced in Pennsylvania 409,339 tons of Bessemer steel rails, upon which there is a duty of 1¼ cents per pound, or $25 per ton. Here again Pennsylvania received protection to the amount of $10,233,475.

In 1880 Pennsylvania produced 3,360 tons of open-hearth steel rails, upon which she received a protection of $25 per ton, or $84,000.

In 1880 there were produced in the United States 252,830 tons of cut nails, upon which there is a duty of $30 per ton. Of these Pennsylvania produced 75,849 tons, or 30 per cent., which yielded her a protection of $2,275,470.

Mr. Chairman, these figures are startling and will bear repetition; so allow me to recapitulate, itemizing the total product of the United States, the total duty, and Pennsylvania's share of each. In the United States in 1880 there were produced as follows, in tons:

Pig-iron, 3,781,021; tariff, $26,467,147; Pennsylvania's product, 1,930,311; protection, $13,512,177.

Rolled iron, 2,353,248; tariff, $58,831,200; Pennsylvania's product, 1,071,098; protection, $26,777,450.

Bessemer steel ingots, 985,208; tariff, $44,335,360; Pennsylvania's product, 556,314; protection, $25,034,130.

Open-hearth steel ingots, 84,302; tariff, $3,792,590; Pennsylvania's product, 37,092; protection, $1,669,140.

Crucible steel, 76,201; tariff, $3,429,045; Pennsylvania's product, 60,303; protection, $2,713,635.

Pig-iron blooms, &c., 34,924; tariff, $698,480; Pennsylvania's product, 24,446; protection, $488,920.

Iron rails, 466,917; tariff, $6,536,838; Pennsylvania's product, 157,213; protection, $2,200,982.

Bessemer steel rails, 741,475; tariff, $18,536,875; Pennsylvania's product, 409,339; protection, $10,233,475.

Open-hearth steel rails, 9,105; tariff, $227,625; Pennsylvania's product, 3,360; protection, $84,000.

Cut nails, 252,830; tariff, $7,584,900; Pennsylvania's product, 75,849; protection, $2,275,470.

Total tariff on iron products in 1880, $70,440,060; Pennsylvania's share, $84,989,379.

Mr. Chairman, I respectfully ask, out of whose pockets came these fabulous sums to enrich the few iron manufacturers of the United States? But let us look a little farther and investigate if we can the subject of enhanced wages.

We have no means of estimating the numbers engaged in exhuming the iron ore from mother earth. Those digging, delving, hard-working fellows are not sufficiently well paid, nor perhaps of sufficient intelligence, to be worthy of enumeration by the Census Statistical Bureau. But that other class, that well-paid, well-fed, highly-favored set who have the privilege of working in the iron manufactories of the United States, are reported as numbering 140,978, and to each of these is paid as his annual wages the average sum of $393.51, or a total amount of $55,476,785, or a little over one-third the total amount paid by the people to the employers in the shape of protection. Or, in other words, the iron manufacturers pay their laborers $55,476,785 annually, while the people pay through protection to these iron manufacturers $70,440,060. And the State of Pennsylvania, receiving through protection $84,989,379 upon her iron production, is paid a bounty of $29,572,594 by the consumers of her products over and above the total amount of wages paid annually by all the iron manufactories of the United States to all of their employés. Is it any wonder, then, Mr. Chairman, that our iron manufacturers are able to pay large salaries to laborers? And still less is there cause for surprise that iron manufacturers are protective-tariff men, regardless of any other phase of their political creed?

But, Mr. Chairman, there is one aspect of this subject that does provoke my surprise, and that is that any sane man should attempt to prove or should even assert, as we have had it asserted, repeated, and reasserted several times in the same speech since the assembling of the present Congress, that 90 per cent. of the manufactured products of our country is labor. Strange infatuation! Unless figures lie, and unless our census statistics are a fraud, the bounty paid by the tariff to the iron manufacturers alone of the single State of Pennsylvania is more than 50 per cent. in excess of all the wages paid by all the manufacturers of iron in all parts of the United States.

But, Mr. Chairman, let us examine another phase of this kaleidoscopic subject. In 1880 the aggregated capital invested in iron and steel industries in the United States was $230,971,884. Of this amount $106,247,966, or 46 per cent., were invested in Pennsylvania. What the market value of the annual product of this permanent investment is I have no means of knowing, but I do know that, be it what it may, it is enhanced in value by protection to the amount of $70,440,060, or 70 per cent. upon the capital invested throughout the United States, and 85 per cent. upon the investments in Pennsylvania. Vulgarly the bondholder is denominated as bloated because he pays no tax upon his investment. What shall we style the man whose investment is annually enhanced in value nearly 100 per cent. by the bounty of the Government? Wise as serpents are these iron-clad protective-tariff men, for they have cajoled both their employés and this great Government into the belief that the tariff is an institution founded expressly for the protection of the laboring man. Suppose these laborers, imbued with that spirit of rebellion which the gentleman from Pennsylvania [Mr. KELLEY] told us yesterday he had seen manifested in his State in opposition to the supervision required by our system of internal taxation, were to strike for a co-operative distribution of the earnings of their own labor, think you, Mr. Chairman, it would amount to no more than 35 per cent. of the bounty paid these manufacturers by the Government? In agriculture labor is frequently estimated as half the value of the product. In iron manufactures it is less than 35 per cent. of the bounty of the Government, and yet it is claimed to be 90 per cent. of the value produced. The assertion really seems farcical.

Mr. Chairman, how insatiate is the greed of humanity! Not content with their already dazzling incomes through the bounty of the Government, these iron men are attempting to increase, and doubtless will increase, the tariff upon that class of manufactured iron in which is included "cotton ties," a description of iron that affects the pockets of the greatest number of the poorest laborers of this country. These laborers are, however, all farmers, who seldom feel the helping hand of a paternal Government. The duty on cotton ties some years ago was 70 per cent. ad valorem. For some reason, not pertinent at this moment, this duty was reduced to 35 per cent. ad valorem, which is about three-fourths of 1 cent per pound. The bill familiarly known as the McKinley bill proposes to restore the 70 per cent. tax or increase the duty three-fourths of 1 cent per pound. Certainly such a tax is only a mite when imposed upon an individual farmer, but what is it when aggregated upon a cotton crop numbering millions of bales? Each bale usually has six ties around it and they weigh ten pounds, hence the levy upon each bale is 7½ cents. The crop of 1882 will doubtless aggregate 6,000,000 bales, and hence the tax on the 36,000,000 ties that bind them will amount to the sum of $450,000. Now, sir, if this amount could be collected at our custom-houses and be then covered into the Treasury, not a farmer in the South would complain of the tax. But when we know from past experience that it will all go, or at least $449,000 of it, into the coffers of less than a half dozen cotton-tie manufacturers of this country, we can but denounce the proposition as an effort to rob the many for the benefit of the few.

But, sir, the cotton farmer is blandly told he should not complain, for inasmuch as he buys these ties at 2½ cents per pound or less by retail, he sells them around his bales at the net price of cotton, 9, 10, or 11 cents per pound. This plausible argument does not warrant an unjust tax. But however plausible the proposition, it is not true in fact. The price of cotton in the South is regulated by the price in New York, and the price in New York depends upon the price in the English market, which is graduated by speculation and not by supply and demand. If this Congress would or could impose the penalty of the hangman's rope around the neck of every man who dealt in what is known technically as "cotton futures," positive and direct protection would be given to the cotton planters in so far as they are defrauded by the gamblers of New York and elsewhere. But from the influence of the Liverpool market they can never anticipate protection, for English cotton buyers schedule the price of cottons as if every purchase were made of the net lint. A standard tret is deducted from every bale as it is weighed, which is an absolute loss of twenty pounds to the bale, the weight of the bagging and ties, and this loss falls directly upon the producer. Hence an increased duty upon the cotton tie would be a direct tax upon the farmer for the benefit of the manufacturer.

Mr. Chairman, there is another feature about the iron industries of our country worthy of attention. Iron manufacturers never admit that a reduction of the tariff will injure their investment; they always assert that it will completely destroy them. Away back in 1785 the iron manufacturers of Pennsylvania petitioned the General Assembly to prevent the importation of foreign iron by a prohibitory tariff, "or there would be a total stoppage and destruction of that very useful and beneficial manufacture" in that province. From that day to this the echo of that appeal has been reverberating through these Halls, growing louder and more potent as time rolls on. A few years ago, when the duty on cotton ties was reduced from 70 to 35 per cent. ad valorem, we were assured that there would be manufactories closed up and laborers with dependent families thrown penniless upon an uncharitable world, and great suffering in consequence. That gaunt specter the pauper laborer of England was to step right in and impoverish our cotton-tie manufacturers. Alas, for these prophets, results warranted no such anticipations. On the contrary, the factories were kept busy almost night and day, the price of cotton ties to the farmer were reduced in price more than the reduction of the duty, and nobody seems to have been injured.

But, sir, this cry of "destruction to the enterprise if you reduce

the tariff" seems peculiar to the vocation of manufacturing. When in the Forty-fifth Congress the duty was removed from quinine we were assured the manufacturer's occupation was gone. High-priced quinine, adulterated quinine, no quinine at all were the prognostics of the future given us by the quinine monopolists at that time. But what are the facts in the case? Two months before the repeal of that duty quinine sold in this city at $5 an ounce, for I bought it at that price. Subsequently I bought it at $4.25. A year ago I bought it at $3.50. Since then it was sold for $3, and to-day can be bought for $3.25. We have heard of no consequent suffering, Mr. Chairman, nor of adulterated quinine, and the factories are at work, and receiving all the net earnings their labor deserves.

As with cotton ties and quinine, so it would be with pig-iron, Bessemer steel, cut nails, or any other industry now too highly protected by our tariff laws. Do not understand me, Mr. Chairman, as advocating the repeal of the tariff in toto. Certainly in this late day, when we are oppressed with that internal system of taxation which Mr. Jefferson doubtless characterized and denounced in stronger language than that attributed to him by the gentleman from Pennsylvania, [Mr. KELLEY,] and when we are burdened with a heavy national debt, no reasonable man would desire to see the one repealed, the other entailed upon posterity, and our custom-house doors thrown open to foreigners to the detriment, if not destruction, of all home manufactures. I imagine such a proposition never entered the brain of the most extreme free-trader. But I do not doubt but that a majority of the thinking men of our country have contemplated and do desire a reduction of the tariff upon most of our manufactured articles. In my mind it is apparent that no protection should be given any article beyond that which would place the producer upon an equal footing with the foreign producer in the home market. For instance, 100 pounds of East India rice can be delivered in our custom-houses for $2.90. It costs our home producers of rice $4.33 to place a like quantity in our home market. The difference is $1.43. To that extent I would protect the rice planter of my State and no more. The present tariff on rice is $2.50 per hundred pounds. This is $1.07 more than the difference in the cost of production here and production abroad, and just that much more than it ought to be, because it is taking by law from the consumer of 100 pounds of rice $1.07 for which no earthly equivalent is given in return. And the same rule would hold good, Mr. Chairman, with all other protected articles, and, sir, I am sanguine that with this reduction our manufacturers would not shrink from competition with all other nations, nor with the "Ishmaelite of nations."

Mr. VALENTINE. Mr. Chairman, if there are no other gentlemen present who have tariff speeches to make on this bill, I would like to proceed to its consideration. My colleague on the committee I supposed would speak on the bill, but, as is usual on appropriation bills, he went away, and now I would like to proceed with its consideration. Before doing so I yield two minutes to the gentleman from Georgia, [Mr. HAMMOND.]

Mr. HAMMOND, of Georgia. Mr. Chairman, I have not much to say on this bill myself. I do not know who does desire to say anything on the bill; but I have an authority which I would like to present before the question is decided—a short excerpt from a very learned opinion. Judge Bleckley, in the sixty-third Georgia reports, delivered an opinion, two or three sentences of which I will ask the Clerk to read.

The Clerk read as follows:

In that stage of litigation, even when the merits are clearly against the losing party, he should have such mental satisfaction as he could derive from having finished his speech. He should not be slaughtered with his address warm in his bosom, alive and undelivered. His case being finally and forever lost, with his argument unheard, he would feel perhaps, and sometimes justly feel, that the outrage of deciding without hearing him was greater, far greater, than the calamity, than the adverse decision itself. He might get justice, but with it a wound from the court more painful than any justice which the court could administer; for it is not impossible that a suppressed speech may occasion more mental torture than a lost case. The anguish of having something to say and wanting to say it, of feeling that you have a right to say it, and of being cut off by a peremptory exercise of authority is, no doubt, intense. Even a child will chafe under it, however inured to the habit of obedience.

[Laughter.]

Mr. HAMMOND, of Georgia. I ask the gentleman from Nebraska now what we ought to do?

Mr. VALENTINE. I think, in consideration of that decision, I ought to yield the floor. I will move, however, that the committee rise for the purpose of obtaining an order from the House to limit debate.

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky, [Mr. TURNER.]

Mr. TURNER, of Kentucky. Mr. Chairman, if any interest should be fostered, it is the agricultural interest. Agriculture is the fountain of our prosperity and greatness; it is the home of manly virtue and the school of true patriotism. All of our Presidents but two and most of our orators and statesmen have received upon farms their early training. It is there that their strong sinews, their manly forms have been developed; it is there, breathing the pure air of heaven and surrounded by the works of nature, removed from vice, that they have learned those lessons of virtue, patriotism, and honesty that have controlled their after life and made them useful during their lives and respected after death.

But, sir, so far from the American Congress fostering agriculture, they have by their legislation oppressed the farmer by unjust laws, compelling him to pay large and enhanced prices for nearly all he consumes and denying him the right to reap the full fruits of his labor by selling his products or exchanging them in the best markets of the world, and all for the purpose of enriching the manufacturers at the expense chiefly of the farmers, who comprise over half of the population of this country. And this iniquity is perpetrated by what is known as the "protective" or Morrill tariff, which I believe to be nothing but legalized robbery of the great mass of the people to enrich the few, under the pretext of "protecting American labor." And to this subject I shall invite the attention of this House in the few remarks which I shall now offer.

Mr. Chairman, the great principle underlying our Government is "equal rights to all, exclusive privileges to none;" yet no people ever submitted to such oppressive taxation as we do, not to support the Government but to enrich a small class who have put their capital in manufactories. I have no objection to a revenue tariff to support the Government, economically administered. This is the democratic doctrine that would be constitutional and right. But, sir, as was aptly and truly said the other day by Senator COKE, of Texas, in his able speech in the Senate—

Those who favor a protective tariff and for twenty years past have oppressed the producers of the country with the most extreme protection of the favored interests demand protection against foreign competition without reference to revenue; claim a right to protection *per se* and make protection the object and purpose of impost duties and revenue merely the incident. Thus the issue is joined between those who favor a revenue tariff and those who demand protection, which, while destructive of revenue, lays under most onerous tribute to comparatively few the labor and earnings of the vast population of this country. The time has come for an appeal to the enlightened judgment of the country upon this great issue, and for the people to determine whether or not they will longer bear the great burden which is impoverishing them and building up an aristocratic class to whom they must pay tribute. If they would be relieved of this thralldom, this serfdom to privilege and class, they must arouse from their lethargy and demand of their Government that the good old doctrine of "equal rights for all, exclusive privileges for none," be enforced in its administration. This Government has been so long dominated by the influences of associated and incorporated capital that it will be found no easy matter to shake them off. The power to exact tribute from fifty millions of people, inhabiting the finest country on earth, which they now possess, will never be surrendered without a struggle as earnest, as determined, and as obstinate as the stake involved is grand and magnificent. The masses of the people must come to the rescue, must be heard and felt if they would be emancipated. They must act in their primaries, in their precinct, county, and State conventions, and give expression and emphasis to their demands, so that no man will dare misrepresent them. All the power of money and the lobby will be brought to bear to defeat tariff reform and to rivet the shackles of tribute upon them, and they alone can save themselves. Their enemies are organized, trained, backed by unlimited resources, full of courage and confidence, and only a great popular demand can defeat them.

Every word of what he said is as "true as holy writ." The people must investigate this question for themselves, and when they understand the injustice of this so-called protective system they must rise in their majesty and shake off the shackles that have made the farmers of the great West and South slaves to enrich the manufacturers. They must fill the legislative halls of Congress with men who will trample under foot the monopolies which are controlling the legislation of this great country, and wringing from the farmers and laborers $2,000,000,000 annually, not for revenue, but a bonus to manufacturers, by this unjust tariff.

Mr. Chairman, it is the great question of the day. It is one in which every honest laborer and agriculturist is interested, whether he is a Democrat or a Republican, white or black. It is an issue from which I do not shrink, and the Democratic party must not shrink if they want the confidence of the people and if they are true to their past platforms and principles with which we have in days gone by marched to victory. The people all over this great country demand relief, and speedy relief, from this serfdom which is grinding us down every day, and making us poorer in spite of our economy and industry, as I will now proceed to show very briefly.

Mr. VALENTINE. I rise to a question of order. I do not think it is in order under the rules of this House to make tariff speeches on a bill making appropriations for the Agricultural Department. I make the point of order that the gentleman from Kentucky is not in order in the speech he is now addressing to the Chair.

Mr. TURNER, of Kentucky. I will say upon the question of order, although I do not want this discussion to come out of my time, at the last session of the Forty-sixth Congress the gentleman will recollect that I have illustrious examples set me on this very question. When the agricultural appropriation bill of last year was under discussion Mr. Frank Hurd, of Ohio, spoke for one hour on the tariff, and the gentleman from Pennsylvania, [Mr. KELLEY,] now chairman of the Committee on Ways and Means, on the other side of the House, replied in a lengthy speech; and I do not see why I should be cut off and limited, especially when it is in the line of argument for me to show the protective tariff is against the interest of the farming class of the country, and that this bill does not furnish the relief that is adequate and proper.

Mr. VALENTINE. This bill would furnish just that relief to the farmers which it was in the power of the committee under the rules of the House and existing law to grant; and I hold it is out of order for any member to speak on the tariff question while this bill is under consideration. I desire the ruling of the Chair.

Mr. THOMPSON, of Kentucky, rose.

The CHAIRMAN. The Chair is prepared to rule on this question. The Chair does not see in what way he can anticipate what the gen-

tleman from Kentucky has to say. So far as the gentleman has as yet proceeded the Chair does not see wherein he is out of order.

Mr. TURNER, of Kentucky. I think the Chair will find before I get through that all I have to say is relevant. Mr. Chairman, the tariff system under which we have lived for the last twenty years is the highest and most unjust toward the great mass of our people that ever has been known in the history of this or any other country. It was enacted at the commencement of the war to fill the Federal Treasury, as it was contended, and to strengthen the sinews of war. It was an opportune time. The people were excited and, I might say, had almost lost their reason, and it was seized upon by the manufacturing capitalists to enrich themselves at the expense of the farmers, doctors, merchants, laborers, and artisans; and now, sir, although the war ended sixteen years ago, they try to perpetuate this system, unjust as it is, by all sorts of deceptive arguments and influences by the rules of this House and through the action of the Committee on Ways and Means, as I will show before I get through to the satisfaction of every fair-minded man.

Mr. THOMPSON, of Kentucky. My colleague [Mr. TURNER] yields to me to make a motion that the committee now rise. If the committee should now rise he would have an opportunity of concluding his remarks to-morrow.

Mr. WHITE. I object. I would like to hear my colleague through on this interesting subject of the tariff.

Mr. TURNER, of Kentucky. I do not yield to the gentleman from Kentucky [Mr. WHITE] for a speech.

The question being taken on the motion that the committee rise, there were—ayes 66, noes 75.

Mr. HOLMAN. I call for tellers.

Mr. VALENTINE. I hope the gentlemen on the other side will not occupy time further. Let the gentleman proceed with his speech.

Mr. HOLMAN. I do not insist on the call for tellers.

So the motion that the committee rise was not agreed to.

Mr. TURNER, of Kentucky. Now, Mr. Chairman, let us look at this question calmly and impartially. What is the total value of the commodities imported into the United States from foreign countries upon which a tariff duty is imposed? It is $448,061,587.95. What is the total amount of tariff duty imposed upon that amount by the Morrill tariff—the one now in force? One hundred and ninety-three millions eight hundred thousand eight hundred and ninety-seven dollars and sixty-seven cents; which is an average of 43¼ per cent. What is the total amount of goods consumed in the United States upon which a tariff duty is collected? According to the census of 1870, it was $4,000,000,000. I could not procure from the Census Office the exact amount now, as the tables are not completed; but, according to the ratio of increase it is about five billion dollars. Now, reducing the average duty to 40 per cent., which is more than a fair calculation, it makes the amount of enhanced value by reason of the tariff duties imposed, $2,000,000,000, which is a bonus. Thus it will be seen that the manufacturers receive the enormous bonus of $2,000,000,000, so that the consumers pay annually into the Treasury $193,800,897.67 collected under the tariff, and pay a bonus to the manufacturers of $2,000,000,000 in addition; thus showing that for every dollar collected under the tariff which goes into the Treasury, ten dollars go into the pockets of the manufacturers.

These figures are appalling, but they are nevertheless true; and from this it can readily be seen why it is that manufacturers are reveling in wealth and luxury everywhere in the East. Millionaires, with incomes of $50,000 and $100,000, are so common that they hardly attract attention. Lordly palaces are seen on every hand. Their owners ride in splendid carriages, and their tables are loaded with the luxuries of every land. They own millions of bonds. National banks abound. How is it in the West and South? With the richest country in the world, with close economy, with children kept from school at home to work, indulging in no costly luxuries, riding in no fine carriages—at the end of each year our farmers can barely make the ends meet after paying their taxes.

And, sir, this has been going on for over half a century. No wonder that you see the fine cities, colleges, and everything that is grand and costly in the East. But where, sir, did the money come from that produced this result? From the pockets of the toiling masses of this country; out of the honest farmers, lawyers, doctors, and laborers of the West and South, who have paid their yearly tribute to these lordly masters of millions of dollars, collected in violation of justice and the Constitution of our country, by this iniquitous tariff system, for it all comes out of the pockets of the consumer; and not only the tariff duty but the cost of transportation across the ocean with the profits of the merchant, as can be plainly demonstrated.

A foreign merchant brings from Europe a hat, a pair of shoes, he pays the tariff duty at the custom-house, and then offers them for sale in this country—what does he ask for them? He adds to the cost in Europe the transportation across the ocean, his profits, and then adds the tariff duty. The merchant from the West or South who buys in the East has all this to pay, he brings them home, adds on his profits and the transportation from New York, and sells them to the farmers and consumers. Then they have all this to pay; they buy the hats, the shoes, and other dutiable goods and wear them out. Out of their pockets, then, comes the whole amount at last. Sir, this is bad enough, but this is not where the shoe pinches. It is insignificant compared with the bonus paid the manufacturers. How do they collect their bonuses? Simply by putting their goods up to the price of the foreign article, adding on the tariff duty, the cost of transportation across the ocean, insurance, and profit, all of which the consumers have to pay. Thus the consumers have to pay this bonus of two billions to the manufacturers to put $193,800,897.67 into the Treasury.

To make it still plainer, a man in New York goes into a hat store of imported hats, he buys one—what does he pay for it? He pays the cost in Europe, transportation, profit, and the tariff duty, say $2. This $2 goes into the Treasury. He crosses the street and buys a hat made in Massachusetts—what does he pay for it? Why the same price, because the Yankee has added on the tariff duty. Then the $2 goes into the Yankee's pocket instead of into the Treasury, and so it is with 2,000 articles upon which the tariff duties are imposed. How long will the American people stand this robbery?

Mr. VALENTINE. I rise to a point of order. I want to know if the Chair has yet determined whether the gentleman from Kentucky is making a speech on this appropriation bill or a tariff speech.

Mr. TURNER, of Kentucky. If the gentleman will wait until I get through he will find I will apply the whole argument, and show the bill he has reported does not benefit the agriculturists to any great extent, and is wholly inadequate. [Applause.]

Mr. Chairman, of the $193,000,000 of tariff duty collected and paid into the Treasury upon foreign importations of goods, $133,580,347.88 are collected on six articles, as follows:

Sugar and molasses	$47,984,032 84
Wool and woolen goods	27,285,624 78
Iron and steel, and manufactures of	21,462,534 34
Silk	19,038,665 81
Cotton goods	10,825,115 21
Flax and linens	6,984,374 90
Total on the six articles	133,580,347 88

Now it requires all the duty collected on the balance of the dutiable articles, which are 1,994, to make up the other $60,000,000 of duty which goes into the Treasury simply because the tariff duty on all these other articles is so high that but little is imported. The tariff are almost prohibitory, and the manufacturer can charge what he pleases on these 1,900 articles.

Such is the injustice of this tariff, formed not for revenue, but to rob the farmers and other consumers for the benefit of the manufacturers, I might say, "only."

Now, Mr. Chairman, let us look at iron rails that are used to build the railroads to facilitate the bringing of our produce from the far West and South to markets. Bessemer steel rails in England are worth $30 to $35 per ton. The tariff duty is $28 per ton. The price in the United States is $67.50 per ton. Amount used in 1880 that were made in the United States 1,112,690 tons. The bonus collected by the manufacturers on this article alone will be seen to be $31,155,320. Out of whose pockets does most of this bonus finally come? Chiefly, sir, out of the pockets of the farmers, in charges upon their grain and produce, tobacco, cotton, and stock that is transported on these roads, for it is not lost by the railroads, but added on annually in their charges in freight and travel.

One of the most odious features of this tariff is that the necessaries of life and the articles used by the poor are taxed the highest, as will be seen from the following items, a few of which I have selected. Thus, discarding fractions, we see that while cut glass glitters on the table of the man of wealth at a duty of only 4 per cent., the common window glass that lets the light into the poor man's cottage is taxed 59 per cent. The soft velvets and laces of the rich are taxed only 60 per cent., while the common flannel to protect the shivering invalid, the strong workingman and his wife, the aged people from the freezing blasts of winter, are taxed 95 per cent.; coarse blankets are taxed 104 per cent. by this unequal tariff, while fine broad-cloth is only taxed 55 per cent.; medicines to alleviate the pain of the sick and suffering are taxed all the way from 30 to 220 per cent., while raisins, figs, and fancy confections are taxed only 58 per cent., and champagne wine, 46 per cent. An inspection of the tariff will show that the poor people of the country pay more than double the rich, because the duties are higher on the articles consumed by the poor laboring class of the country.

Mr. Chairman, let me invite the attention of this House to the fact that 78 per cent. of the population of the United States, or 39,000,000, are consumers not engaged in manufactories, and only 22 per cent., or 11,000,000 all told, are engaged in manufactories. This includes the families of the operatives. Now, sir, of this 22 per cent. not more than 3 per cent. get the immense profits from manufactures and these immense bonuses, because the operatives have to live; they consume the necessaries of life, upon which the tariff duties are imposed, like other laborers. And, although nominally they may be receiving good wages, yet their wages are taken out of their pockets by the enormous duties imposed upon their clothing and the necessaries of life. The capitalists who own the manufactories are the only beneficiaries under the tariff. They are pocketing an annual profit of from 20 to 60 per cent., and the poor operatives are bled by the tariff in common with the farmers of the country. Why should 45,000,000

people be taxed under the tariff laws for the benefit of the capitalists who see proper to run manufactories that are fully developed and competent to sustain themselves in fair competition with Europe, especially when they have the ocean between them, across which most of the raw material has to go and then to come back, after it is manufactured, before it can be offered for sale here? The manufacturers have no moral or equitable right to claim bounties or bonuses from farmers, merchants, lawyers, doctors, mechanics, and laborers to enrich them. If the reason ever existed, it does not now exist.

A continuance of the tariff further than is required for revenue is simply the taxation of the whole people to add to the wealth of the few, to build up a favored aristocracy in this country in violation of the spirit of our republican institutions. I protest against it, sir, in the name of justice and the people whom I have the honor to represent.

Now, let us see, sir, the proportion of capital and the number of persons engaged in agriculture and in manufactories. Total value of farms in United States, as shown by the census of 1880, $10,197,094,805; total value of farming implements, $406,522,364; total value of live stock, $1,500,494,607; total in agriculture, $12,104,111,776,

The farmers are not realizing more than 3 or 3½ per cent., while the manufacturers are realizing from 30 to 60 per cent.; that is, the capitalists, who have their money invested in manufactories, not the poor operatives; they share the same fate as other laborers.

Mr. VALENTINE. If the gentleman has anything to say on the bill, I will be glad to hear him.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. REAGAN. It has always been considered in order to discuss any question of public interest in Committee of the Whole. [Cries of "Go on!" "Go on!"]

Mr. WHITE. Will my colleague allow me to ask him a question?

Mr. TURNER, of Kentucky. Not at present.

Mr. WHITE. I desire to ask the gentleman——

Mr. TURNER, of Kentucky. I do not desire the thread of my argument shall be interrupted. When I get through I will be ready to answer any question any gentleman may address to me.

Mr. WHITE. I only wish to ask one question. [Cries of "Go on!" from both sides.]

Mr. TURNER, of Kentucky. Sir, is it just? Is it right that the agriculturist of this country should be discriminated against in this manner? Where is the protection given our labor? There is none. The honest farmer asks none; but he does demand equality under the law, and he has a right to it. Sir, I have been a farmer all my life, and I have felt and understood the burdens under which we labor and the injustice done the farmers of the country, and the doctors, lawyers, artisans, and laborers of the land.

Here is a statement showing a few of the burdens of the farmer: under this tariff he rises in the morning, puts on his common flannel shirt taxed 95 per cent.; his coat, taxed 57 per cent.; shoes, taxed 35 per cent., and hat, taxed 92 per cent.; takes the water from a bucket taxed 35 per cent. and washes his face and hands in a tin bowl taxed 35 per cent.; dries them on a cheap cotton towel taxed 45 per cent. He sits down to his humble meal and eats from a plate taxed 50 per cent., with knife and fork taxed 35 per cent.; drinks his coffee with sugar taxed 68 per cent.; seasons his food with salt taxed 69 per cent.; pepper, taxed 61 per cent. He looks round on his wife and children all taxed in the same way; takes a chew of tobacco taxed 199 per cent. or lights a cigar taxed 118 per cent. And, sir, even the sunlight from heaven that pours into his humble dwelling must come through window-glass taxed 59 per cent.; and yet he thinks he lives in the freest government under heaven. Then he starts to work; puts a bridle taxed 35 per cent. on his horse, and takes his horse that has been shod—the nails used in shoeing being taxed 59 per cent., driven by a hammer taxed 20 per cent.—and hitches him to a plow taxed 45 per cent. with chains taxed 58 per cent.; and after the day's labor is closed and his family are all gathered around, he reads a chapter from his Bible taxed 25 per cent. and kneels to God on an humble carpet taxed 51 per cent.; and then he rests his wearied limbs on a sheet taxed 45 per cent. and covers himself with a blanket that has paid 104 per cent. Nor do these grasping manufacturers stop here, but even the broom with which his good wife sweeps the floor is taxed 35 per cent., and the cooking vessels used in preparing her husband's frugal meal are taxed 42 per cent., and the soda used to lighten his bread taxed 59 per cent. She sits down to her sewing with a needle taxed 25 per cent. and a spool of thread taxed 74 per cent. to make a calico dress taxed 58 per cent.; or if she wishes to knit warm socks to protect her husband and children from the bitter cold she uses yarn taxed 120 per cent.; and thus daily and hourly must the hard earnings of the laborer go to satisfy the manufacturer and add to his ill-gotten wealth. [Great applause.]

Mr. WHITE. That is a yarn.

Mr. TURNER, of Kentucky. My colleague says it is a yarn. If he will take the trouble to go down to the Bureau of Statistics and investigate the records there he will find I have taken these facts from the statistics furnished by Mr. Nimmo, the chief of that bureau.

Mr. WHITE. Will the gentleman now yield to me for a question?

Mr. TURNER, of Kentucky. I do not now. I was merely replying to the gentleman's side remark.

But, sir, we are told that this tariff system is necessary to protect American labor and industries; under what clause of the Constitution of our fathers do gentlemen find the power and the right to tax the honest farmer—to take from him the fruits of his hard labor and put it in the pocket of the manufacturer—to enhance the value of his labor? Give us equal rights. You have no right to tax 45,000,000 of our people to enrich 5,000,000—no, only one and a half million—for the operatives do not get the profit or bonus. You live in a country abounding in the raw material—the iron, coal, cotton at your very doors. The broad ocean, across which the manufactures of Europe have to come, give you all the protection you need or ought to have. You have been protected in your infancy; you have grown to manhood—and do not keep up your cry for "protection." You have most of the banking capital; you have the bonds, you got them for 40 cents to 60 on the dollar, and in God's name you ought to be satisfied. If manufactories will not pay, why you have no right, legal or moral, to tax others to keep them up. But, gentlemen, you know that they will pay, you know that they ship plows to England and machinery of various kinds and sell them lower than they do here, and then make a fair profit. You know that while we only make 3½ or 4 per cent. in agriculture your iron lords are realizing 30 and 60 per cent. and that you are making an average of over 30 per cent. on all manufactured commodities, but you are not satisfied, and the American people will have to rise in their might and assert their birthright to be free. The shackles of slavery have been struck from the African, yet you hold in slavery the white men of the country, the toiling masses, and compel them to pay you tribute on the necessaries of life and deny to them the right to exchange the fruits of their labor for the commodities they need in the markets of the world. It is an outrage.

But, Mr. Chairman, I may be asked how is this unjust tariff system kept up? In the first place, it was enacted, as I said before, during the war under a false pretense to fill the Treasury, and ever since then it has been kept up by "rings and cliques" who were in the interest of the manufacturers and monopolists, and who sent members here who have disregarded the interest of the farmers and consumers in many instances. They have not represented the interest of the great mass of the people. Then these capitalists fill the corridors of this Capitol and the hotels with lobbyists, all in their interests. The honest farmers in the country are at home; they have neither the time nor the money to spend in coming here to see to their interests, and it is disregarded by members who are true to the interests of the capitalists who had them nominated in conventions in which the great mass of the people had no voice. And, lastly, any reform in this tariff has been prevented by the rules of this House, in this way: every bill has to be referred under the rules to a committee, and no vote can be taken on it until the committee reports the bill back to this House either favorably or unfavorably. Many bills have been introduced looking to relief from this odious tariff by various members. I have introduced several myself during the Forty-sixth Congress and at this session. What became of them? They were referred under the rules to the Committee on Ways and Means, and that committee, in violation of every rule, in violation of the spirit of the rules of this House, have pocketed these bills and refused to report them in any way at all, either favorably or unfavorably, and thus they have prevented a vote upon these bills of relief to the people.

I offered bills to abolish the tariff duty on all agricultural implements, a bill to repeal the tax on leaf tobacco, a bill to put trace-chains on the free list. What has become of them? They sleep the sleep of death in this star chamber, and there is no power under the rules of this House to resurrect them. There is no way to force this committee to do its duty—to force them to report these bills. They fear a vote on them. Why do not they report back these bills with an adverse report if the committee is opposed to them? Because they would then go on the Calendar and we could have a vote on them. Members would be then brought face to face with their constituents, and they would have to vote for these bills or an indignant constituency would consign them to private life, and send men here who would represent their true interest. Look, Mr. Chairman, for example, at the bill to put trace-chains on the free list. Upon trace-chains there is a duty of 58 per cent., which amounts to almost a prohibition, for the whole amount of revenue collected upon trace-chains, as shown by the report of the Commissioner of Revenue, is only $1,500 in a year. Yet it is an article used by every farmer in the land and every teamster, and by virtue of this tariff millions go into the pockets of the manufacturers of chains every year as a bonus. Can any man doubt that if we could get a vote on the bill to put trace-chains on the free list it would not be done by a large majority in this House? Would any member representing an agricultural district face his constituents on the record and vote against that bill which would give the farmers cheap trace-chains? It would do the Treasury no harm, because the revenue is only a mere pittance, $1,500; and yet, sir, I introduced that bill during the Forty-sixth Congress, and the Ways and Means Committee had that bill during the last two sessions of the Forty-sixth Congress, and have had it ever since the first bill day of this Congress, when I introduced it again, now two months ago, and will not make a report of the bill, either favorable or unfavorable, because it would then be in the power of a majority of this House to vote on this and similar bills.

Mr. Chairman, is it not an outrage upon the rights of the people that such an abuse of power should exist and yet no remedy provided

against it; for there is none, unless you could get a two-thirds vote and pass a bill or resolution under a suspension of the rules. But, sir, a majority ought to rule in a republican government, but it is powerless here. A majority can not unlock the jaws of that committee and force from it the many bills that have been referred to it for the relief of the farmers and consumers of this country. Seeing this defect in the new rules when they were reported two years ago from the committee that formed the new rules of this House, I offered an amendment to force a committee to report on a bill after they had had it for thirty days and refused to report it back to the House, by putting it in the power of the member offering the bill to move to discharge the committee who had had it thirty days and to give the House the right to vote on the bill, when a majority could pass it if they thought proper. But, sir, that amendment was defeated after it had been advocated by myself and others, as will be seen by a reference to the CONGRESSIONAL RECORD of second session of Forty-sixth Congress, page 1085 to 1089. Who defeated it? Why, the protective-tariff men. Those men that are willing to tax the masses to enrich the few. They were the men who voted against the amendment for this evil that exists to-day and puts it in the power of any committee to defeat the will of a majority of the Representatives on this floor simply by refusing to report back a bill referred to them. Sir, ought such an outrage to be tolerated in a free country, a land of boasted freedom, when seven men in the Congress of the United States can prevent the passage of a bill giving the people relief, although a large majority may be ready to vote for the bill? It is worse than despotism. It is damnable; and yet it is the case.

It is right this House and the country should understand this question, and therefore I have attempted to expose it to-day in the hope that a remedy may be provided to force a committee to report a bill back to the House when it has been referred to them. Personally, I like and respect the members of that committee; but, sir, I felt that it was my duty to expose this grievance that rivets upon the people this odious tariff and prevents any action to modify or repeal even parts of it. Mr. Chairman, I am opposed to the tariff commission, as it is known. I regard it like an affidavit filed in a criminal case, merely for a continuance of a bad cause. It will merely delay the modification of the tariff. It is the duty of the representatives of the people to act upon this question and not delegate it to a commission. We had the electoral commission, and the country was shocked at its decision. [Laughter on the Republican side.] We want no more commissions to do the duty of Congress. A committee of this House can examine into the question and make its report as is done in regard to every other matter, and that is what would be the result even if we had a commission: its report would have to be investigated by this House at last, after the loss of time that a commission would cause. Nothing would be gained by it, and I believe it is simply for delay—that the manufacturing capitalists may continue to rob the masses to enrich themselves. I hope that we may proceed to modify this tariff and that it may be done at this session, and I am willing to stay here until it is done, and that relief given to the tax-ridden people that they ought to have had years ago, and which I believe a new Congress fresh from the people will give them.

Mr. HAMMOND, of Georgia. By permission of the gentleman from Kentucky, [Mr. TURNER,] I make a motion that the committee rise.

Mr. VALENTINE. I hope not. The gentleman from Kentucky has still about fifteen minutes. Let him go on and conclude his remarks. [Cries of "Go on!" "Go on!"]

The question being taken on the motion of Mr. HAMMOND, of Georgia, there were—ayes 47, noes 73.

So the motion was not agreed to.

Mr. DUNNELL. Will the gentleman allow me to ask him a question?

Mr. TURNER, of Kentucky. As soon as I get through I will hear the gentleman's question with pleasure.

Mr. Chairman, I wish to say in regard to the point I have endeavored to make plain as to the effect of these rules, I have sought to get the floor for the last two years on that question. But you all know the difficulty we have under the rules in seeking to discuss any question. It does seem to me there is no man on this floor, although he is a protective tariff man, who would be willing to trample under foot the principle I have contended for and put it in the power of seven men on a committee to violate the rules of justice and fairness by pocketing and withholding a bill so as to defeat the voices of the representatives of American freemen. Does not every member know the practical operation of the rules are such as I have pointed out? I have asked the oldest parliamentarians in this body and they say there is no remedy for it.

I endeavored to have the rules amended in this respect two years ago. The question was discussed on this floor, and, as I have said, by the vote of the protective men this amendment was defeated and the power was left in the hands of seven men in the committee to hold any bill introduced for the purpose of revising the tariff; there is no power to get it out of their hands or to obtain a vote of the representatives of the people upon it.

Is it right? Is it just? Could any man face his people and his country and pretend to defend it? I think not. The fact is, the attention of members has not been called to that question. It is an evil that has not been understood. I am not the only member who has felt its effects and whose constituents have suffered from it.

Mr. DUNNELL. Will the gentleman yield now for a question?

Mr. TURNER, of Kentucky. In a moment. There are other members on this floor who have offered bills similar to those that I have offered, looking to the relief of the people from taxation. Yet those bills are in the hands of that committee, and it refuses to report them to the House. Why do they not report them, even if they do so unfavorably, and let the House say whether they should be passed or not? Now I will yield to the gentleman.

Mr. DUNNELL. Did the gentleman attend the Democratic caucus yesterday? [Laughter.]

Mr. TURNER, of Kentucky. I would like to say——

Mr. DUNNELL. It is understood that the Democratic caucus yesterday voted not to allow any change of the present rules of the House. [Renewed laughter.]

Mr. TURNER, of Kentucky. I do not understand that there was any such decision as that made by the caucus. I do not know what the proceedings of that caucus were. I heard part of them and then left. [Laughter.] But I have this to say to my friends on the other side, that if the caucus passed any resolution or order that would allow the minority, after they have had an opportunity of being heard upon any public measure, to defeat the will of the majority of the House, I do not indorse the action of any such caucus. But my information is that no such action was taken in the Democratic caucus——

Mr. WHITE. Will my colleague now allow me to ask him a question?

Mr. TURNER, of Kentucky. My information is that no such question was before the caucus. It is a question which I have desired to bring before Congress ever since I have been a member. I tried to bring it up when the new rules were adopted.

Now, if you offer a resolution to amend the rules it shares the same fate. It is referred to the Committee on Rules, and never comes back to the House. It dies there, and you can never resurrect it so as to get a vote of the representatives of the people on this floor, unless a majority of the committee are in favor of it.

Mr. BLACKBURN. Allow me to suggest to my colleague that, so far as his reference to the Committee on Rules is concerned, we have not had much encouragement to bring reports into this House; for every one that has been brought in so far has been rejected. [Laughter.]

Mr. TURNER, of Kentucky. I believe that is so, and I think it is a good thing that it has been so. [Continued laughter.] I do not believe they have brought forward any measure that looked to the relief of the people.

Mr. BLACKBURN. I would call the attention of my colleague to the fact that no one of the majority side of the Committee on Rules is present to defend the rights of that committee.

Mr. TURNER, of Kentucky. I do not desire in any remark I have made to censure my colleague from Kentucky, [Mr. BLACKBURN,] because he stood by me in the fight two years ago on the amendment to the rules, to give the majority on this floor the power to force a bill from the hands of the committee and to unlock its doors so that the House might vote to give relief to the people.

Mr. ATKINS. Will the gentleman allow me to make a suggestion?

Mr. TURNER, of Kentucky. Certainly.

Mr. ATKINS. I would suggest to the gentleman that he have the Clerk read the resolutions adopted by the caucus yesterday.

Mr. WHITE. Before we proceed to discuss the caucus I desire to ask my colleague a question on the subject that he has in hand.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. TURNER] yield the floor?

Mr. WHITE. Before the gentleman yields I desire him to fulfill the promise that he made to answer a question.

Mr. TURNER, of Kentucky. I do not yield the floor.

Mr. WHITE. Will not the gentleman yield for a question?

Mr. TURNER, of Kentucky. I am engaged in answering another gentleman.

Mr. WHITE. I supposed that my colleague would keep his promise.

The CHAIRMAN. The gentleman does not yield.

Mr. TURNER, of Kentucky. I want to give my colleague from Kentucky [Mr. WHITE] an opportunity on this floor to vote on this question of tariff reform, so that he may put himself on the record before his constituents, and let them know whether he agrees with me or not. Then we will see whether he will come back to this House or not.

Mr. WHITE. Certainly after that attack on me the gentleman will allow me to ask him a question.

Mr. TURNER, of Kentucky. I made no attack on the gentleman. The gentleman intimated before I had spoken ten minutes that I was not representing the people of Kentucky, and I am only replying to that intimation.

Mr. VALENTINE. I think that, as the war has been transferred from Ireland to Kentucky, we had better call "time."

Mr. TURNER, of Kentucky. I will yield for the reading of the resolutions of the caucus.

The CHAIRMAN. As a part of the gentleman's remarks?

Mr. TURNER, of Kentucky. Certainly.

Mr. VALENTINE. I think the time of the gentleman has expired.

The CHAIRMAN. The Chair wishes to state that the gentleman was subjected to two or three interruptions——

Mr. VALENTINE. By his consent.

The CHAIRMAN. And two different votes were taken in the time of his remarks.

Mr. VALENTINE. He gave way for them.

The CHAIRMAN. The time so occupied does not come out of his hour.

Mr. VALENTINE. It ought to.

The CHAIRMAN. The Chair will allow the gentleman two or three minutes more.

Mr. TURNER, of Kentucky. I ask the Clerk to read the resolutions adopted by the caucus yesterday.

The Clerk read as follows:

Resolved, That in the judgment of this caucus the amendments to the rules of the House of Representatives proposed by the majority of the Committee on Rules are destructive of those just rights and necessary privileges of the minority which a Democratic majority in former Congresses never denied to Republican minorities, and that we will resist their adoption by every parliamentary method at our command.

Resolved further, That we will cheerfully support any amendments to the rules of the House which tend to promote their improvement, the proper facilities of public business, and are not destructive of the rights of the minority and of the people they represent.

Mr. TURNER, of Kentucky. As I have only two minutes more, I will say a word in regard to the bill now under consideration [great laughter] and the relief to which we farmers of the country are entitled—the kind of protection that we want. We merely want equality and justice under the law. As I said at the last session of Congress, when a bill similar to this was under consideration, I regard appropriations of this kind as merely a tub thrown out to tickle the whale. As to the few seeds that are sent through the country, under the appropriations made here, we can buy better seed for a quarter of a dollar at any seed store. I do not, therefore, consider these appropriations of any great benefit. It pleases the people to get these seeds, and it is a step in the right direction, but how far does it go? I do not think it comes up to the demands of the country.

Our friends on the other side are very liberal when this bill comes up. One of them said to me the other day, "We will give you as many seeds as you want; we will increase the appropriation as much as may be necessary." I do not care a baubee about the appropriation being increased; that is no material benefit. Unless the object is the introduction of some valuable plants or seeds from some foreign climate, which may be found adapted to this country, the distribution of seed is of very little use. The introduction of the sorghum cane no doubt benefited the American people largely, because it is now raised all through the West; but as to the radish and bean, and lettuce and turnip seed, half of them will not sprout anyhow. [Laughter.] To send them out among the people is merely taking money out of their pockets for nothing. They can buy better seed at the seed stores, and the amount is so few, twenty-four packages to the county only, that it amounts to nothing.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TURNER, of Kentucky. I would be glad if Congress would remain in session until we can reform the tariff thoroughly and give to the people the relief that is proper and that they ought to have had years ago.

Mr. Chairman, I thank this committee for the attention they have given me, and you, Mr. Chairman, for the just decisions you have given on the points of order that were made to cut off my remarks, which I would not have made at this time except for the fact that the tariff-commission bill has been to-day postponed, and there is no telling when it will come up again, and I preferred to avail myself of the first opportunity to present my views on the tariff to this House, and on the questions of relief that are proper and not afforded by this bill.

Mr. VALENTINE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROBINSON, of Massachusetts, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall; and

Joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

LEAVE OF ABSENCE.

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

To Mr. OATES, for twenty days, on account of important business;

To Mr. FORNEY, for ten days, on account of important business;

To Mr. WALKER, until Friday next, on account of the death of a friend; and

To Mr. WATSON, for ten days, on account of important business.

CATTLE DISEASE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting an open letter addressed to the Speaker of the House of Representatives, by Mr. Cloete, of the colony of Good Hope, in relation to cattle disease; which was referred to the Committee on Agriculture, and ordered to be printed.

HARBOR OF NEW BUFFALO, MICHIGAN.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a report from Major J. A. Smith, Corps of Engineers, furnishing the information called for by resolution of the House of Representatives relative to the condition of the harbor of New Buffalo, Michigan; which was referred to the Committee on Commerce.

RELIEF OF SUFFERERS BY MISSISSIPPI FLOODS.

Mr. MOORE. I ask unanimous consent that Senate joint resolution No. 45, to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River, be taken from the Speaker's table for immediate consideration.

There being no objection, the joint resolution was taken up and read a first and second time. It is as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized, in his discretion, to use the hospital tents now possessed by the War Department, so far as may be necessary, to furnish temporary shelter to the destitute people who have been driven from their homes by the present overflow of the Mississippi River.

Mr. CHALMERS. In connection with this resolution I would like to have a telegram read.

The SPEAKER. There are several telegrams at the desk in relation to this subject.

Mr. BURROWS, of Michigan. Let them all be printed in the RECORD.

The SPEAKER. If there be no objection, these telegrams will be printed in the RECORD.

There was no objection. The telegrams are as follows:

WAR DEPARTMENT,
Washington, D. C., March 7, 1882.

To Hon. J. Z. GEORGE, *United States Senate:*

I have telegram from Governor Lowry, asking for one hundred (100) tents to be sent to Greenville, Mississippi. Many whites and blacks congregated there and no shelter. The telegram stating that you will explain situation. I have authority to issue tents. We have no tents but in use, except twelve hundred (1,200) hospital tents, a capacity for sixteen people each, nearly all at Philadelphia, Pennsylvania. Some of these could be issued if Congress gives authority.

ROBERT T. LINCOLN,
Secretary of War.

MEMPHIS, TENNESSEE, *March* 7, 1882.

To Hon. ISHAM G. HARRIS, Hon. WILLIAM R. MOORE, Hon. H. E. JACKSON:

The great suffering brought to our notice by the inhabitants of counties in Tennessee bordering on the Mississippi River, occasioned by the overflow, calls loudly for assistance from the Government. What Memphis has done or can do will be inadequate. We urge you to obtain authority to have rations purchased here for immediate distribution in order to save persons from actual starvation. Some three thousand to five thousand are in absolute need, and must be helped immediately.

NAPOLEON HILL,
President Cotton Exchange.
D. P. HADDEN,
President Taxing District.
M. BURKE, R. C. GRAVES,
Commissioners Taxing District.
W. J. SMITH,
Surveyor of Customs.
J. T. PETTIT.
LEWIS HANANERS.
C. P. HUNT.
W. F. TAYLOR.
J. W. DILLARD.
H. M. NEELY.
J. M. GOODBAR.
J. A. HARGES, JR.
A. D. LANGSTAFF.

GREENVILLE, MISS., *March* 7, 1882.

To J. R. CHALMERS, M. C.:

Negroes from surrounding country are congregating here in a destitute condition. Hemingway cannot furnish tents. Get Secretary of War to order tents to this point to shelter one thousand people.

NATHAN GOLDSTEIN,
President Board of Supervisors.

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

Mr. MOORE 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.

DEPUTY COMMISSIONER OF PENSIONS.

Mr. PEELLE, by unanimous consent, introduced a bill (H. R. No. 4995) giving additional salary to the deputy commissioner of pensions and the chief clerk of the Pension Office for the current fiscal year ending June 30, 1882; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

And then, on motion of Mr. VALENTINE, (at five o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The resolutions of the Book Trade Association of Philadelphia, protesting against the passage of the bill to remove the duty on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. BINGHAM: The resolutions of the Book Trade Association of Philadelphia, protesting against the passage of the bill entitled "A bill removing the duty of 25 per cent. ad valorem on newspapers, periodicals, and magazines"—to the same committee.

By Mr. COVINGTON: The petition of citizens of Talbot County, Maryland, to make Oxford, in said State, a port of entry—to the Committee on Commerce.

By Mr. CURTIN: The petition of citizens of Pennsylvania, in favor of the abolition of the tax upon national banks, State banks, trust companies, and private bankers—to the Committee on Ways and Means.

By Mr. ELLIS: Two petitions of certain merchants and planters of Louisiana, for the abrogation of the Hawaiian treaty—severally to the Committee on Foreign Affairs.

By Mr. HARMER: The petition of Mrs. Mary Emma Baptist, widow of John Baptist, for arrears of pension—to the Committee on Invalid Pensions.

Also, memorial of the Book Trade Association of Philadelphia, protesting against the passage of House bill No. 3709, removing the duty on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. HENDERSON: The petition of John Condon, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, the petition of W. V. Richards and 13 other officers of the United States Army, praying for the passage of an act to enable them to deposit their savings in sums of not less than $50—to the same committee.

By Mr. A. S. HEWITT: The petition of the Chamber of Commerce of the State of New York, praying for the abrogation of the Hawaiian treaty—to the Committee on Foreign Affairs.

By Mr. HUMPHREY: The petition of Hiram Hayes and others, for the improvement of the harbor at Superior, Wisconsin—to the Committee on Commerce.

By Mr. LORD: The petition of C. P. Dake, late census supervisor of Arizona Territory, and others, for increased compensation for services in taking the census—to the Committee on the Census.

By Mr. O'NEILL: The resolutions of the Book Trade Association of Philadelphia, against the passage of House bill No. 3709, for removing the 25 per cent. ad valorem duty on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. W. S. ROSECRANS: Memorial of the Board of Trade of San Francisco, California, relative to the proposed reduction of tax on manufactured tobacco—to the same committee.

By Mr. RYAN: The petition of a mass convention of citizens of Kansas for legislation to subject Kansas Pacific Railroad lands to taxation—to the Committee on the Public Lands.

By Mr. SCOVILLE: The petition of the Buffalo Vessel Owners' Association, protesting against the passage of the bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. SHACKELFORD: The petition of 150 citizens of Onslow County, South Carolina, for an appropriation for the survey of White Oak River and Bogue Sound, in said county and State—to the same committee.

By Mr. SHELLEY: Papers relating to the claim of Robert Otis, administrator of the estate of Roger A. Hiern—to the Committee on Appropriations.

By Mr. WILLIAM G. THOMPSON: Memorial of the General Assembly of the State of Iowa, recommending an appropriation for the improvement of the Missouri River between Sioux City, Iowa, and the junction of the Mississippi River—to the Committee on Commerce.

Also, the joint resolution of the Legislature of Iowa relative to the Des Moines River lands, and asking relief for the settlers thereon—to the Committee on the Judiciary.

By Mr. M. R. WISE: The petition of W. B. Hubbs and 50 others, ex-soldiers, and of Alexander Davenport and 38 others, for the establishment of a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March* 8, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall; and

A joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a very large number of petitions, I think nearly one hundred in number, from different parts of the State of Ohio, signed by farmers and others engaged in the manufacture of cider and cider vinegar, praying for the repeal of so much of the act of the last Congress as permits the use of vapors of alcoholic spirits in manufacturing vinegar. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN. I also present a large number of petitions on the same subject to the same purport from citizens of Indiana. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL presented the petition of a large number of merchants of New York City, urging the passage of a bill looking to the termination of the reciprocity treaty with the Sandwich Islands at the earliest practicable moment; which was referred to the Committee on Finance.

Mr. HARRIS presented the petition of Edmund H. Martin, of Tennessee, praying that his claim for the proceeds of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of Edmund H. Martin, of Tennessee, surviving partner of the firm of Richardson & Martin, praying that a claim for the proceeds of the sale of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. COKE presented a petition of citizens of Texas, praying for the passage of a law to regulate interstate commerce; which was referred to the Committee on Commerce.

Mr. MAHONE presented a petition of the State Temperance Alliance of Virginia, representing 5,000 members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. MILLER, of New York. I present a petition of merchants of the city of New York, praying for legislation for the relief of all those engaged in the importation and refining of sugar, and for a modification of the reciprocity treaty with the Sandwich Islands. The petition is also indorsed by a resolution of the Chamber of Commerce of the city of New York, passed on the 2d of March last. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MILLER, of New York, presented a petition of 2,425 citizens of the State of New York, praying for reform in the civil service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. JONAS presented the petition of Sarah A. Biggs, of Louisiana, praying that her claim for the proceeds of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of Mary A. Martin, of Louisiana, praying that her claim for the proceeds of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. INGALLS presented the petition of E. Nash, of Washington, District of Columbia, praying for the passage of a bill supplying the poor of the city with free water; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 358) for the relief of Edward Bellows, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. No. 832) granting a pension to Simeon Crain, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MAHONE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 793) for the relief of E. H. Lively, postmaster at Williamsburgh, Virginia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 474) for the relief of Edward Fenlon, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, reported it with amendments.

Mr. HARRISON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 469) to provide for the sale of certain